

Parish: Carlton Husthwaite	Committee date:	19 January 2023
Ward: Raskelf and White Horse	Officer dealing:	Ian Nesbit
2	Target date:	09 January 2023

21/03042/FUL

Application for installation of solar photovoltaic ('PV') array/solar farm with associated infrastructure - as amended (additional and revised plans, visualisations and other documents received by Hambleton District Council on 27.06.2022 and 22.11.2022)

At: OS Field 2700, Carlton Husthwaite

For: Woolpots Solar Farm 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 (as amended) seeks full planning permission for the installation of a large photovoltaic array installation with a development footprint of approximately 50.81ha. (i.e. a 'solar farm') with associated infrastructure on agricultural land within the parish of Carlton Husthwaite. In the latest amendment to the proposals, this was reduced from an area of approximately 83.73ha (as originally proposed)
- 1.2 The application site comprises of two separate areas of agricultural land, linked within the land-edged-red by an underground grid cable (approximately 1.35km in length) which is predominantly routed under Ings Lane and Bells Lane:
 - The northern part of the site (referred to hereafter as 'Woolpots North') – a development footprint of approximately 23.17ha (reduced from 41.12ha as originally proposed) and is located to the south-east of Carlton Husthwaite and to the north-west of Husthwaite, and to the west of Butt Lane/Elphin Bridge Lane. The southern part of the site is located close to Baxby Manor and Baxby Manor Airfield. The land is predominantly arable fields and improved grassland. There are several mature trees and hedgerows to the field boundaries, with drainage ditches adjacent to the north and south boundaries.
 - The southern part of the site (referred hereafter as 'Woolpots South'), – a development footprint of approximately 27.63ha (reduced from 42.63ha as originally proposed) – is located to the east of the road leading form the A19 to Husthwaite. The northern section of the Woolpots South is opposite the existing Amplecarr electricity distribution installation to which the proposed installation would connect, while the south-western boundary adjoins the existing Boscar solar farm to the east of the A19. The land is improved grassland fields grazed by animals, although there are some arable fields within the land-edged-red. There are broadleaved and coniferous tees within the site, as well as drainage ditches and hedgerows.

- 1.3 As well as the solar arrays, the proposed installation includes transformer/inverter stations, storage containers, a 132kV Substation; and Battery Energy Storage System (BESS) Security fencing and pole-mounted CCTV cameras would also be installed.
- 1.4 As confirmed within the Project Update Summary document, the proposed development would be connected to the grid via a short, buried cable to the Husthwaite 132kV Substation located adjacent to the Woolpots South Site. Woolpots North would be connected to Woolpots South by underground cable.
- 1.5 The application has been amended during the course of its consideration (in July 2022 and November 2022 respectively) and re-consultation exercises were undertaken in both cases. Additional and amended plans and documents were submitted as part of these amendments. The following (still relevant) additional and amended documents/information submitted are as follows:
- Project Update Summary (November 2022)
 - Solar Photovoltaic Glint and Glare Study (November 2022)
 - Biodiversity Metric Assessment Technical Note (November 2022)
 - Outline Battery Management Plan (November 2022)
 - Updated Visualisations (existing; year 1; year 15)- Viewpoints 4, 6, 7, 8 and 9.
 - Surface Water Management Strategy (May 2022)
- 1.6 In summary, the proposed revisions have: reduced the number and footprint of the proposed solar PV arrays, removed the BESS containers within both Woolpots North and Woolpots South parts of the development and replaced by a single central BESS compound located adjacent to the substation compound within Woolpots South; replaced tracking PV panels with fixed, south-facing panels.
- 1.7 These amendments would result in a reduction in the overall generating capacity of the proposed development, although it is stated within the Project Update Summary (written and provided by the agent) that it is still predicted that the development would generate 45,000 MWh of electricity per year, which the agent states (within the Project Update Summary) is the equivalent to providing electricity for 10,146 homes in Hambleton.

2.0 Relevant planning and enforcement history

- 2.1 This is greenfield agricultural land, there is no relevant planning history, although a Screening Opinion was issued by the Council on 16.09.2021 in response to an S.O. request submitted in respect to a solar farm development (21/01344/SCR) The Council's Screening Opinion was that the proposed development did not constitute EIA development.

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. The relevant policies, guidance and SPD are:
- S 1 : Sustainable Development Principles

- S 5 : Development in the Countryside
- S 7: The Historic Environment
- E 1 : Design
- E 2 : Amenity
- E 3 : The Natural Environment
- E 4: Green Infrastructure
- E 5: Development Affecting Heritage Assets
- E 6 : Protected Landscapes
- E 7 : Hambleton's Landscapes
- IC 1 : Infrastructure Delivery
- IC 2 : Transport and Accessibility
- RM 1 : Water Quality and Supply
- RM 2 : Flood Risk
- RM 3 : Surface Water and Drainage Management
- RM 5 : Ground Contamination and Groundwater Pollution
- RM 6 : Renewable and Low Carbon Energy

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF) - As Updated – July 2021
- National Planning Practice Guidance (nPPG)
- EN-1: National Policy Statement for Energy (July 2011)
- EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)

Supplementary Planning Document (SPD)

- Sustainable Development SPD (adopted 7th April 2015)

4.0 Consultations

4.1 Carlton Husthwaite Parish Council – In respect to the latest amendments to the proposals, the C.H. Parish Council have confirmed that they still object to the proposals and recommend that the application is refused, providing the following comments/observations (as summarised):

- The majority of parishioners (who have engaged with the Parish Council in relation to the amended proposals) are against the proposals, raising the following concerns:
 - The proposed development carves a disfiguring “glass scar” across the landscape between the small idyllic Villages of Carlton Husthwaite and Husthwaite.
 - An industrial development of this scale is completely out of proportion to the locality and its setting.
 - The southern site is extending the existing site directly towards Husthwaite and the Northern site splits the two villages of Husthwaite and Carlton Husthwaite completely apart – and is very visible to both.
 - The retention of the existing ‘land-edged-red’ within the latest amended proposals means the development could be easily increased in the future.
 - The development is in view of an Area of Outstanding Natural Beauty.
 - The development will negatively impact on the local tourist trade and all of the associated small businesses that rely on tourism...The installations will

be easily visible and will impact on both residents' and visitors' enjoyment of the area.

