

Parish: Scruton
Ward: Morton On Swale

Committee date: 04 August 2022
Officer dealing: A O'Driscoll
Target date:

2

21/01362/FUL

Proposals for the installation of a solar photovoltaic array/solar farm with associated infrastructure

At: OS Field 6800, Fence Dike Lane, Scruton

For: Lightrock Power Ltd

This application is referred to Planning Committee as the proposed development is of significant local interest.

1.0 Site, context and proposal

- 1.1 The application site is located to the south west of the settlement of Scruton, north of the A684 and east of the A1(M). The site measures approximately 79ha and is currently in agricultural use. The land included in the application forms an irregular shape which borders the public road at one point to the north at Fence Dike Lane and four points to the west at Low Street on the western edge of the site. Leeming Bar industrial estate is approximately 800m to the south of the site. All boundaries where the site meets the road feature mature hedgerows. A bridleway runs east to west through the northern section of the site.
- 1.2 Three areas of woodland including Carriage Road Plantation and Fox Covert Plantation, which can be seen on historical mapping, have been excluded from the site. Fence Dike runs through the woodland at Carriage Road Plantation.
- 1.3 There are approximately 6 dwellings in close proximity to the application site that are not separated from it by road or railway. Slightly further afield, the site will be visible from Leases Lane, including Leases Hall and adjacent dwellings, Low Leases Farm on Low Street, dwellings at Roughley Corner and in part by dwellings on Ham Hall Lane.
- 1.4 The application is for the installation of a solar farm comprising an array of ground mounted solar PV panels with associated infrastructure including 24 inverters, four battery storage containers within a substation compound as well as fencing, security cameras and cabling. The export capacity of the Development would be up to 49.9 MW. The construction phase of the Development is expected to have a duration of approximately 6 months and planning permission is sought for an operational period of 40 years. The site would be fully decommissioned and restored at the end of the temporary planning permission period. The grid connection will utilise existing buried cabling to connect to the Leeming Bar Substation which is located approximately 340 m to the north of the Site.
- 1.5 The applicant indicates that the site has been selected as it is located in an area of relatively high solar irradiance (power received from the Sun) in the UK and within proximity of a viable grid connection point. The potential for installing a solar development at the site has been assessed through feasibility work, which

assessed technical and environmental issues, to derive the most appropriate proposed scale, location and infrastructure layout.

- 1.6 The applicants indicate that the key criteria which have led to the site being selected for solar development include:
- Solar irradiance levels;
 - Proximity to an available grid connection;
 - Separation from residential areas;
 - Separation from heritage assets;
 - Existing screening provided by trees and hedges;
 - Topography;
 - Field size/shading;
 - Access to the site for construction;
 - Agricultural land classification;
 - Landscape character;
 - Flood Risk; and
 - Ecological sensitivity.
- 1.7 Following pre application discussions with Officers the site was reduced in size mainly at the north east end in order to pull the development away from the settlement of Scruton. Development was also slightly reduced on the western boundary to reduce the visual impact on dwellings to that side.
- 1.8 The Development would consist of rows of solar PV panels known as strings sited approx. 3-6m apart. The panels or modules are composed of photovoltaic cells (typically 60 to 72 cells per module or similar) and are designed to maximise the absorbency of the sun's rays and minimise solar glare. As a consequence, they are dark in hue and generally recessive in the landscape. Each string of panels would be mounted on a metal frame, with metal supports, pile driven into the ground to a depth of approximately 1 to 2 m, depending on ground conditions.
- 1.9 An Agricultural Land Classification Assessment (ALCA) was submitted with the application. The Council engaged an independent consultant (ADAS) to verify the land classification. It was concluded that of the 77.5ha of land surveyed 71.7ha (92%) is Grade 2 and 5.85ha (8%) is Grade 3b. The majority of the site is therefore considered to be "best and most versatile" agricultural land as defined in the National Planning Policy Framework.
- 1.10 The application site falls within safeguarding zones surrounding RAF Leeming. The MOD DIO safeguarding team have been consulted. Dialogue between the applicant and the MOD has focused around the impact of Glint and Glare and updated assessments have been submitted.

2.0 Relevant planning and enforcement history

- 2.1 This is greenfield agricultural land and therefore there is no relevant planning history. It is noted, however, that a Screening Opinion has been requested under 22/00311/SCR in relation to land to the north of Fence Dike Lane and to the west of Low Street.

- 2.2 It should be noted that an application has been approved for another solar farm, to the north at South Lowfield Farm, Lowfield Lane 19/01882/FUL - Installation and operation of a solar farm and associated infrastructure - Granted

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

- 3.2 The relevant policies are:

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S5: Development in the Countryside
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM6: Renewable and Low Carbon Energy
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – During the life of the application a number of responses were received from Scruton Parish Council and Kirkby Fleetham with Fencotes Parish Council. The following issues were raised:
- Concern regarding sourcing of panels and batteries from China which may be linked to unethical practices such as forced and child labour.
 - Concern regarding the environmental impact of the lithium batteries and other toxic chemicals used in the manufacture of the panels.
 - Responsibility for decommissioning
 - Impact on trainee pilots from RAF Leeming and potential for major accident if a plane were to crash near/on the A1M motorway. HDC will be accountable for increased risk.
 - Threat to aircraft from glint and glare
 - Impact on tourism
 - Concern regarding the visual impact of 3m high panels and steel fencing. No guarantee that screening/hedging will be implemented.
 - Impact on the landscape
 - Landscaping will take 10 years to mature and screen the development
 - Impact on local wildlife during construction
 - Fencing will prevent wildlife from transiting through the site and accessing woodland.
 - Construction noise will impact stress levels of nearby horses
 - Extreme noise during construction likely to take place in summer months. No noise assessment submitted for this
 - Loss of and impact on Best and Most Versatile agricultural land

