

Parish: Sandhutton  
Ward: Thirsk

Committee Date: 17 September 2015  
Officer dealing: Mrs C Davies

3

Target Date: 29 September 2015

15/01074/FUL

**Installation of a 18 Ha 5MW solar farm and associated infrastructure at Land North of Sandhutton Lane, Sandhutton, Thirsk for Mr David Meehan (Elgin Energy EsCo Ltd).**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Planning permission is sought for the installation of a ground mounted photovoltaic solar farm on an 18 hectare site north of Sandhutton Lane. The site is located approximately 900m to the north of Carlton Miniott and 790m to the east of Sandhutton. A new access would be created to the site off Sandhutton Lane, near to the junction with Bullock Lane.
- 1.2 The closest un-associated residential dwellings to the site are Breckenbrough Grange located 237m to the north of the site and Mowbray Farm, 165m to the south.
- 1.3 The site has an Agricultural Land Grading of 3b, which is not considered to form part of the 'Best and Most Versatile' land.
- 1.4 The solar farm would be laid out in an 'n' shape, skirting around a higher section of land. The topography of the site is gently undulating with falls towards a water course, Dow Dike Stell. The site consists of arable land and it is bounded in part by 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.
- 1.6 There are several Listed Buildings in Sandhutton Village and Woodhouse Field Farm House to the north-east is Grade II Listed. Sandhutton Cross, a scheduled ancient monument is located approximately 780m away to the south east. Flood Zones 2 and 3 surround the water course, Dow Dike Stell, which is located within the perimeter of the site, although the majority of site falls within Flood Zone 1. There are a number of land drains in the vicinity. A Public Bridleway (Carr Lane track) lies adjacent to the east and south of the site and the Network Rail mainline tracks are sited 540m to the north-east of the site.
- 1.7 Solar photo voltaic panels, with a combined energy generation capacity of approximately 5MW are proposed to be installed. The panels would be mounted in double horizontal rows and would have a maximum height of 2.8m above ground level and at the lower end and they would be 0.8m above the ground. Each panel would measure approximately 1.9m x 1m x 0.05m. The panels would be attached to mounting frames at a fixed angle of no more than 25 degrees and they would face south.
- 1.8 The glass surfaced panels are designed to maximise daylight absorption, and minimise glare potential.
- 1.9 Ancillary structures comprise three inverter substations measuring 3m in height and 1no. primary substation, 6m in height. The site is proposed to be enclosed by a 2.4m

high post and wire fence, with security cameras mounted on 3m high timber poles at regular intervals inside the security fence.

1.10 The solar farm would be decommissioned after a period of 25 years.

1.11 This application is accompanied by the following reports:

- Landscape Impact and the character of the countryside
- Ecological Appraisal
- Flood Risk Assessment
- Archaeological Desk Based Assessment
- Statement of Community Involvement
- Biodiversity Management Plan
- Tree Survey
- Agricultural Land Classification Report
- Glint and Glare Assessment
- Construction Traffic management Statement

1.12 Following advice from English Heritage an assessment of the significance of heritage assets and the impact upon them has been provided and an assessment of the impact upon them.

1.13 Following request from the Case Officer submissions have been made to address the following issues:

- A statement of demonstrating the need to use the agricultural land; (see paragraph 5.8)
- A revised landscape land with more robust mitigation; (see paragraph 5.15)
- Revised proposals to deal with surface water drainage (see paragraph 5.23)

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

2.1 15/01219/SCR – Environmental Impact Assessment not required; September 2015.

2.2 15/00416/FUL – 2 rows of solar panels at Herbs Unlimited, Sandhutton Growers. Approved May 2015. This is approximately 800m south west of the site.

## **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 Carlton Miniott Parish Council – no objections, the proposal should be approved.
- 4.2 Sandhutton Parish Council – to be reported.
- 4.3 NYCC Highways - It is stated that access to the site will be from an existing field access on Sandhutton Lane. This access has not been properly constructed, being little more than an opening in the hedge. Visibility is restricted from this location in a westerly direction. A suitable access could be constructed at a location centred approximately 8 metres north of the existing opening where there are adequate visibility splays . Consequently the Local Highway Authority recommends that conditions are attached in respect of visibility splays, highway condition and construction traffic.
- 4.4 NYCC Public Rights Of Way (PROW) Team – no objections. No works are to be undertaken that will obstruct the Public Right of Way adjacent to the site.
- 4.5 Howardian Hills AONB Manager - No observations to make on this scheme, as the separation distance from the AONB is significant and I do not feel that it would be visible.
- 4.6 Environment Agency – No objection, our previous response still applies.
- 4.7 NYCC Archaeology – I have read the Desk Based Assessment (DBA) prepared by Foundations Archaeology with interest. The DBA has concluded that there is the potential for hitherto unknown archaeological remains to exist within the area. I would advise, therefore, that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal, prior to determination of the application.
- 4.8 Historic England – we do not wish to comment in detail, but offer the following observations. The Desk based Assessment makes no mention of the significance of the heritage assets that are potentially affected or the impact upon their significance. We would expect an analysis to include a an assessment on the significance of the Sandhutton Conservation Area.
- 4.9 Conservation Officer - I have read the supporting documents for this application and agree with comments from Historic England that there is insufficient assessment in relation to the historic environment. The Landscape and Visual Impact Assessment