- Masses of Solar panels, associated infrastructure, extensive 2.5m high fencing, security lighting and cameras in an undulating landscape will definitely change the intrinsic character of this part of the Howardian Hills.
- If granted, the development coupled with the existing solar farms adjacent to the south site will make for 'a colossal and monstrous installation' that will 'disfigure our countryside in perpetuity'.
- Concerned that if this application is passed then it will not be the last and the whole area will be targeted for further development.
- The proposal has no consideration or respect for the environment or the landscape it would be destroying.
- The proposed £100,000 contribution to the Two Ridings Community Fund (covering a population of *circa*.1 million) is no consolation for the adverse impact of the scheme...no local jobs would be generated by the proposal, and the loss of agricultural land will affect existing local employment.
- The close proximity of the proposed Woolpots North site to Baxby Airfield must be an issue with respect to the potential dangers of the glint and glare aspects to pilots landing; the site is only 300m away from the airfield.
- concerns over the proposed site entrance to the Woolpots North site. Whilst there may be no recorded incidences in this area it is a well-known hazardous area to locals with blind corners on a rising slope...there are better and safer access point further towards Husthwaite on the straight part of the lane, this concern still remains as the latest amendments have not changed this access.
- concern that Husthwaite residents will suffer months of disruption as contractors' trucks travel though the village on already damaged and narrow roads – one every 24 minutes for a period of 3 months.
- As a nation, we need to be more self-reliant in food production. To allow valuable agricultural acreage to be lost from these established farming areas is clearly wrong. Solar developments should be sited only near currently established industrial sites and covering existing industrial premises.
- The P.C. actively support much smaller scale installations of renewable energy where the benefit directly relates to local needs and supports businesses like local farms.
- The P.C. support Husthwaite Parish Council's concerns about the proximity and new "concentration" of the Electricity Sub-station and Battery Storage facility either side of the road leading to Husthwaite after reports of fires in other UK solar and battery storage facilities...whilst the revised layout is no longer on top of the Teesside to Hull Ethylene Pipeline it remains close to it and clearly that's not somewhere that you would want a fire. There should be no doubts about the safety of the scheme and the local fire brigade's ability to respond should such a situation occur to protect both themselves and all residents in the event of a local disaster.
- We have no issue with our local farmers wanting to diversify and improve their financial well-being and the P.C. is supportive of low carbon energy production...but they take issue about the scale of this application and the negative impact it will have on the local landscape.

4.2 Husthwaite Parish Council – Responding to the re-consultation on the latest amended proposals, H.P.C. have confirmed that they wish to see the application refused, making the following observations (as summarised):

- Husthwaite Parish Council state that while they appreciate the overall reduction in area of the Woolpots Solar Farm site (within the last amended proposals), they remain of the view that the scheme will have a very adverse impact on the surrounding environment and landscape contrary to the Hambleton Plan, in particular Policies S5, E7 and RM6.
- It will also erode the close relationship of our historic settlement to the wider rural landscape.
- In particular, due to the topography, Woolpots North will remain highly visible from both the Conservation Areas of Husthwaite and Carlton Husthwaite and from the Howardian Hills AONB and that an increased density of the fixed panels (as shown within the amended proposals) may increase the visual impact. We understand that plans for the site have been reduced by 39%, but the cumulative impact of this new development, alongside the 220 acres already in situ at Boscar Grange and Peter Hill Solar Farms, would have a detrimental impact on the rural character of the village and is an additional loss of very productive agricultural land.
- Additionally, they note that if the application is approved, there will be no further capacity in our sub-station for any smaller / community schemes which would be more welcome within the area.
- The Parish Council remains concerned by the proximity of the Electricity Sub-compound and Battery Storage facility to the road and believe it to be visually intrusive on the entrance to the village and an industrialisation of the rural landscape.
- They maintain serious fears about the safety of the BESS, which is situated extremely near to the Ethylene Pipeline, after reports of uncontrollable fires in other battery storage facilities. Therefore, the Parish Council would like assurances that a suitable water source has been identified in case of emergency and that a drainage interceptor trap would be installed around the facility to prevent an environmental disaster should excesses of water be needed to control a fire.
- The reduction in storage batteries/inverters on site (within the amended proposals) is welcomed but will it result in the inclusion of more or larger batteries within the Battery Energy Storage System?
- The P.C. would like confirmation that there will be no noise or light pollution from the sub-station compound / BESS as these important issues do not seem to have been addressed adequately in the application.
- The Parish Council would also like to see consideration given to the effect of this solar array on long standing businesses, especially the nearby well-established busy commercial airfield who provide a comprehensive range of services. Therefore, the P.C. would be grateful if the concerns raised by the CAA and GAAC regarding the Airfield Safety Area of Baxby Aerodrome could be investigated before any planning permission is granted.
- Husthwaite is a popular tourist village, and many local businesses depend on tourism, so the Parish Council is very concerned about both short-term and long-term impacts on the local economy (Policy EG8). In particular, as the construction of both halves of this development is liable to cause considerable disruption on the extremely narrow roads leading to our villages, Husthwaite Parish Council would insist that a detailed Construction Management Plan containing the following matters: hours of operation are limited to 8am until 5pm

Monday to Friday and 8am until 1pm on Saturdays. No Sunday or bank holiday working; plant and materials must be stored within the site boundary, which should be secure; parking for all construction traffic must be provided on site and no parking should be allowed on the sides of the highway; deliveries should be restricted to avoid school drop off / pick up times to alleviate traffic congestion on the narrow lanes into the village; all unloading of materials should take place on site and vehicles must be able to access and leave the site in a forward gear; and clean access should be provided to the site and wheel cleaning facilities should be available to ensure no mud or grit is transferred onto the existing highway.

- It is understood from the plans that cable laying will take place on Ings Lane and Bell Lane which are both Public Rights of Way. Therefore, the P.C. would insist that public access is maintained throughout, and sufficient safety precautions are put in place to safeguard protected species and users of the PROW while construction work is underway.
- Furthermore, we would like assurances that sufficient screening will be provided by the developer to limit the visual impact of the development and no future development or expansion of the application site will be allowed.
- The P.C. note that there is no mention of any community payback initiative for the two closest villages (Husthwaite & Carlton Husthwaite) who will be most affected by this development.

4.3 North Yorks. Moors National Park Authority (NYMNPA) – In respect to the latest amendments to the proposals, the NYMNPA have provided the following comments/observations (as summarised):

- The area of landscape (within which the application site is located) is part of the important and sensitive setting of the NYM National Park, and also the adjoining Howardian Hills AONB.
- “The changes made in the revised plans are welcomed and the reduction in footprint of the solar farm both to the north and east will have a beneficial impact in reducing its visibility as the area to the north in particular comprised rising land which was clearly defined in views as it was bounded by the road between Husthwaite and Coxwold (Elphin Bridge Lane). Similarly, the change to fixed panels facing south will reduce the visual impact from views across this area from the AONB towards the National Park” and consider the amendments to be ‘in greater policy alignment’ with para. 176 of the NPPF which requires development within the setting of a nationally protected landscape to be sensitively located and designed to avoid/minimise adverse impacts on designated areas.
- However, notwithstanding the proposed amendments, the proposed location of the North Woolpots site still lies directly within the sightlines of important views between the AONB and the NYM National Park. Although the latest amendments would lessen the extent and prominence of the development, it will still appear as an incongruous element within an otherwise attractive rural landscape by virtue of its scale and colour. In this respect the location of the proposed development still causes concern to the NYMNPA in terms of the adverse landscape impacts resulting from the development, and this will need to be balanced against any public benefits of the proposals in the planning decision.