- Existing hedges should not be removed
- The solar farm will be visible until the landscaping matures
- Concern regarding the reduction of green space
- Should be moved away from Fence Dike Lane
- The company structure is set up to make it easy to avoid promises and undertakings. These companies could quickly go insolvent and thereby nullify any commitments made to the Parish Council
- The proposed buffer zone between Scruton Village and the installation is a lot less than the zone imposed by HDC Planning on the Kirkby Fleetham site
- Flood mitigation measures not sufficient given recent floods on Ham Hall Lane
- Conflict between visibility splays and hedging
- Requests that any permission be subject to S106 and 278 agreements.
- The Kirkby Fleetham power generation is lower than expected and this should be taken into account
- Amendments to the orientation of the panels to reduce glint/glare on air traffic have increased impact on other receptors including dwellings, road and footpath users. This should be addressed
- Query raised surrounding comments from the MOD re threat of bird strike.
- Request that Natural England be consulted on results of ADAS ALC report
- 65% of land in Hambleton is grade 3. The majority of the site is Grade 2 agricultural land and therefore this is not the best location for this proposal.
- The updated ALC shows 93% grade 2 BMV land and this should be grounds for refusal.
- The applicant claims that this site is preferable due to the proximity to the grid connection and related distance limits. The Parish Council points out that the Kirkby Fleetham array is further away from the connection and therefore this cant be true.
- In the appeal decision detailed by the applicant the Inspector noted that the land subject of the appeal was not suitable for crops such as potatoes or cauliflower. This site has previously been used to grow potatoes.
- Letters of support are not from local people
- There is lack of consistency in appeal decisions about whether the proximity to a grid connection should be a factor given weight in the sequential test.
- A contribution towards the Parish Council to fund a footpath was offered during a meeting, however, this is not mentioned in the application
- The glint and glare assessment does not cover the elevated section of the A684
- Cumulative impact with Kirkby Fleetham site
- High fencing will not blend in with the landscaping
- Nothing will grow in the shaded area below the panels
- How will cleaning and use of detergents be prevented from entering the watercourse
- The development will destroy the quality of the land
- Another site is being considered at Langthorne which is on grade 3 agricultural land. If this site was preferred and developed then it would take up most of the spare capacity at the Leeming Substation.

4.2 Highway Authority – No objection subject to conditions relating to altered verge crossings, visibility splays, overhead cables and landscaping.

- 4.3 Lead Local Flood Authority - No Objection subject to a condition relating to the proper maintenance of ground conditions.
- 4.4 Yorkshire Water – No objection subject to conditions relating to the protection of the water mains pipe which runs through the site.
- 4.5 Environmental Health Officer Land Contamination - No objection
- 4.6 MOD Safeguarding RAF Leeming - The Glint and Glare Report identifies that the proposed solar farm can produce glint and glare which could affect aviation safety where aircraft are operating at or from RAF Leeming. The potential also exists that misaligned panels or damage could exacerbate existing glint or glare or introduce additional harm. In order to address this harm MOD request that a condition is added to any consent issued requiring the submission, approval and implementation of a Glint and Glare Management Plan (GGMP).

After review of the design plans, the MOD can confirm we have no objection to this application on the grounds of increased bird strike risk at RAF Leeming but seek confirmation that there will be no open waterbodies or wetland habitat added as part of this development.

In order to maximise the prevention of reflections off of the photovoltaic panels the MOD request that an anti-reflective coating be applied to the surfaces of the proposed solar panels for this development.

- 4.7 Natural England - this application is likely to affect 72 ha of BMV agricultural land. We consider that the proposed development is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards.

During the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

Recommends conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

- 4.8 Public comments – At the time of writing 209 letters of representation had been received, 86 in support and 123 in objection. It should be noted, however, that some individuals made more than one representation.

Letters of Support raise the following points:

- Need to increase renewable sources of energy

- Need to replace oil and coal/fossil fuels reliance especially in light of recent conflict in Ukraine and Russia's control of power supplies
- Climate change/climate crisis
- The development will produce a net gain for biodiversity
- Will not be very visible
- Installation will be a short term disruption
- This is not industrialisation of the countryside
- Soil quality will be preserved or enhanced prior to solar scheme
- Need for renewable electricity to increase the use of electric cars
- The inconvenience of a solar farm is a small sacrifice for the future of our children
- This is a good opportunity for the community
- Supports a sustainable future
- Solar energy provides a significant contribution to national and regional targets for decarbonisation
- This is a good design
- Good site for this development
- Provides landscape enhancements
- As a young adult, who has lived in Scruton their whole life, I am concerned and uncertain about what the future may hold.
- Only a small number of residents will be affected
- Greater public good than cost
- Next to a substation
- No noise, smell, flies or traffic once built
- opportunity to have a part to play in tackling climate change
- A century ago about one third of agricultural land was devoted to energy production, in that oats were grown on this land to power the heavy horses which powered the machinery.
- Proximity to grid connection makes the site preferable
- Efficient use of land/Dual purpose: energy production and sheep grazing
- Visually, solar farms are better than wind which can also be noisy
- We object strongly to the negative way that certain members of the Scruton Parish Council have tried to portray this opportunity by putting forward spurious data
- Proposed landscaping will also help in carbon reduction
- Will help two family farms to diversify
- Escalating fuel costs
- Solar energy will help meet the worlds energy needs without exacerbating climate change
- Little change to the visual amenity of the village
- Lack of ability to debate during COVID has resulted in proliferation of issues that could be addressed for eg fencing design or that trainee pilots will learn to handle situations of glare etc
- First hand experience of wildlife increase post installation of panels on their land
- The soil is no highest quality and has experienced soil blow in the past.
- Farming community is under increasing pressure from supermarkets and subsequently consumers to be carbon neutral. This type of development will help achieve carbon net zero
- Educational benefits for next generation

- Being able to ride horses on the bridleway and enjoy the wildlife without meeting heavy machinery
- Agricultural researchers have found that some crops can be grown under solar panels
- Solar farm is preferable to another housing development

Letters of Objection raise the following points:

- Not appropriate in the green belt (Officer Note: Whilst the site is in open countryside it is not designated Greenbelt)
- Not appropriate on/loss of BMV agricultural land
- Negative impact on local character
- Negative impact on open countryside
- Impact on the landscape
- Scale of development
- Visual impact
- Loss of habitat
- Impact on nearby houses
- Impact on bridleway and views from bridleway
- Impact on cricket ground
- Impact on heritage railway
- Impact of glare on road users
- Impact on nearby listed Leases Hall
- Proximity to Scruton Village
- Misleading information and leading questions in the community engagement material
- Noise during construction
- Increased traffic during construction
- Will cause distraction to road users
- Temporary closure of the bridleway during construction
- Cumulative impact with solar development at Kirkby Fleetham
- Cumulative impact with Leeming Bar extension
- Will result in loss of jobs
- Devaluation of property
- Inaccuracies in the Agricultural Land Classification
- Many comments of support come from outside the parish
- The area for the proposed farm is larger than the village and will overwhelm it
- Site was previously subject to applications for mineral extraction and anaerobic digestion
- Proof should be sought that no forced or child labour is involved in the production of the solar panels
- Some of the site is in shadow due to woodland
- Impact on local equestrian use
- Screening will not shield elevated dwellings from views of and glare from the site
- Landscaping will take years to establish and will not screen the site in winter
- Construction traffic should not be allowed to go through the village
- The removal of this land from cereal production to benefit the carbon footprint could be negated by the carbon footprint of importing cereals from abroad.
- Should be considered as one large solar farm with the installation at Kirkby Fleetham