highlights the Sandhutton Conservation Area, the scheduled Sandhutton Cross and the grade II listed Woodhouse Farm House as being within close proximity of the proposed site and the potential for views towards the site. In order to fully understand the impact of the proposed solar farm on the heritage assets identified, further work will be required to understand the significance (special interest) of those assets and how they may be impacted by the proposal. With regard to the setting of these assets, the assessment will need to look at views into and out of the heritage asset from all approaches, including public footpaths.

- 4.10 The Ramblers Association – no objections.
- 4.11 Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.  
We have not assessed this application and associated documents for impacts on protected species and you should apply our Standing Advice.
- 4.12 NYCC Sustainable Urban Drainage Systems (SUDS) Officer – comments awaited.
- 4.13 Swale and Ure IDB – Object to the proposal in its current form, the submitted Flood Risk Assessment (FRA) is questionable and the surface water drainage measures not proven. The scheme should be withdrawn for further consideration. (Planning Officer note - Further dialogue is anticipated to result in a withdrawal of this objection.)
- 4.14 Senior Drainage Engineer – I have assessed the documents submitted by the applicant and note the objection by the Internal Drainage Board. The application site itself is largely outside of the high and medium areas of flood risk zones 2 and 3 with development located away from the limited areas there are on the proposal site. There is no susceptibility to surface water flooding on the site as estimated by the Environment Agency. The Solar Farm proposal does provide for impermeable panels fixed above ground of some 40-50% of the site, this is higher than previous applications where there has been 10-20%. The increase in impermeable area is relevant as it increases the potential surface water run-off. The topography of the site is a mix of gentle and steeper gradients with falls towards the watercourse. The steepest parts of the site have been excluded from development. The land assessment states that the subsoil is medium clay, this is not ideal for surface water soakaways. The measures to control surface water run-off are based on land management practices with no engineered features. The IDB have an objection, but indicate a conditioned approval subject to a more robust FRA. Further works should be undertaken to address this issue as the site has heavy clay subsoil which is a potential concern for surface water run-off and the panels are more intensively spaced.
- 4.15 HDC Landscape Consultant - The LVIA prepared by JBA Consulting has been prepared in line with the current guidelines and is generally thorough and accurate. However there are two concerns: The impact on visual receptors using the bridleway south and east of the proposed array has been given insufficient emphasis. There is no detailed mitigation plan other than the general BMP Action Plan. The concerns expressed above do not constitute grounds for refusal on visual or landscape impact grounds. However, it is suggested that there is a need to address the mitigation needs robustly prior to a permission being granted or in the form of a detailed pre-development condition.
- 4.16 Yorkshire Wildlife Trust – advise that the approach detailed in the Biodiversity Management Plan at pages 7-10 is conditioned and that a monitoring plan is essential. Monitoring should include surveys after a year and 5 years. JBA

consulting should draw up a monitoring plan which could be conditioned and the results of the surveys should be provided to the authority.

- 4.17 Network Rail – awaited.
- 4.18 Police Architectural Liaison Officer – awaited.
- 4.19 Environmental Health – no objections subject to incorporation of recommended noise mitigation measures.
- 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 Neighbours notified and site notice posted; expired 23<sup>rd</sup> July 2015 - press advert expired 6<sup>th</sup> July 2015 - 2 responses received from the same person, objecting on the following grounds: There is evidence of Ash die back, meaning the site will be more visible; the site is on an upward slope visible from the Conservation Village; tourists visiting Sutton Bank will have views ruined by the development; villages in Devon in Cornwall have been ruined by solar farms surrounding them; the solar farm is likely to expand and increase in size; prime agricultural land should not be used for solar farms.

## **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) Landscape impact
  - (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
  - (k) Other 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 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."

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 submitted Agricultural Land Classification Report shows the site to be graded at 3b which is of moderate quality and not the Best and Most Versatile agricultural land (BMV). The NPPF, states that planning authorities will need to consider whether the proposed use of any agricultural land is necessary. The applicants have supplied a report to demonstrate why it is necessary to locate the development at Sandhutton Lane. It is recognised that sheep could graze around the panels, allowing some agricultural function would be retained on the site and it is noted that the development would be temporary (25 years) and the use reversible.