- 4.4 Lead Local Flood Authority – The LLFA have confirmed that they are satisfied that the information provided demonstrates that the ground under the solar panels will continue to operate as per the existing scenario and flood risk is not increased. No objections to the latest proposals.
- 4.5 Yorkshire Water Services – No response received to the latest proposals at the time of writing.
- 4.6 Local Highway Authority – No response received to the latest proposals at the time of writing.
- 4.7 NYCC PROW Team – Have commented on the latest amended proposals as follows: “Our response remains the same as that submitted on 24 January 2022 advising there is a Public Right of Way within or adjoining the application site boundary and providing further comments.”
- 4.8 East Yorkshire & Derwent Ramblers (York Group) - In respect to the latest amendments to the proposals, the Ramblers have made the following comments/observations:
- The latest amendments to these proposals would appear to reduce the impact for walkers around the northern site and also the long distance views from Beacon Banks, which form popular circular walks from both Husthwaite and Coxwold. In addition, the set-back by Baxby Manor and the former railway track-bed would also reduce the impact for walkers taking Linear walks from Thormanby and other sites along the A19. However, the amendments do not appear to have resolved the issues around Baxby Airfield and a local grass strip. Whilst they do not have the expertise to comment on this issue, they do note that glare does occur when walking past some solar farms.
 - They believe that solar farms should not take up valuable higher grade agricultural that is used for food production and note the southern site has been reduced to release some such land.
- 4.9 Natural England – No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 4.10 Environment Agency (EA) – The EA have made the following recommendation/comments in relation to the latest amended proposals: “We have reviewed the submitted documents and our previous condition as outlined in our initial response to 21/03042/FUL still applies. Provided the proposed development is in accordance with the submitted Flood Risk Assessment, (prepared by Arcus Consultancy Services, November 2021), then we have no objections subject to the following condition being applied to any permission granted. Condition There must be no raising of ground levels within flood zone 3. Reason - To ensure that there is no loss of storage from the floodplain and that flood flows are not diverted onto others.”
- 4.11 Environmental Health Officer (Land Contamination) - E.H. have made the following recommendation/comments in relation to the latest amended proposals: “I have assessed the documents submitted in support of the above application. From a contaminated land perspective, I have no observations/comments and therefore have no objections to this scheme.”

- 4.12 MOD Safeguarding – No response received to the latest proposals at the time of writing.
- 4.13 SABIC (Teesside to Saltend Ethylene Pipeline) – SABIC have made the following recommendation/comments in relation to the latest amended proposals: “The Southern location of the proposed development falls within the inner, middle and outer consultation zones of the above Major Accident Hazard Pipeline as defined by the HSE development control guidelines (PADHI – HSE’s Land Use Planning Methodology document). The development site would require a segregation corridor to allow access to the high pressure ethylene pipeline easement permanently for maintenance and survey work to be carried out. The developer would need to consult with the pipeline operator to discuss the above requirement and to also discuss the crossing of any associated buried services within 50 metres (notification zone as required by operators of Major Accident Hazard Pipelines), as this would need approval from ourselves before any work is commenced.”
- 4.14 Parochial Church Council of St. Nicholas Church, Husthwaite – The P.C.C. object to the latest amended proposals, making the following observations (as summarised):
- The latest amendments do little to address the concerns which we have already raised.
 - They repeat again that renewable energy is something which the P.C.C. support wholeheartedly but the proposed scheme is in the wrong place and will be clearly visible from their churchyard.
 - The site is classed as good/medium grade productive agricultural land which is needed for domestic food production. At a time when food security has become even more pressing they cannot support the proposals.
- 4.15 Historic England (H.E.) – H.E. have made the following recommendation/comments in relation to the latest amended proposals: “In terms of our area of interest, we note that the applicant has made amendments to the original proposal which address in part our objections in respect of the coalescence of the surrounding Conservation areas and settlements. Whilst the amended panel areas will reduce this impact, we still have to highlight a level of harm which we find unacceptable. We appreciate that the harm will have to be balanced against public benefit of the proposal. Consequently, we do wish to maintain our objection. We also wish to reiterate our previous general comments which should be taken account of should consent be granted:
- The archaeological component seems to be satisfactory subject to further consultations, there has obviously been a lot of conversations between the consultants, to agree a sequence of works to create the archaeological baseline.
 - We welcome the inclusion of heritage matters in the report and look forwards to ongoing discussions with the applicants in respect of both setting effects upon heritage assets and direct impacts upon archaeological remains.
 - More credence should be placed on long distance views of and across the sites. We appreciate that the red line area is purely notional at the moment, there will be changes and not the entirety of the area will be given over to solar panels. Information on how views change as the viewer moves through the landscape, taking a more dynamic approach rather than an approach to views based on fixed points.
 - There is obviously going to be a lot of archaeology being done, and it would be useful if the consultant and the Principal Archaeologists at Durham County Council could agree a suite of overarching research questions for the project:

What do we need to know about the development of this area, what are the big archaeological / heritage questions?

- We note the iterative approach to investigations set out in the report and will look forwards to early sight of the results of cartographic, geophysical survey, lidar and aerial photographic analysis, geotechnical work, and the results of the applicant's detailed consultation with Local Authority Archaeological Curators and Historic Environment Records and Portable Antiquities Scheme Records.
- It is highly likely that further investigations will be necessary in advance of determination. We advise that the approach to setting assessment should follow the structured approach set out in our GPA3 Setting of Heritage Assets, the distance of search should be adaptive to the significance and sensitivity of the assets which the scheme interacts and the materiality of the works proposed, in particular in the case of designed landscapes.
- Views across landscape zones such as those where multiple assets such as church spires articulate with a common topographic space may require particular consideration both in terms of fixed point and kinetic views. Where pipelines bisect features such as parish boundaries banks, important field systems or areas of well preserved ridge and furrow etc reinstatement should include the earthwork form rather than introducing a flattened strip.
- Given the landscape scale of this and associated projects the schemes should seek to address the impact of structures in this landscape to ensure that localised archaeological interventions contribute to a whole (in terms of public value) which is more than the sum of their parts.
- We welcome the inclusion of heritage matters in the report and look forwards to ongoing discussions with the applicants in respect of both setting effects upon heritage assets and direct impacts upon archaeological remains and conservation areas.”