- Limitations on the existing substation mean this site cannot operate at full capacity
- Development should be moved back from the east
- All cables should be underground
- Battery storage area is on high quality land which would be destroyed by development
- Access should be taken from Low St
- Time limits should be placed on pile driving
- Semi mature trees should be planted to ensure immediate screening
- The developer should provide a new bridleway
- Agricultural land should be used for food production so we are not reliant on Russia or China for food
- Proposed planting will not grow in the shade under panels
- No information on how it will connect to the substation
- If the substation has further capacity why can't additional energy be obtained by increasing in the existing farm at Kirkby Fleetham
- New developments for commercial or housing should provide their own renewable sources of energy
- Time and money was put into restoring the Scruton Station for the Heritage train which generates tourism. This will have a detrimental impact on views from the heritage train
- Development around Leeming Bar is slowly seeping into the countryside and boundaries should be borne in mind
- Short term financial gain for a few is not a gain for the majority
- Risk of accident from glare for pilots/proximity to the RAF Leeming airfield
- British Horse Society have guidelines that say solar panels should not be placed along bridleways
- The proposed installation of deer proof fencing would isolate
- Fox Covert Plantation and severely restrict access into Carriage Road Plantation. The proposed development would effectively end the deer migration in this area and remove a natural amenity
- There is another solar farm within 2 miles
- This is not agricultural development it is a power station
- The development will reclassify the land as industrial and lead to further industrial development
- Disproportionate level of solar development in the area
- Should use brownfield land for this type of development
- Use of mined minerals and other environmentally unfriendly methods in the production of solar panels
- Impact on tourism
- Disposal of used panels to landfill
- Panels manufactured in China
- Environmental impact of the manufacture and disposal of the ancillary batteries
- Hydrogen plant proposed on a brownfield site in Teesside is a better source of renewable energy for electric cars
- Will disturb natural wildlife patterns
- Birds can mistake panels for water and fly into them
- Get rich quick scheme

- There are already plans to extend Leeming Bar industrial estate and coupled with this Scruton will become an industrial village
- This development is for profit not renewable energy
- Impact on property values
- The applicant has exaggerated the level of solar irradiation in the area
- Transport statement does not consider the impact on the bridleway
- Weather unsuitable and generating capacity will never be reached
- Solar power is inefficient
- Low Street unsuitable for HGVs
- Solar panels emit EMF radiation
- The Council will receive £100,000.00 per year from this project
- Are landowners aware that if the operators of the site go bankrupt they will ultimately be responsible for the cost of dismantling and reinstating the land
- Sunlight will be diminished by retained woodland and topography
- Traffic controls were ignored at the Kirkby Fleetham site
- Too close to dwellings
- Increased litter in the area since other solar farm built
- Danger of batteries exploding
- Humming noise from transformers
- Solar panels have a huge carbon footprint, contain toxic chemicals and are difficult to recycle
- Impact on residents wellbeing
- The A684 is left out of the glint and glare assessment

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Impact on the character of the area
- Amenity, health and safety
- Drainage
- Highways
- Biodiversity
- Cumulative impact

Principle

5.2 The Overarching National Policy Statement (NPS) for Energy (EN-1) indicates that the Government is committed to meeting our legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels. Analysis done on possible 2050 pathways shows that moving to a secure, low carbon energy system is challenging, but achievable. It requires major investment in new technologies to renovate our buildings, the electrification of much of our heating, industry and transport, prioritisation of sustainable bioenergy and cleaner power generation. Renewable electricity generation is currently supported in the UK through the Renewables Obligation (RO), which is a market-based support mechanism to encourage investment. Renewables have potential to improve security of supply by reducing reliance on the use of coal, oil and gas supplies to keep the lights on and power our businesses.

- 5.3 Renewable electricity will help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities. However, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low.
- 5.4 There are a number of other technologies which can be used to compensate for the intermittency of renewable generation, such as electricity storage, interconnection and demand-side responses such as smart meter controls, without building additional generation capacity. Although Government believes these technologies will play important roles in a low carbon electricity system, the development and deployment of these technologies at the necessary scale has yet to be achieved. The Government does not therefore consider it prudent to solely rely on these technologies to meet demand without the additional back-up capacity. It is therefore likely that increasing reliance on renewables will mean that we need more total electricity generation capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.
- 5.5 Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF deals with the promotion of renewable energy projects. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 5.6 Paragraph 154 indicates that new development should be planned for in ways that:
- a. avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b. can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 5.7 Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b. approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

- 5.8 The NPPF also states that Local planning authorities should recognise the economic and other benefits of the best and most versatile agricultural land. Footnote 53 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 5.9 Local Plan Policy S5 states that Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located. Where significant development in the countryside is demonstrated to be necessary, the loss of best and most versatile agricultural land (classed as grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland.
- 5.10 Local Plan Policy RM6: Renewable and Low Carbon Energy states that renewable and low-carbon energy installations, including associated infrastructure, will be encouraged. A proposal, including community-led initiatives for renewable and low carbon energy, will be supported where it is demonstrated that all potential adverse impacts, including cumulative impacts and those on aircraft, radar and telecommunications are, or can be made, acceptable.
- 5.11 It goes on to state that when identifying and considering the acceptability of potential adverse planning impacts their significance and level of harm will be weighed against the public benefits of the proposal. When identifying and considering landscape and visual impacts regard will be had to the Hambleton Landscape Character Assessment and Sensitivity Study (May 2016) or successor documents. Having identified potential adverse planning impacts the proposal must seek to address them all firstly by seeking to avoid the impact, then to minimise the impact. Enhancement and/or compensatory measures should be assessed, as appropriate, and included in order to make the impact acceptable. All reasonable efforts to avoid, minimise and, where appropriate, compensate will be essential for significant adverse impacts to be considered as being fully addressed. Sufficient evidence will need to have been provided to demonstrate that adverse impacts on designated nature conservation sites can be adequately mitigated. Where relevant this will include sufficient information to inform a Habitats Regulations Assessment. Provision will be made for the removal of apparatus and reinstatement of the site to an acceptable condition, should the scheme become redundant or at the end of the permitted period for time limited planning permissions.
- 5.12 Government Guidance “Planning for renewable and low carbon energy” indicates that 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;
 - 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. See also a [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013](#) and [written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015](#).

- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see [guidance on landscape assessment](#)) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

5.13 The NPPF also states that Local planning authorities should recognise the economic and other benefits of the best and most versatile agricultural land. Footnote 53 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

5.14 As noted above there are a number of considerations to take into account when assessing this form of development. Broadly speaking the principle of renewable and low carbon energy development is supported in the District by the Local Plan, subject to compliance with other Local Plan policies. However, the proposed development is to be sited on green field agricultural land. In order to establish the principle of development it is therefore also necessary to consider the agricultural land classification.

5.15 The Written Ministerial Statement (WMS) – Solar energy: protecting the local and global environment of 25 March 2015 states that *“meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear*

this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

- 5.16 The statement continues: *We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.*"
- 5.17 As outlined at 1.9 above the majority of the site has been classified as Grade 2. Small pockets of Grade 3b are located on the western boundary just south of Hillcrest and in the eastern part of the site adjacent to the Carriage Road Plantation. The layout plan indicates that the area south of Hillcrest has been designated as the temporary construction compound. Post construction this area will not be used for solar panels in order to reduce the impact on neighbouring dwellings.
- 5.18 As the agricultural land use classification assessment found that the application affected more than 20ha of BMV land, Natural England were consulted. Natural England indicated that they consider that the proposed development is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of agricultural land. However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. The Local Planning Authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.
- 5.19 In response to the results of the ALCA the applicants submitted a sequential test. The analysis points to the more recent draft versions of the NPS for renewable energy infrastructure. Whilst these are still at draft stage they do indicate the potential direction that is being taken at a national level which goes beyond the existing NPS and the Ministerial Statement of 2015. The draft NPS indicates that land type should not be a predominating factor in determining the suitability of the site location.
- 5.20 The study area for the sequential test is based on the distance to the grid connection and underground cables. As the cost of connection to the electrical grid increases substantially with distance from the connection point the maximum viable distance from the site to the point of electrical connection to the grid has been determined to be no more than 500 m from the Leeming Bar substation. In this area two other sites were considered.

- 5.21 The first is located to the north west of the application site extending from Crank Lane to Leases Farm. The applicant argues that this site is made up of almost equal parts Grade 2 and Grade 3 land and would therefore have a similar impact as the proposal site.
- 5.22 The second is made up of 2 parcels, one directly north of Fence Dike Lane and one further northeast and extending past Penwell House as far north as Great Fencote and bordering the western edge of the previously approved solar farm at South Lowfields Farm. The area of land on the north side of Fence Dike Lane is shown as Grade 2 and the remainder is Grade 3. A site specific ALCA would be required to establish the sub grade of the Grade 3 land. A large part of this site is located in Flood Zone 2 and the potential development area would encapsulate Scruton Grange a Grade II listed building. As a sequential test would be required to site this development in Flood Zone 2 it is considered that this site is no more favourable than the proposed application site.
- 5.23 The grid connection in this area is somewhat inhibited by the location of the A1 motorway which had been previously identified as a significant barrier due to the implications of laying underground cabling. Whilst the use of Grade 2 BMV agricultural land is not ideal, given the proximity to the grid connection, limited alternative sites and the temporary nature of the development it is considered that the public benefits of the scheme outweigh the use of BMV land.
- 5.24 As detailed by Natural England and the Lead Local Flood Authority, it is recommended that a condition be imposed requiring a detailed management plan that includes soil management and suitable planting as well as provisions for decommissioning and reinstatement of the land to its former grade 2 status.

Impact on the character of the area

- 5.25 Paragraph 174 of the National Planning Policy Framework states that Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 5.26 Policy E7: Hambleton's Landscapes states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. The Council will also protect and enhance the distinctive landscapes of the district. A proposal will be supported where it:
- takes into consideration the degree of openness and special characteristics of Hambleton's landscapes;
 - conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;
 - conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;

- takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development;
- protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and
- is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape.

- 5.27 The Hambleton Landscape Character Assessment and Sensitivity Study identifies 26 distinct landscape character areas across the district and for each of them sets out guidelines regarding landscape and visual sensitivity to development. The application site falls into Character area 13: Leeming Corridor. This linear character area extends across the A1 corridor, and is located west of the River Swale, with Leeming and Leeming Bar at its centre. It forms part of the Settled Vale Farmland LCT at a County scale, which extends east across much of the Vale of Mowbray. It includes the villages of Kirkby Fleetham, Scruton, Londonderry, Exelby, Burneston, Pickhill and Sinderby.
- 5.28 The topography is relatively varied, gently undulating overall, but with some large flat areas. The field pattern is variable, a mix of large open fields in flatter areas as well as small historic field patterns around many of the villages in this character area, comprising a mix of both arable crops and pasture. Field boundaries are typically formed by hedgerows, with some open. There are relatively few woodland pockets within the character area, particularly in the southern part. The airfield at RAF Leeming occupies a large space between the A1 and the River Swale. There is a large industrial estate at Leeming Bar.
- 5.29 There are a number of estate landscapes at Killerby Hall, Scruton Park and Theakston Hall. The A1 motorway forms a central spine, north-south across the character area, following the ridge line in the north, though visually contained by motorway embankments, and passing through the lower, more open landscape in the south. Bedale, Aiskew and Leeming Bar bypass was opened, as part of the upgrading of the A1(M). These major roads are noticeable features, highlighted by the movement and noise of the traffic. Some areas are disconnected by the motorway, with several minor roads between the Swale and A1, leading to dead ends or no-through roads.
- 5.30 The area is well-settled with numerous villages, and the community at RAF Leeming. The villages of Kirkby Fleetham and Scruton are located in the north, with Burneston, Pickhill, and Sinderby in the south. Leeming Bar, Leeming, Londonderry and Exelby are located at the centre of the character area. A central hub of activity is focussed around Leeming and Leeming Bar, where the A1 intersects with the A684 between Northallerton and Bedale. Wensleydale Heritage Railway passes west from Leeming Bar, restored in the 1990s with funding from the Ministry of Defence. Kirkby Fleetham, Scruton, Burneston and Pickhill all have Conservation Areas.
- 5.31 The openness of this landscape gives a strong sense of the extensive lowland of the vales lying between the upland landscape of the dales and moors. The road corridor of the A1 can be seen and/or heard from much of the character area, diminishing the tranquillity which might otherwise be associated with the

surrounding farmland. This is further diminished by the presence of large industrial buildings at Leeming Bar and at RAF Leeming.