#### Environmental Benefits of the Scheme

- 5.9 The proposal would generate enough clean electricity to power 1,500 typical households. The solar farm would avoid 108,000 tonnes of carbon dioxide emissions associated with electricity generation each year. This is the equivalent to the annual emissions of 800 family cars.
- 5.10 Measures are proposed to boost bio-diversity on-site, to include wildflower planting and habitat creation. Additional proposals for landscaping of the site is expected to provide further enhancement to the bio-diversity of the area.

#### Landscape Impact

- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 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 landscape consultant engaged by the Council states that this is generally thorough and accurate, but there are concerns regarding the impact upon users of the bridleway to the south and with respect to detailed mitigation proposals. However, the consultant advises that further work could be undertaken to overcome these concerns. Subsequently additional details and amendments to the proposals have been supplied to address the four concerns of the consultant. The details provided are:
- More robust boundary treatments especially along the bridleway and southern boundary, where some inverter stations would be located.

- Some panels removed on the southern boundary of the site where the overhead cables cross the site, to allow for additional planting.
- The proposed 5m buffers that were not sufficiently robust to effectively screen the proposal have been strengthened. This applies in particular to the southern, northern, north eastern and southern end of the western boundary.
- Planting should have an immediate impact given that the development has a limited life span and larger species are required to be planted.

5.15 A resident has expressed concern regarding Ash die back being present on the site, meaning that the development would be more visible. Ash die back should be reported to the Forestry Commission and any landscape mitigation scheme could account for this eventuality. The applicants have agreed to address the issues raised by the landscape consultant and further details will be presented to Committee. On the basis of this, it is concluded that the scheme could be successfully integrated into the landscape, following amendment and enhancement of the proposed landscape planting, which could be secured by planning condition.

5.16 In terms of landscape character, the arrays would be set within the existing field boundaries of the site, and would skirt the bottom of a raised section of land in an 'n' shaped formation facing southwards. The site would not be re-profiled. Apart from small sections for access, existing hedgerows would not be removed, only gapped up and new areas would be planted, including new hedges mainly 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, subject to the revised landscape proposals. 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 to the character of the landscape required to conflict with Policy DP30 of the LDF.

5.17 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 public right of way. The extent of the views would vary due to the leaf cover of trees and hedgerows and due the landform and landscape 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.

#### Cumulative Impact

5.18 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.

5.19 An application was approved in the area for two rows of solar panels at Sandhutton Growers, off Sandhutton Lane, some 690m to the south and west of the proposed solar farm. The two rows of solar panels at Sandhutton Growers would be sited to the rear of the commercial buildings on site, behind a bund to the south, and the due to intervening distances and existing boundary treatments, it is not considered that there would be any significant adverse cumulative impact arising as a result of the proposal.

#### Impact on Heritage Assets



- 5.20 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.
- 5.21 Historic England requested that an assessment of the significance of surrounding heritage assets: the Sandhutton Conservation Area, Sandhutton Cross (Scheduled Ancient Monument) and the Grade II Listed Woodhouse Farmhouse and their settings is made and also that an assessment of the impact of the proposal on those assets is undertaken. A neighbour has commented that the scheme would impact adversely upon the Sandhutton Conservation Area.
- 5.22 Further information has been submitted by the applicant, concluding that the character and appearance of the Sandhutton Conservation Area would be preserved and that the special historic interest and setting of the Grade II Woodhouse Farmhouse would not be adversely affected by the proposal. Information on the impact upon Sandhutton Cross is to be forwarded by the applicant and will be reported to Committee although the cross is some 780m away from the site and unlikely to be affected by the proposal. Further advice is to be reported to Committee.

#### Drainage and Flooding

- 5.23 The majority of the site is located in Flood Zone 1, although the boundary of the site, where it adjoins Dow Dike Stell, is located in Flood Zones 2 and 3. The proposed access track would cross the Dow Dike Stell. The panels would be located away from the site boundary and would be located within Flood Zone 1 and as such should not suffer from river flooding as confirmed by the Environment Agency.
- 5.24 In respect of surface water drainage, the IDB have objected to the scheme and the land based mitigation measures proposed, they are seeking to ensure that run off from the site would be restricted to green field run off rates. The Senior Drainage Engineer requires that further works should be undertaken to address this issue as the site has heavy clay subsoil which is a potential concern for surface water run-off and the panels are more intensively spaced.
- 5.25 Additional work has been undertaken to address surface water disposal issues and it is understood that the concerns of the IDB have been met, confirmation from the IDB that their objection is removed is however awaited at the time of writing. A condition can be imposed to address the concerns in accordance with the LDF Policy DP43.