NB – Historic England have since been back to touch with the Council to clarify that their previous response represented their outstanding concerns, rather than a formal objection to the current proposals.

- 4.16 Campaign for Rural England (North East and Yorkshire) – In response to the latest amended proposals, CPRENEY clarify that they objected to the application as originally submitted for the following reasons:
- The significant loss of BMV land and impact on soils;
 - The detrimental impact on two nationally protected landscapes (AONB and NP);
 - The eventual loss of Biodiversity Net Gain (after 40 years);
 - The detrimental impact on Conservation Areas; and
 - The proposals are contrary to local and national planning policy.

Having had the opportunity to consider the amended details, and whilst acknowledging the reduction in the footprint and number of PV panels, CPRENEY confirm that they maintain their objection to the proposal.

- 4.17 The General Aviation Awareness Council (GAAC) – The GAAC works for the protection of UK airfields from indiscriminate development, representing the interests of 30 Associations. The GAAAC objects to the application (based on the latest amendments) on behalf of Baxby Manor Aerodrome, making the following comments/observations (as summarised):

- Insufficient weight has been given within the application to the value and types of activity at Baxby Aerodrome, and thus conflicts with the NPPF.
 - The most recent Glint and Glare Study (November 2022) includes reference to Baxby Manor, however the study has not been revised properly to address aviation safety issues. The Study includes generalisations and has no specific assessment. The Study suggests that the existence of other solar installations in the area would offset any impacts of the proposed scheme; this does not constitute a proper assessment of the potential impact of the proposed development on aerodrome operations and its users.
 - There is no mention in the Study to potential for aircraft engine failure or technical issues on take-off. No consideration of air turbulence is included as a recognised feature of larger solar installations and which light aircraft are particularly sensitive. These matters should be fully addressed. The methodology utilised is inadequate.
 - No discussion with Baxby Aerodrome has taken place.
 - Until a full assessment has been undertaken to the satisfaction of the Aerodrome Operator and the Civil Aviation Authority. The development is considered to be harmful to aerodrome operations and aviation safety.
- 4.18 Civil Aviation Authority (Airfield Advisory Team) – In respect to the latest amendments to the proposals, the C.A.A. have made the following comments/observations: "...Whilst the recent project update summary dated November 2022 indicates some change in the scope of the scheme, there has been no material change to the way in which the proposed scheme has been assessed in the recent solar photovoltaic glint and glare study. The same assessment criteria seems to have been used which does not adequately assess the impact of the Solar array on Baxby Aerodrome. Safety is at the heart of concerns raised by Baxby aerodrome. Additionally, impact on commercial viability is a key concern for this established and thriving aerodrome. There are not enough data points in the assessments being undertaken to understand the potential impact on Baxby aerodrome and so, I refer you to our previous commentary dated 05/08/2022. Aircraft using the aerodrome do not simply fly a 2nm straight in approach to runways as is being assessed. They fly dynamic, lower level flight tracks (circuits) over the ground which are a key element of flight training, a fundamental part of Baxby aerodrome's operation. As such, a wide variety of factors should be assessed, taking in to account various tracks over the ground, various height above ground level and for multiple runways to name just a few..."
- 4.19 Baxby Airsports Club, Baxby Manor, Husthwaite – In respect to the latest amendments to the proposals, Baxby Airsports Club. have made the following comments/observations: " We have operated a successful aviation business on our farm for 34 years. There are 33 small single engine aircraft hangared here and we employ 2 instructors and an aeronautical engineer, plus the services of numerous local businesses. Pilots fly in from airfields further afield to have their aircraft inspected and test flown: we are well known in the flying community for our safety record, friendly welcome and having accommodation nearby i.e. the nearby village pubs and The Hideaway campsite, for stopovers. The airfield itself has grass runways with associated hangars and offices: the rest of the airfield is managed to support the varied and plentiful wildlife that has established there over the years of operation. Our main runway is in direct line with, and 300m from the Woolpots North site. If we had the land to do so, we would change the orientation of the runway to mitigate the risks that the proposed development poses, but that is not possible.

The panels, fencing and associated structures would cover the 'Airfield Safety Area' (recommended by the CAA) and, particularly at such close proximity, would constitute a significant risk to pilots and aircraft, taking off and landing. The turbulence and 'glint and glare' created at this low level would be a significant hazard and has not been acknowledged by the applicant despite requests for them to provide a study on the effects on low level aviation."

4.20 Public comments – The representations to the latest amended proposals both in support and objection are summarised below:

Re-consultation (November 2022) – Letters of Support raise the following points:

- The development will help to eliminate carbon emissions and reduce the price of electricity generation.
- We are in a time of energy uncertainty we need to generate more energy in this country and the we need to move away from reliance upon fossil fuels for electricity generation. This application will assist in fulfilling both objectives.

Re-consultation (November 2022) – Letters of Objection raise the following points:

- 1) The development is in the wrong place/unsuitable location and will have visual impacts on the Howardian Hills AONB; NYM National Park and the two conservation areas the proposed development would be situated between.
- 2) The development would be on an inappropriate, industrial scale within largely unspoilt countryside adversely affecting the settings of the conservation areas...the proposed substation (opposite the existing electricity substation) and battery plant will create 'a large industrial mass' by the roadside to and from the A19 (to and from the A19)
- 3) The development will detrimentally impact on the local economy and the lives/livelihood of villagers, particularly those that rely on tourism, hospitality and leisure.
- 4) Although the latest amended scheme will be smaller in area, the increased density of PV panels proposed will add to the visual impact, as will the cumulative (visual) impact of linking to the two existing solar farms (i.e. at Boscar Flatts and Peter Hill)...the local landscape has already been saturated with solar farm development and the cumulative impact on a high quality/sensitive landscape will be severe.
- 5) The site area (within the latest amended scheme) remains the same (i.e. 246 acres) meaning further expansion of the development within the land edged red could take place once the 'principle of development' has been established.
- 6) Amenity/Health and Safety - The position and density of the proposals raises noise, fire risk and pollution/contamination/toxic fumes concerns (i.e. resulting from the use of lithium-ion battery energy storage system (BESS) which can catch fire/create a thermal runaway and/or explode)...the submitted 'Outline Battery Fire Safety Management Plan' is inadequate...the distance between the battery storage containers are inadequate to prevent the spread of fire.... "it's a catastrophe waiting to happen, in such close proximity to the school, the village, the road."
- 7) The proposals will take up (in part) Best and Most Versatile agricultural land (i..e Grade 2 and 3a) which should be kept for domestic food production., particularly because of the need for food security and the impacts of climate change.