- 5.32 The Leeming Corridor contains several overt signs of modern development, including major roads, intensive agriculture, large scale industrial units, overhead power lines, masts, and the RAF airbase. These features indicate reduced sensitivity to development at a range of scales, with opportunities for development of larger buildings and other features, such as solar parks, in this context.
- 5.33 A Landscape and Visual Assessment (LVA) was submitted in support of the application. The assessment indicates that the application site occupies a subtle depression with the land rising up to the north west. Views across the site in an east-west direction are mostly screened by the central woodland blocks. The dense hedges on the field boundaries limit some intervisibility, although there is significant intervisibility with the elevated slope to the west and to the open area to the south as far as the A684 where there is less intervening vegetation. The minor roads adjoining the site tend to be lined by dense hedges which limit most views to ground level within the site.
- 5.34 There is an increasingly dispersed pattern of visibility to the Development with distance from the site. There would be no visibility to the west of the A1(M) corridor, within much of Leeming Bar and to the north-east of Scruton. The main areas with theoretical visibility are listed below:
- On the rising slopes to the west and north-west largely between Low Street and the A1(M);
 - To the north between Fence Dike Lane and Great Fencote where there could be theoretical visibility of the western and eastern parts of the Site;
 - The area between the Site and Scruton and Scruton Lane, with some visibility eastwards as far as the River Swale; and
 - The area immediately to the south of the Site up to and including the A684, and the Grimescar area to the south-east.

It should be noted that the embankment on which the new section of the A684 is located also screens a significant part of the landscape to the south of it. Within 1 km, actual visibility is also further reduced by mature trees and hedgerows to the north of Dike Lane, within and beyond Scruton and within much of Leeming Bar. When factoring in additional screening by hedgerows, trees and other scattered vegetation, it is highly unlikely that there would be any views of the development beyond 1 km from the site.

- 5.35 As part of the LVA the applicant included a number of photographs demonstrating the extent of the application boundary from particular viewpoints. On request these were updated to include images of the solar panels superimposed into the landscape to provide indicative views of the site immediately post installation. Images of the site after 15 years, with indicative planting growth have also been provided.
- 5.36 It is clear from the information provided that in short range views into the site, most notably from the north, west and southern boundaries and on the PROW which provide close range and/or elevated views, the development will have a significant impact on the character and appearance of the landscape. Views from the east will have a lesser impact due to the distance between the panels and public viewpoints.

Due to the proposed planting, in conjunction with the existing development and topography of the area longer range views will be restricted.

- 5.37 The proposed development will result in a harmful change to the character and appearance of the landscape in the immediate area. As the site is located in close proximity to the A1, the A684 bypass and Leeming Bar industrial estate the overall impact on the landscape is considered to be lessened. The harmful impacts reduce quickly with distance from the site. The proposed additional planting is considered to effectively mitigate some of the harmful impacts. The development is also (relatively) temporary and reversible so that any landscape impacts are limited to the lifetime of the solar panels. Subject to suitable conditions requiring the installation and management of planted screening and the eventual reinstatement of the land to its current condition it is considered that the public benefits of providing renewable energy outweigh the harm.

Amenity, health and safety

- 5.38 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.39 In support of the application a Glint and Glare study was carried out by PAGEROWER Urban and Renewables. The study concluded that there would be no impact on railway operations in the area due to the distance between the line and the proposals. Local roads, where traffic volumes and/or speeds are likely to be relatively low, were not taken forward for technical assessment as any solar reflections from the proposed development that are experienced by a road user would be considered 'low' impact in the worst case.
- 5.40 A moderate impact is predicted for one assessed section of the A684 which may have marginal views of reflecting panels, however, there are mitigating circumstances, including the significant distance between the receptor and the reflecting panels, partial screening, the reflecting panels not lying directly in front of the road user and the time that the glare occurs. Further mitigation is not required. Because of the proximity to the site of the A684 it is recommended that, once the perimeter fencing is installed and the planting matured, a survey be carried out to assess whether any further mitigation is necessary. Elsewhere, where solar reflections are geometrically possible towards the assessed sections of roads, solar reflections are not predicted to be experienced in practice as they will be significantly screened by intervening terrain, vegetation, buildings and/or proposed perimeter fencing. No impact is predicted.
- 5.41 23 nearby dwellings were assessed as part of the study. Key considerations are whether a significant reflection is predicted in practice and the duration of the predicted effects relative to thresholds of three months per year and 60 minutes per day. The report indicates that modelling has shown that solar reflections are geometrically possible toward 16 out of the 23 assessed dwelling receptors. One of these dwellings is considered to be a participating residence and therefore whilst these results have been provided in the report they have not been included in any further assessment.