#### Ecology

- 5.26 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.

- 5.27 The application is supported by an Ecological Appraisal and an extended Phase 1 Habitat Survey was carried out and this identifies the site as having low to moderate ecological value. No protected species were noted on the visit but there was recorded evidence of historic use for some species and the potential for Great Crested Newts outside the site boundary was noted. A series of ecological and biodiversity enhancements/mitigations are proposed by the applicant in a Bio Diversity Management Plan (BMP) to improve and promote habitats, and they should be secured by condition, to include the provision for monitoring if permission is granted.
- 5.28 It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF and LDF Policy DP31.

#### Archaeology

- 5.29 The application site lies in an area of potential archaeological interest and NYCC Historic Environment Team advised that further work, including a geophysical survey, needed to be undertaken, prior to the determination of the application. Additional surveys have been undertaken by the applicant and they were submitted to the Historic Environment Team. Following an assessment the additional information, the County advise that no further work is required in support of the application and that no condition is required. The scheme would therefore accord with the relevant provisions of the NPPF and Local Policy DP29.

#### Amenity of neighbouring properties

- 5.30 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.
- 5.31 No objections to the scheme have been raised by near neighbours. The nearest neighbour would be 165m away at Mowbray Farm to the south of the proposed solar farm. However, the solar farm would be at a sufficient distance and behind existing agricultural buildings within their curtilage. The property at Breckenbrough Grange would be some 237m to the north and there would be views of the development, although the panels would face the other way. There is no right to a private view in planning terms and given the separation distances, and intervening screening this would restrict adverse impact upon the outlook of this property. Given separation distances surrounding properties, existing and proposed landscaping, it is not considered adverse impacts would arise in terms of the panels or associated buildings being overbearing to occupiers.
- 5.32 A noise report has been submitted as part of the application and this has been assessed by Environmental Health. Potential noise generation would be from the invertors that would be placed around the site (some near boundaries).The Environmental Health Officer states that the findings of the report are considered to be acceptable subject to the incorporation of the recommended mitigation measures. Glint and glare would be minimised by the panel surface.
- 5.33 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.

#### Access and construction issues

- 5.34 Access to the site would be off Sandhutton Lane to the south west of the site, near to the junction with Bullock Lane. NYCC Highways have assessed the proposal and are satisfied that a safe and suitable access could be provided in the vicinity (8m to the north) which would achieve the required visibility splays and state that this should be conditioned.
- 5.35 The applicant has provided a Construction Traffic Management Statement which has been assessed by County Highways. 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 proposal and has raised no objections, subject to the application of conditions including access, highway condition and construction traffic. 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.

#### Other Issues

- 5.36 Concern has also been raised that the proposal would adversely affect tourism with views from Sutton Bank (in the North York Moor National Park) being spoiled. The Landscape Consultant accepts the scheme could be successfully integrated into the landscape, following the submission of an additional landscape details, mitigating any wider visual impact and Sutton Bank is located 11km away. It is not therefore considered that the proposal would significantly adversely affect tourism at Sutton Bank or elsewhere in the National Park. It is also noted that the Howardian Hills AONB Manager is of the view that the site is sufficiently distant from the AONB so as not to impact significantly upon the AONB. An objection has been raised that solar farms in Devon and Cornwall have ruined the areas around them. However, each application must be considered upon its own merits and therefore this objection is not material to the consideration of this application. Concern has been raised that the solar farm would expand and increase in size; however a new application would be required for any expansion to the site, requiring further consultation with local people and consideration of the associated planning issues.

## **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 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 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 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. 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 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 the submitted landscape drawing 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 received by Hambleton District Council on 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: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge shall be constructed in accordance with Standard Detail number E1; 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. 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.

12. All HCV construction traffic shall use the approved route as detailed in the submitted document "Construction Traffic Management Statement- Revision 2".
13. 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.
14. 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.
15. 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.
16. 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.
17. The noise mitigation measures shall be implemented in accordance with the Technical Report by MLM Consulting Engineers, dated 24<sup>th</sup> April 2015 and received on 19<sup>th</sup> May 2015 by Hambleton District Council.

The reasons for the 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. 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 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. 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.
14. 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.
15. To minimise the risk of crime in accordance with policy CP20 of the Hambleton Local Development Framework
16. To ensure there is an optimal use of the agricultural land in accordance with the National Planning Policy Framework.
17. To protect the amenity of surrounding residents in accordance with Policy DP1.

#### **INFORMATIVE - ADJACENT PUBLIC RIGHTS OF WAY**

The Rights of Way team advise that 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](mailto: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.