- 8) The proposals would prevent 'more appropriate', small-scale installation from connecting to the national grid because of its size.... Whilst there is a need for renewables, smaller, considerably screened and well managed by operators with a proven track record is surely a preferable strategy. The Peter Hill solar farm is an example of one such solar farm.
- 9) There will be minimal community benefits
- 10) Landscaping – the development would be impossible to screen because of undulating land.
- 11) Wildlife – the development would harm wildlife habitats and biodiversity.
- 12) The proposed substation is large in scale and located in a prominent location adjacent to the roadside.
- 13) The acoustic fencing proposed will be ineffective from nearby properties experiencing noise issues from the substation and cooling system. The location of the substation should be reconsidered and more effective acoustic mitigation considered.
- 14) So surely food production in UK should be of prime importance
- 15) While it is acknowledged we must look to alternative sources of energy, there are many other sites in this country that are more suited.
- 16) question how an industrial scale development like this can actually result in a biodiversity net gain.
- 17) the pros of the scheme do not outweigh the cons.
- 18) The glint and glare from the panels so close to Baxby airfield remains an unresolved safety issue...will also impact on the business of the airfield, impacting the pleasure of flying on pilots.
- 19) If allowed, this application would establish a terrible 'principle of development'.

4.21 Howardian Hills AONB: No response has been received in relation to the latest re-consultation, although the following response was received in respect of the consultation exercise on the application as originally submitted, objecting to the proposals:

"The general area is on the northern edge of the Vale of York and the land then rises sharply as it enters the western edges of the AONB and the south west edge of the neighbouring North York Moors National Park, allowing panoramic views from both protected landscapes to the north, west and south. The importance of this area to the setting of the two protected landscapes is recognised in the recently adopted Joint Minerals and Waste Plan (NYCC, City of York and NYMPA) which defines a 3.5km "Visually Sensitive Zone" around the designated landscapes, where development is restricted. Although this is primarily related to surface development associated with minerals or waste development, it nevertheless recognises this area as one that is particularly sensitive to development which would impact on the two protected landscapes and/or their settings. The site itself is immediately outside of the western edge of the Howardian Hills AONB, between the main A19 road and the AONB boundary, and to the south west of the National Park. Within the AONB, there are iconic views from public rights of way on Beacon Banks (on high land to the east of Husthwaite village) and from other public rights of way to the north of Husthwaite church looking towards the distinctive wooded limestone hills and the White Horse of the National Park. These iconic views would be significantly affected by the northern element of the solar farm which would be clearly visible in the landscape between the AONB and the National Park and would represent an incongruous large scale development within this rural landscape, the setting of both

protected landscapes and the land linking them. The southern element of the solar farm, though also in close proximity to the AONB boundary, would be less visible from within the AONB. However, it lies close to the road which runs between the A19 and Husthwaite. This road forms an important 'gateway' to the AONB and the solar farm would have a significant effect on public perception of the rural nature of the setting of the AONB as they approach it. There would be a cumulative effect from the existing solar farm and power distribution infrastructure which is already sited close to the proposed site. I note that the visual effect of the existing solar farm is more dominant than expected from specific locations within the AONB, particularly when the panels are in a neutral, horizontal position which results in the visual effect of a continuous non-natural black surface covering the site. Thus, I object to both the northern and southern elements of this proposed development based on its impact on the setting of the Howardian Hills AONB."

- 4.22 National Highways: No response has been received in relation to the latest re-consultation, although the previously they had advised no objections subject to conditions including the requirement for a stage 1 safety audit and a construction management plan.
- 4.23 Publicity - Several site notices have posted adjacent to the application site and within the wider local area to advertise the application (time expired).

5.0 Analysis

The main issues to consider are:

- Principle
- The use of agricultural land
- Landscape and visual impacts
- Impact(s) on heritage assets
- Amenity/health and safety
- Flood risk and surface water drainage
- Highway impacts
- Ecology impacts and Biodiversity Net Gain

Principle

- 5.1 Following the Paris Agreement, the UK has committed to meeting a legally binding target to cut greenhouse gas emissions by at least 100% from the 1990 baseline by 2050, which would result in net zero greenhouse gas emissions. This target, which is set out in the Climate Change Act 2008 (2050 Target Amendment) Order 2019, is more ambitious than the 80% reduction set out in the 2011 National Policy Statement for Energy (EN-1). The 2008 Climate Change Act also introduced legally binding carbon budgets, which restrict maximum greenhouse emissions for five-year periods ahead of the 2050 Net Zero Target. The sixth carbon budget requires a 68% reduction in annual UK greenhouse gas emissions by 2030 relative to 1990 levels and a 78% reduction by 2035. In addition, the Government's Net Zero Strategy (2021) sets out a commitment for all electricity to come from low carbon sources by 2035.

- 5.2 The EN-1 Overarching National Policy Statement for Energy (published in July 2011) and EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011) are material considerations in the determination of large scale renewable energy developments such as the one proposed. Paragraph 3.4.1 of EN-1 makes reference to the UK commitment to sourcing 15% of energy from renewable sources by 2020. To reach this target, and to largely decarbonise the power sector by 2030, EN-1 states that “It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy generation is therefore urgent”. It should be noted that both National Policy Statements are under review and the Draft National Policy Statement for Energy (EN-1) (September 2021) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021) have been out for consultation. Draft EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero), reflecting the important role that renewable will play in developing a low carbon economy and meeting the Government's targets of net zero.
- 5.3 Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the revised NPPF (July 2021) 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. 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.
- 5.4 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.
- 5.5 National Planning Practice Guidance (PPG) states why the provision of renewable and low carbon energy is important: “Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and

stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.” The PPG also emphasises that such schemes will help the Government meet its legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources, although it is also important to note that the PPG is clear that the need for renewable or low carbon energy does not automatically override environmental protections.

5.6 The national Planning Practice Guidance (i.e. “Planning for renewable and low carbon energy” section) also 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.
- 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 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.

5.7 In accordance with the aforementioned national planning policy and guidance, and building on the general support given to development that ‘supports and adapts’ to climate change as stated within part (g) of Strategic Policy S1, Policy RM6 (Renewable and Low Carbon Energy) of the Hambleton Local Plan also seeks to ‘encourage’ renewable energy installations:

“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.”

- 5.8 Policy RM6 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.
- 5.9 Broadly speaking the principle of renewable and low carbon energy development is supported nationally through the aforementioned legislation and within the planning policy/guidance, and within the District by policy RM6 in particular, subject to compliance with other Local Plan policies. That said, Policy RM6 is clear that such general support for renewable energy proposals is dependent on the applicant demonstrating that all of the ‘potential adverse planning impacts’ of the proposed scheme are, or can be made, acceptable when weighed against the scheme’s ‘public benefits’. These matters will be considered below.