- 5.42 Based on a review of available imagery local topography and the site plan, solar reflections are not predicted to be experienced in practise at 12 of these dwelling receptors as reflecting solar panels are expected to be significantly screened by intervening terrain, vegetation, buildings and/or proposed perimeter fencing. No impact is therefore predicted. A moderate impact is predicted for three dwelling receptors which may have marginal views of reflecting panels. However, there are mitigating circumstances including the distance between the receptor and reflecting panels, partial screening and glare timing. The report recommends therefore that further mitigation is not required.
- 5.43 During the life of the application the MOD safeguarding team reviewed the Glint and Glare study in relation to the air traffic movements in and out of RAF Leeming. Working with the MOD the applicant produced a report detailing layout optimisation work to mitigate the glare towards RAF Leeming.
- 5.44 Following receipt of this the MOD provided the following comments: The introduction of an extensive area of solar panels, has the potential to produce glint and, or glare, which could be a hazard to aircraft circuiting the aerodrome or undertaking landing and take-off manoeuvres by dazzling pilots at critical stages of flight. In support of the application a Glint and Glare Report, produced by Pager Power Urban and Renewables was submitted. Following consultation with the MOD, further amendments and additions to the report have been made which include Airspace modelling and Layout optimisation. The Glint and Glare Report identifies that the proposed solar farm can produce glint and glare which could affect aviation safety where aircraft are operating at or from RAF Leeming. The potential also exists that misaligned panels or damage could exacerbate existing glint or glare or introduce additional harm. In order to address this harm MOD request that a condition is added to any consent issued requiring the submission, approval and implementation of a Glint and Glare Management Plan (GGMP).
- 5.45 The requested condition would require approval of panel specifications, a maintenance schedule, a protocol for complaints including implementation of temporary measures to mitigate impact and timescale for completion of remedial works. Subject to the above conditional requirements being implemented as part of any planning permission granted, the MOD maintains no safeguarding objection to this application.
- 5.46 In terms of general amenity the applicant has identified two areas for potential noise/disturbance during construction. These are the movement of vehicles to and from the site and the actual installation of the panels themselves. The transport statement indicates that deliveries to the site will be phased. The construction period is expected to last 6 months. In the first month a maximum of 516 HGV deliveries will be made equating to approximately 20 HGV movements per day. These movements will decrease exponentially month by month with an average of 2 movements per day in the final month. A construction management plan will be submitted outlining the specific details and it is recommended that this be secured by condition.
- 5.47 The applicant indicates that the installation of the panels requires light plant similar to agricultural fencing machinery. They state that construction will progress quickly and therefore will not take place in any one area for a prolonged period of time.

Notwithstanding this the applicant has made a commitment to adhere to Best Practice means of controlling noise from construction activities, as advocated by BS 5228. This includes hours of operation, adherence to a traffic management plan, use of acoustic screens etc. It is recommended that these details be secured by a condition requiring a Construction Environmental Management Plan.

- 5.48 In relation to noise during the normal operation of the site post construction the applicant indicates that there is no significant noise associated with solar PV arrays during operation. The panels themselves do not make any noise. Any operational noise will come from the 24 inverter kiosks. These inverter kiosks are then connected to a distribution substation, via a client substation, located in the northern part of the site. This substation compound also houses 4 battery storage containers and associated inverters and transformers. All sound-emitting plant has been situated as far as is practicable from residential dwellings and the bridleway through the site, in order to minimise the level of noise impact. The closest dwelling to an inverter is Moor House Farm at approx. 130m. The dwelling itself is screened from the development by its own outbuildings. It is unlikely therefore that operational noise will have a significant impact on residential amenity.

Drainage

- 5.49 Policy RM3 states a proposal will only be supported where surface water and drainage have been addressed such that:
- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
 - where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
 - wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
 - if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
 - if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
 - SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.
- 5.50 The Lead Local Flood Authority were consulted and returned the following comments. We acknowledge that within a solar farm proposal, a portion of the site will comprise of proposed solar (PV) panels and energy storage facilities, whilst the remainder of the site comprises of the existing grassed spacing between rows and field margins. In general terms the design of photovoltaic (PV) panels means

that the area represented by the proposed panels is not considered impermeable, as the ground beneath all panels will be grassed and as such remains permeable. This common setup means sites are usually considered 95% permeable, but associated infrastructure like battery storage units, solar stations, substations, internal roads should be considered as fully impermeable.

5.51 In most circumstances rainfall will drain freely off the panels onto the ground beneath the panels where the surface remains permeable. Thus, the total surface area of the photovoltaic array is not considered to act as an impermeable area and the impact is assumed to be nil. However, the nature of the underlying groundcover and antecedent conditions can have a demonstrable influence on the surface water run-off characteristics of a site, i.e. if the ground cover beneath panels is proposed as bare earth which is susceptible to hardening in summer months, then peak discharges can increase significantly. As such, it should be ensured as part of any proposed scheme that grass or wildflower cover will be well-maintained across the site to ensure that such proposed schemes will not increase the surface water run-off rate, volume or time to peak, compared to the pre-development situation.

5.52 The surface water usually flows from the surface of the solar array to the areas in between the rows with an increased velocity. This leads to an increased concentration of surface water and erosion in these areas and has the potential to create channelised flows, eroding the soil further and increasing the volumes and rates of surface water discharge. To mitigate this the following should be considered:

- Restrict vehicular movements on site to designated access tracks. In doing so, the risk of soil compaction is minimised and limited to specific locations
- Rutting during the operation phase is also another common problem with solar farm sites, especially during intense storms at the foot of the panels. This can alter natural flow paths and should be avoided where possible
- Maintaining the vegetative areas between the solar arrays to assist in interrupting the flows and promote infiltration and interception. The ideal situation is that vegetation is grassed and is kept reasonably high or grazed by livestock. Good vegetation cover will limit the transfer of sediments and slow the flow of water

Ref: A study on the hydrological implications of solar farms (Cook, L.M. and Mccuen, R.H. (2013) 'Hydrologic Response of Solar Farms', Journal of Hydrologic Engineering, 18: 536 - 541)

5.53 In light of the above information the Lead Local Flood Authority have recommended a condition relating to the proper maintenance of ground conditions.

Highways

5.54 Local Plan Policy IC2: Transport and Accessibility states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that:

- a) it is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;
- b) where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
- c) it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;
- d) any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England;
- e) highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
- f) adequate provision for servicing and emergency access is incorporated; [...]

- 5.55 For all major development, and where transport issues are likely, the Council may require proportionate Transport Assessments, Transport Statements or Travel Plans as necessary. Where a travel plan is required, it should set out measures to reduce the demand for travel by private car, air pollution and carbon dioxide emissions from transport, and encourages walking, cycling and other sustainable travel options.
- 5.56 Access to the Development would utilise Junction 51 of the A1 (M), along the A684 for a short distance before taking the first exit on the roundabout north on Leases Road before turning immediately right onto Low Street, which is located on the western boundary of the site. The site access junction is located 650 m along Low Street on the righthand side. An upgrade to this junction will be required. Whilst parts of this route are narrow, this access route avoids any settlements and only passes a small number of isolated properties, thereby minimising any potential traffic effects.
- 5.57 In support of the application a Transport Statement (TS) was submitted. The TS provides an overview of the Development in relation to traffic and assesses the anticipated impact of the Development as a result of increased traffic and transportation movements within the local area.
- 5.58 The A684 is a single carriageway road, running from Kendal in the west to Northallerton in the east and is designed as a local distributor road carrying traffic from rural settlements to the M6 motorway and the A1(M). The A684 operates at national speed limit except in built-up areas where the speed limit is 30mph.
- 5.59 Leases Road is a single carriageway road operating at 30mph which connects Low Street and the A684. The road has centreline markings and connects to the Coneygarth Truck stop and services, suggesting that the road is suitable for and currently accommodates HGV traffic.
- 5.60 Low Street is a rural single-carriageway road operating at the national speed limit. The road was bisected by the recent A684 BALB upgrade works, with a new access

junction constructed onto Leases Road. The new carriageway construction has centre line markings indicating that the road can safely accommodate opposing HGV traffic. However, as this meets the old carriageway, it tapers down to a single-lane with passing places. This makes up the final approach to the site entrance and may require additional mitigation to be put in place.