The use of agricultural land

- 5.10 The NPPF states that local planning authorities should recognise the economic and other benefits of the best and most versatile (BMV) agricultural land. Footnote 58 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. This is echoed within Policy S5 of the Local Plan which also states that where significant development in the countryside is demonstrated to be necessary, the loss of the BMV agricultural land (i.e. 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.
- 5.11 An Agricultural Land Classification Survey (May 2021) was submitted with the application as originally submitted together with a sequential site search document. Although this has not been updated based on the subsequent amendments to the layout of the scheme, it does still show that the fields comprising the amended Woolpots North site only contains a relatively a small portion of Grade 3a land

towards the northern boundary, straddling the boundary between fields, coded in the application as PDA1 and PDA2., the rest being Grade 3b. In Woolpots South, the opposite is true with the majority of the remaining operational land comprising of grade 2 and 3a land, with a section of Grade 3b land along the northern boundary of the Woolpots South site. The latest amendments have reduced the loss of the BMV land by lowering the proportion of fields used to accommodate the operational development within Woolpots South (i.e. fields PDA 17, 19 and 20) and also ensuring that the BMV land is not landlocked by the remaining operational development. It should be noted that the latest amendments also remove panels from most of field PDA21 although the Agricultural Land Classification Survey does not identify a land classification for this field, although based on the surrounding land classification, this is likely to be Grade 3a land.

- 5.12 It's clear from the Agricultural Land Classification Survey that the amended proposals would result in the loss of areas of BMV land, mainly within the Woolpots South part of the site. Planning policy expects such a loss to be avoided, wherever possible unless the benefits of the scheme outweigh the loss. Lower grades of agricultural land should be used instead, unless outweighed by other sustainability issues but if the benefits of the proposals outweigh the loss. The agent has argued within the Project Update Summary that the amendments to the layout have reduced the impact of the development on the BMV land and that a balance has been sought within the latest scheme to look to reduce the landscape impact, which is more effectively achieved by using the BMV within Woolpots South. For instance, the fields within the southern part of the south site adjacent to Boscar are set away from the roadside, are adjacent to the existing solar installation and are generally on flat, 'hedgerow-boundaries' fields, and thus are generally less visually prominent within the landscape, although consist of predominantly BMV. In order to maintain a viable scheme, to avoid the impact on the BMV completely would mean utilising lesser quality, but more visually prominent land and fields within the Woolpots North section which would not be sustainable due to the additional adverse impact on the landscape, including the AONB and NYM National Park. This argument carries some merit, as it is clear that avoiding using the BMV altogether would create more visual and landscape harm on the basis that the agent has confirmed that the current number of panels within the latest amended scheme is the minimum required to make the scheme viable. While the latest scheme therefore represents a reasonable and pragmatic approach/balance aimed at lessening the impacts on both the landscape and BMV agricultural land, there's still clear harm caused by the development in both regards. As such, policies S5 and RM6 require this harm to be weighed in the planning balance against the benefits of the proposals. This is done in the 'planning balance' section of this report.

Landscape and visual impacts

- 5.13 Policy S5 (Development in the Countryside) 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.
- 5.14 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive character of landscapes and townscapes 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.

- 5.15 Policy E6 (Protected Landscapes) states that the natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced, including the respective settings of the AONB and the North York Moors National Park. This will be achieved by: (c) resisting proposals that would have a harmful impact on AONBs and their settings or the setting of the North York Moors National Park, or on the objectives of the respective management plans for these designations.
- 5.16 The supporting text of Policy E6 confirms that great weight should be given to conserving landscape and scenic beauty, including wildlife and cultural heritage, in national parks and areas of outstanding natural beauty (AONBs), which are afforded the highest status of protection in relation to these interests. The policy seeks to ensure that development within or close to these nationally designations does not undermine the reasons for which they were designated. Development within the setting of the National Park could have an impact on the National Park purposes, and therefore the priorities of the National Park Management Plan. Proposals for renewable energy development must have regard to the potential impact on Hambleton's landscapes as identified in policy 'RM6: Renewable and Low Carbon Energy'.
- 5.17 The Hambleton Landscape Character Assessment and Sensitivity Study identifies 26 distinct landscape character areas across the district and for each for them sets out guidelines regarding landscape and visual sensitivity to development. The application site falls into the following Character Areas: North York Moors Fringe (16) which notes that there may be opportunity for small-scale renewables and describes the landscape as being similar in character and quality to the North York Moors National Park. The other is the Yearsley Ridge (23) which is described as having a tranquil, rural character and has a key relationship between the National Park and AONB, and therefore has a high sensitivity to intrusive change.
- 5.18 A Landscape and Visual Appraisal (LVA) was submitted in support of the application. Although this has not been updated based on the subsequent amendments to the scheme, the Project Update Summary contains an assessment of the landscape impact based on the latest amendments, while visualisations have been provided for years 1 and 15 in relation to specific viewpoints) The Project

Update Summary has considered the landscape impact from four specific viewpoints in particular:

- Viewpoint 6 – Carlton Husthwaite
- Viewpoint 7 – Thormanby
- Viewpoint 8 – Beacon Banks
- Viewpoint 9 – White Horse

While the conclusions of the aforementioned assessment are noted (i.e. that the proposals would not have an unacceptable visual and harmful impact on the landscape including its qualities and particular sensitivities/characteristics), the overall conclusion of no significant harm is nonetheless disputed. Although it is recognised that the latest amendments – by reducing the land to be used for operational development and the use of fixed arrays – would result in a marked improvement overall in term of visual impact and landscape harm than the originally submitted proposals. However, even taking this into account, the substantial scale of the development as originally submitted; its siting and the sensitivities and characters of the landscape, even after the marked reduction in the operational site area would have significant and harmful landscape and visual impacts.

- 5.19 Although the topography is relatively varied, including both undulating fields and flat areas. Woolpots North is overall the more visually prominent of the two sites, located as it is on undulating fields and with little benefit of natural screening (from public views from the North (looking southwards) from vantage along the road from Carlton Husthwaite due to a distinct lack of hedgerows and trees within the fields between Woolpots North and Carlton Husthwaite to the north. The agent has amended the latest proposals to omit panels from the higher topography within the Woolpots North site, however the extent of the PV panels coupled with open/unimpeded views from the north, and to a lesser extent the east, would mean the development would have a significant harmful visual and landscape impact.
- 5.20 As referred to above, the Woolpots South site generally involves the use of flatter and better screened fields. However, the amended proposals would involve the use of undulating land within the northern-most field in Woolpots South. It is acknowledged that the amended scheme uses less of this land and includes a landscape buffer in the northern boundary which, in part, would mitigate some of the visual and landscape impact of the use of this sloping land. Panels within this field would nevertheless be visible from vantage points along the adjacent roadside nonetheless. The Woolpots South site also includes an electricity sub-station to be built opposite the existing electricity sub-station and close to the roadside, together with the proposed 74MW battery plant. Although planting is proposed between the installations and the highways, given the scale and utilitarian appearance of these installations, it is likely that this part of the development (along with the existing substation and Pylons on the opposite side of the road), would create a large industrial mass on the roadside, harming the approach to the village of Husthwaite from the A19. The scale and longer range visual impacts of Woolpots South is considered to be less than the operational development within Woolpots North, there would nevertheless be significant harm caused to the local landscape character as a result of the proposed development that mitigation (through the aforementioned planting) would help soften, but not fully mitigate.
- 5.21 In accordance with Policy E6, the impacts on the settings of the NYM National Park and Howardian Hills AONB have to be considered. Both the Board of the Howardian Hills AONB and NYM National Park submitted objections to the

proposals due to the harmful impacts on the settings of both respective designated areas. Although the NYM have acknowledged that the latest amendments represent a significant improvement in this regard, they still have expressed concerns about the harmful impact on the setting of the NYM National Park, and request that this impact/harm is considered against any benefits of the scheme within the 'planning balance'.

Impact(s) on heritage assets

- 5.22 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features or special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 5.23 Policy S7 (Historic Environment) states that Heritage Assets will be conserved in a manner appropriate to their significance. Development which will help in the management, conservation, understanding and enjoyment of the historic environment, especially for those assets which are at risk, will be encouraged. Particular attention will be paid to the conservation of those elements which contribute most to Hambleton's distinctive character and sense of place.
- 5.24 Policy E5 (Development Affecting Heritage Assets) states (*inter alia*) a proposal will only be supported where it ensures that: (i.) those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved; (j.) those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals; (n.) those elements which contribute to the significance of a non-designated archaeological sites will be conserved, in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation will be ensured through preservation of the remains *in situ* as a preferred solution. When '*in situ*' preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the Council and deposited with the Historic Environment Record.
- 5.25 Policy E5 also states that any harm to, or loss of, the significance of a designated Heritage Asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. Substantial harm to, or total loss of, the significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh the harm caused, or in the exceptional circumstances set out in the NPPF.
- 5.26 A Heritage Impact Assessment (November 2021) has been submitted with the application as originally submitted, although it has not been updated/undertaken again to reflect the amendments within the latest revisions.

- 5.27 Having been reconsulted on the amended proposals, Historic England still maintain an objection to the proposals, stating that, ‘whilst the amended panel areas will reduce this impact, we still have to highlight a level of harm which we find unacceptable. We appreciate that the harm will have to be balanced against public benefit of the proposal. Consequently, we do wish to maintain our objection.’
- 5.28 Based on the findings/conclusions of the H.I.A. and the recommendation and observations of Historic England, it is considered that the proposed development (as amended) would have a less than substantial impact on the respective settings of a number of designated Heritage Assets, including the Husthwaite and Carlton Husthwaite Conservation Areas and a number of listed buildings. The harm should be given substantial weight in the planning decision.

Flood risk and surface water drainage

- 5.29 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.
- 5.30 The Lead Local Flood Authority were consulted and based on the latest amended scheme (as well as the updated and additional flood risk information) have confirmed that they have no objections to the proposals.
- 5.31 In respect to surface water drainage, in general 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.

- 5.32 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.
- 5.33 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
- 5.34 In light of the above information, should planning permission be granted, then it is recommended that a planning condition relating to the proper maintenance of ground conditions is imposed to ensure sustainable surface water drainage from the development.

Amenity/health and safety

- 5.35 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.
- 5.36 In support of the application an amended/updated Glint and Glare study was carried out by PAGEPOWER Urban and Renewables. The study concluded that there would be no unacceptable impact on any aerodromes *including Baxby Manor) as a result of the proposed development, or on any highways. Baxby Manor, the GAAC and the CAA have however maintained concerns with the proposed development in terms of both safety and the sustainable continued operation of Baxby Manor aerodrome. In this regard, the CAA have requested that PAGEPOWER undertake additional modelling works based on approaches and routes used by aircraft using

Baxby Manor. The results of this additional modelling works are still outstanding, and thus the concerns of Baxby Manor, the GAAC and the CAA remain.

- 5.37 In terms of general amenity there would be potential for noise/disturbance during construction related to the movement of vehicles to and from the site and the actual installation of the panels themselves, although deliveries to the site could be phased. It is recommended that a construction phase management plan is submitted (via planning condition) should planning permission be granted.
- 5.38 In relation to noise during the normal operation of the site post construction the applicant, there is unlikely to be any significant noise associated with solar PV arrays during operation as the panels themselves do not make any noise. Any operational noise will come from the substation and/or invertors. The development would also include battery storage containers (within Woolpots South) and associated inverters and transformers. All sound-emitting plant would not be located in close proximity to any residential properties. A Noise Impact Assessment Report (NIA) (November 2021) has been submitted with the application as submitted, although has not been updated based on the latest amendments to the application. The NIA concluded that there would be no significant or unacceptable noise impact on the nearest sensitive (residential) receptors, and although a number of local residents have queried various parts of the NIA., Environmental Health have not raised any objections to the methodology, results or conclusions of the NIA. Therefore, it is considered unlikely therefore that operational noise will have a significant impact on residential amenity.
- 5.39 A relatively substantial proportion of local residents responding to the proposals have raised concerns about the safety of the Battery Energy Storage System (BESS) and the risk posed to health and safety and the environment (from contamination) as a result of lithium batteries catching fire and/or causing an explosion. The agent has sought to address these concerns by submitting an Outline Battery Management Plan (November 2022) which outlines the measures and procedures for maintaining safety and for addressing any incidents involving fires caused by the overheating of the lithium batteries within the development. While a relatively large number of representations received from local residents have expressed the view that the Outline Battery Management Plan is lacking detail and is 'not fit for purpose', no representations have been received from SABIC, the Fire Service or Environmental Health to conclude that the use of lithium batteries in this location would pose a unacceptable health and safety, or pollution risk. If planning permission is granted, it is recommended that a condition is imposed to require a detailed Battery Management Plan to be submitted and agreed by the Local Planning Authority prior to works commencing involving the installation of any part of the BESS.