- 5.61 As detailed above HGV movements will average 20 per day for the first month (max 516) then decreasing each month as follows: month 2: 398, month 3 260, month 4 259, month 5 233 and month 6 32 (total approx. 1698). Other personnel are expected to make 40-80 movements per day depending on the stage of construction (access tracks, panel installation etc). The TS estimates the construction phase will generate approximately 10,018 vehicles movements over 6 months.
- 5.62 Traffic management measures have been proposed, however, a detailed plan will not be drafted until a contractor is in place and therefore the applicant is happy for this to be secured by condition.
- 5.63 North Yorkshire County Council Highways Officers returned the following comments: In assessing the submitted proposals it is acknowledged that the visibility splays do not meet guidance as set out within the DMRB. However, given that mitigations are being proposed such as traffic management during the construction phase along with the proposed infrequency of accessing the site, it is felt that a refusal recommendation on this occasion can not be sustained. Conditions are recommended relating to altered access or verge crossings at Fence Dyke Lane and Low Street) and visibility splays.

Biodiversity

- 5.64 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Paragraph 6.46 of the supporting text states that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated.
- 5.65 The application is supported by an Ecological Impact Assessment which details the results of an extended phase 1 habitat assessment. This included habitat surveys for Great Crested Newts (GCN), bats, badgers, water vole, otters, white clawed crayfish and birds. The aim of the surveys was to classify and map habitats according to standard methods and to assess their potential to support notable and protected species.
- 5.66 The survey found that the site was mostly comprised of arable fields, some were ploughed down to bare earth and others comprised of short crops. Himalayan balsam, an invasive non-native species was found scattered along the field margins to the north of the site and within the Carriage Road Plantation. Mitigation measures are recommended and these should be secured by condition.
- 5.67 The desktop study found no records for GCN within 2km of the site. Two ponds within 500m of the site were surveyed. Pond 1 to the south of the site was found to have poor suitability. Pond 2 outside of the site to the north-west was found to have average suitability. Given the distance the waterbodies are from the proposed solar

panels, and that habitat of value to GCN and other amphibians are being avoided it is considered unlikely that GCN will be impacted at the construction and operational stage of the Development and further surveys are not required.

- 5.68 During the Extended Phase 1 Habitat Survey, a preliminary assessment of the potential of features within the site to support bat roosts and/or provide suitable commuting or foraging habitat was conducted. Mature trees along the field margins were considered to have negligible potential to support roosting bats. Several hedgerows have the potential to provide foraging and commuting habitat and link up to more favourable habitats in the wider landscape.
- 5.69 No evidence of water vole such as burrows or any other field signs (latrines, footprints, feeding remains) were identified on site. No evidence of otter was recorded during the walkover survey. However, there is the potential that otters may use the on-site drains as a commuting route and may be active in the local landscape. Precautionary mitigation to protect otters commuting across land onsite is recommended. The aquatic habitats were not considered suitable to support white-clawed crayfish.
- 5.70 An ornithological walkover was conducted during the habitat survey. The aim of this survey was to determine the potential of the site and surrounding areas to support breeding or wintering birds of conservation concern. The site has the potential to support a range of birds throughout the year, including some species of conservation concern. The Development has the potential to affect birds through loss/change of habitats, and through disturbance during construction.
- 5.71 During the site walkover protected species fieldfare, skylark and yellowhammer were all observed. Skylark is a ground nesting bird and the impact of solar farms on this species not fully understood. Some research suggest that skylarks may nest within solar developments and the creation of improved grassland habitats beneath and between the panels has the potential to provide good foraging for birds nesting in nearby arable habitats.
- 5.72 In addition to the above a Biodiversity Metric Assessment has been provided. In summary the proposals will provide an increase of 159.69 habitat units and 12.29 hedgerow units. This equates to a percentage increase of 104.73% for habitats and 120.68% for hedgerow units.

Cumulative impact

- 5.73 The Lowfields solar farm is relatively close by and as such there is potential for cumulative impact of the developments resulting in a disproportionate impact on the landscape character of the area. However, whilst it is clear that there is a degree of cumulative impact owing to the sheer area of development in this locality, the two sites lack intervisibility owing to existing tree planting and land forms. On this basis the co-siting of the two developments is not considered to result in any significant additional harmful impacts.

Planning Balance

- 5.74 It is clear that the development of renewable energy is in principle in the public interest and is considered a benefit in those terms. Sites for solar energy generation

are limited owing at least in part due to the proximity to a suitable and viable grid connection point.

- 5.75 The development will result in harmful impacts to the landscape character of the area. However, these impacts are relatively localised and it is considered that these impacts have been mitigated to an acceptable level.
- 5.76 Matters pertaining to glint and glare have been assessed and whilst there are impacts to a limited number of local residents these impacts are considered to fall at the lower end of harm and are considered acceptable in this case.
- 5.77 It is considered that the impact of the development on the ecology of the area is acceptable and importantly results in a significant biodiversity net gain.
- 5.78 In summary it is considered that the harmful impacts of the development are sufficiently offset by the public and environmental benefits of the generation of renewable electricity and on this basis the application is recommended for approval.

6.0 Recommendation

6.1 That subject to any outstanding consultations permission 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 shall not be undertaken other than in complete accordance with the drawing(s) numbered:
Indicative Site Layout 4004-SCT-DR-PRE-0002 REV G received 08.12.2021
Typical PV Panel Section Planning Drawing 4 4004_SCT_P_0001 received 14.05.2021
Inverter/Transformer Planning Drawing 5 4004_SCT_P_0002 received 14.05.2021
53ft Battery Container (HVAC on ground) Planning Drawing 6 4004_SCT_P_0003 received 14.05.2021
2MW Inverter Transformer skid (8m) Planning Drawing 7 4004_SCT_P_0004 received 14.05.2021
Security Fencing and CCTV Planning Drawing 8 4004_SCT_P_0005 received 14.05.2021
Security Gate Planning Drawing 9 4004_SCT_P_0006 received 14.05.2021
Access Track Cross Section Planning Drawing 10 4004_SCT_P_0007 received 14.05.2021
Container Storage Units Planning Drawing 11 4004_SCT_P_0008 received 14.05.2021
Indicative Temporary Construction Compound Planning Drawing 12 4004_SCT_P_0009 received 14.05.2021
Client Substation Planning Drawing 13 4004_SCT_P_0010 received 14.05.2021
DNO Substation Planning Drawing 14 4004_SCT_P_00011 received 14.05.2021
Landscape Mtigation Plan 4004- DR-LAN-101 REV D received 14.05.2021

3. The permission hereby granted is for the development to be retained for a period of not more than 40 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. The site shall be decommissioned and returned to its original state, including the removal of all structures granted planning permission under this consent, within one year of the expiry of this permission or within one year of ceasing electricity export to the grid whichever is sooner.
4. Within 6 months of the end of the 40 year period granted by Condition 3 above, 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 scheme shall also include details of any remedial landscaping required to reverse any damage caused during the decommissioning stage. 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. Prior to the commencement of each phase of development (Construction, Operational and Decommissioning) a Soil Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to, details pertaining to careful soil management during each phase; including consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as indicated in the Agricultural Land Classification survey dated 9th November 2021 carried out by ADAS on behalf of the Local Planning Authority. The Management Plan shall adhere to the guidance set out in the following documents:
 - Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (September 2009)
 - The British Society of Soil Science Working with Soil Guidance Note on Benefiting from Soil Management in Development and Construction or subsequent replacement versions.
6. To mitigate soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed, or similar to restore it to a pre construction condition immediately post construction. Furthermore, during the first few years frequent inspections of the planting and soil must be carried out to ensure adequate growth and any compaction or channelization is addressed. Any remedial work should occur as soon as possible.
7. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E20 Rev A and the following requirements.

- Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.

8. There must be no access or egress by any vehicles between the highway and the application site at Fence Dyke Lane or Low Street until splays provided in drawing numbers 4004-DR-ALR-002a/003 (contained within the Travel Statement document) are achieved. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of both public water mains i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distances are to be achieved via diversion or closure of the water main(s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken. In addition, no new tree planting, shall be permitted over or within 5 (five) metres either side of the centre line of the mains, which cross the site.
10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
11. No development shall take place unless or until such time as a Glint & Glare Management Plan (GGMP) has been submitted to, and approved in writing by, the Local Planning Authority. The submitted GGMP shall contain, but not be limited to:
 - o detailed design, to include specifications of both solar panel (surface types, anti reflective coating), mounting systems, illustrated with sectional plans as appropriate to show the angle of elevation and angle of azimuth of each solar panel in the development.
 - o a schedule to regularly check and maintain the alignment of the solar panels;
 - o a protocol through which glint and glare complaints can be submitted, investigated, and any issues rectified/addressed/mitigated to include procedures to ensure that any mitigation needed is implemented following MOD consultation and agreement only;
 - o procedures through which complaints, associated actions/outcomes will be recorded/communicated and made available to the MOD on request;
 - o provision to urgently address any incidents of a major impact that may occur that restricts aviation operations at RAF Leeming to apply interim measures that will stop the source of glint or glare until measures to provide an enduring mitigation can be implemented; and
 - o timescales for completing investigations, implementing remedial works and the provision of interim and, or enduring mitigations to address any impact. The provisions set out in the GGMP and any

modifications/mitigation, as agreed in writing with the local planning authority shall be maintained for the life of the development.

12. Notwithstanding the submitted details, prior to the date when electricity is first exported to the electricity grid (First Export Date), a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but is not limited to:

- details of the species;
- numbers and locations of planting;
- timescale's for implementation
- Management and maintenance plan covering the life of the development

The site shall thereafter be maintained in accordance with the approved details for the life of the development.

13. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include but not be limited to details relating to traffic management, hours of operation, and acoustic mitigation and validation testing. Thereafter the development shall be carried out in accordance with the approved details.

14. The development, hereby approved, shall be implemented in accordance with the recommendations relating to Himalayan Balsam contained within paragraph 5.3.1 of the Ecological Impact Assessment received by Hambleton District Council on 14.05.2021.

15. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

16. The biodiversity enhancements (bat boxes, bird boxes, mammal gates etc) indicated on drawing Landscape Mitigation Plan 4004-DR-LAN-101 REV D received 14.05.2021 and the mitigation and enhancement measures detailed within the Confidential Badger Annex dated 2021 received by Hambleton District Council on 26.07.2022 shall be implemented prior to the First Export Date in accordance with the details and recommendations contained in the Ecological Impact Assessment prepared by Arcus Consulting dated April 2021 and received by Hambleton District Council on 14.05.2021.

17. Prior to the First Export Date details of the cleaning procedure for the panels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to the frequency of cleaning, volumes of water required, details of any detergents to be used and any required mitigation.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In 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 Policy(ies).
3. To ensure that redundant structures are not retained in the landscape and to ensure that the land is returned to unobstructed agricultural use.
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 ensure that there is no permanent loss of Best and Most Versatile Agricultural Land.
6. To reinstate the ground to pre construction standards and ensure overland routes are not interrupted, and that the site can infiltrate to its potential.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
8. In the interests of highway safety.
9. In order to allow sufficient access for maintenance and repair work at all times and in order to protect the structural integrity of the pipes from tree root infestation.
10. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
11. In the interest of aviation safety.
12. In order to ensure the implementation of the measures relating to biodiversity net gain and to secure the effective maintenance of the landscaping in the interest of biodiversity, visual amenity, drainage and soil management.
13. In the interest of local amenity.
14. In order to ensure the development does not encourage the spread of an invasive species in the interest of biodiversity.
15. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution and impact on wildlife in accordance with Local Plan Policies S1, E2 and E3.
16. In the interest of biodiversity
17. In order to preserve the quality of the soils, local ecology and avoid the entry of harmful chemicals into the waterways.