'Agent of Change' and the Impact on the current operations of Baxby Manor Aerodrome

- 5.40 As well as the safety concerns expressed by the C.A.A., the latest C.A.A. response has also reiterated their outstanding concerns relating to the impact of the 'Woolpots North' element of the proposals on the operation of the Baxby Manor Aerodrome. The aerodrome operates commercially, including providing flight training, using several runways. The outstanding concerns of both the owners of the aerodrome and the C.A.A. is that the presence of P.V. panels within

the various flight paths of the aerodrome has the potential to alter the nature and number of commercial and training flights from the aerodrome, due to the potential impact on aircraft using the aerodrome from glint and glare, turbulence and collision (should any aircraft need to safely crash land). As the ‘agent of change’, the amended proposals have failed to demonstrate (including providing suitable mitigation) to demonstrate that the proposed development would not place unreasonable restrictions on the operation of Baxby Manor Aerodrome and how it currently operates, contrary to paragraph 187.

Highway impacts

- 5.41 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; [now National Highways]
 - 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.
- 5.42 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.
- 5.43 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. National Highways have been consulted on the application, and although they have not responded to the latest re-consultation (based on the recent amendments to the scheme), they did submit a representation in relation to the original proposals, confirming that they had no objections, subject to conditions including: requiring the undertaking of a collision data analysis (as part of a submitted Construction Traffic Management Plan); clarification on routes, and the provision of information regarding the likely impact of

construction traffic on the Strategic Road Network during the AM and PM peak hour periods and the need for mitigation. Having considered the results of the TS and taken into account the response of National Highways, the development (during and post construction) is not considered to result in severe impacts on the Strategic Road Network and would meet the requirements of Policy IC2 of the Local Plan.

Ecology impacts and Biodiversity Net Gain

- 5.44 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.
- 5.45 The revised biodiversity metric assessment confirms that the proposed development would deliver a 114.57% gain in habitats and 47.08% gain in hedgerow units, thereby making a substantial improvement to existing biodiversity which will have benefits on the site and to wildlife in the local area and meets the requirements and expectations of Policy E3 and the NPPF in terms of biodiversity net gain.
- 5.46 The application is supported by an Ecological Impact Assessment (November 2021) which details the results of an extended phase 1 habitat assessment, although the EIA has not been updated/undertaken again in relation to the latest amendments. However, subject to undertaking the recommendations and mitigation measures within the EIA, the EIA concludes that there would be no significant harm to ecology as a result of the proposed development.
- 5.47 It is clear that the development of renewable energy is in principle in the public interest and is considered a benefit. Sites for solar energy generation are limited owing in part to the proximity to a suitable and viable grid connection point.
- 5.48 However, the proposed development will result in substantial harmful impacts to the visual landscape character of the area, as well as to the respective settings of the Howardian Hills AONB and the NYM National Park. There is also considered to be 'less than substantial harm' caused to the settings of the Conservation villages of Carlton Husthwaite and Husthwaite the Listed Buildings within proximity of the application site, protection of these Heritage Assets needs to be given substantial weight in the 'planning balance'.
- 5.49 The proposed development would also result in the use (and loss for the lifetime of the development) of areas of the BMV agricultural land.
- 5.50 Matters pertaining to glint and glare have been assessed and whilst an amended glint and Glare Study has been submitted, concerns remain outstanding form the CAA, the GAAC and Baxby Manor about the sustainable and safe operation of the Baxby Manor airfield as a result of the proposed development. The results of additional modelling recommended by the CAA remain outstanding at the time of writing. Furthermore, as the 'agent of change', the amended proposals have failed to demonstrate (including providing suitable mitigation) to demonstrate that the proposed development would not place unreasonable restrictions on the operation

of Baxby Manor Aerodrome and how it currently operates, contrary to paragraph 187 of the NPPF.

- 5.51 As required by Policy RM6, these harmful impacts need to be weighed against the public benefits of the proposals, which would include a biodiversity net gain, the generation of renewable electricity/reduction in carbon emissions and increasing the security and diversity of the electricity supply. The agent has also confirmed that proposals relating to the provision of PV panels to a local school (which has been rejected) and a financial payment into a Yorkshire community fund.
- 5.52 On balance, the nature and range of harmful impacts resulting from the development outweigh the potential benefits of the scheme. As such, the proposed development would be contrary to Policy RM6 of the Hambleton Local Plan.

6.0 **Recommendation**

6.1 It is therefore recommended that the application is **REFUSED** for the following reasons:

1. The application proposes the use of Grade 2 and 3.a. agricultural land. Grade 2 and 3.a. agricultural land is the best and most versatile agricultural land and is a finite resource. The loss of use of the best and most versatile agricultural land is contrary to policies S1 and S5 of the Hambleton Local Plan and contrary to the objective of using natural resources prudently required by NPPF in paragraph 8, without appropriate justification. The harm that may occur in the objective to achieve a low carbon economy is to be balanced but should not override the objective to protect a finite resource and the ability to produce food for the security of the nation. Despite the latest amendments to the application that have reduced the amount of best and most versatile land to be utilised for operational development., the proposal is a significant development in the countryside involving a relatively substantial amount of the best and most versatile agricultural land, and it has not been satisfactorily demonstrated that the development is necessary in this location resulting in the loss of use of a substantial area of Grade 2 and 3.a. agricultural land. This loss, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E5 and RM6 of the Hambleton Local Plan.
2. The Woolpots North part of the development is located on the flight approach to Baxby Manor Aerodrome and within its vicinity. Despite the submission of an updated Glint and Glare Study, the Civil Aviation Authority maintain concerns about the assessment criteria used in the Study, while the results of additional modelling works (requested by the C.A.A.) based on the flight paths used by Baxby Manor Aerodrome remain outstanding. Notwithstanding the updated Glint and Glare Study, there is insufficient information submitted with the application to demonstrate that the proposed development would not have an unacceptable impact on the safe operation of Baxby Manor Aerodrome, contrary to Policy E2 (Amenity) of the Hambleton Local Plan. Furthermore, as the 'agent of change', the amended proposals have failed to demonstrate (including providing suitable mitigation) that the proposed development would not place unreasonable restrictions on the operation of Baxby Manor Aerodrome and how it currently operates, contrary to paragraph 187 of the

NPPF. This impact, when considered cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E5 and RM6 of the Hambleton Local Plan.

3. Policy E6 (Protected Landscapes) states that the natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced, including the respective settings of the AONB and the North York Moors National Park, resisting proposals that would have a harmful impact on their respective settings, with great weight to be given to conserving their landscape and scenic beauty. Although the amended proposals have reduced the extent and visual impact of the development on the respective settings of the North Yorks Moors National Park and Howardian Hills AONB, the visual effect will still be dominant from viewpoints within the National Park and the AONB and detrimental/harmful to their settings. This harmful impact, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E6 and RM6 of the Hambleton Local Plan.
4. Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive character in the district. Although the amended proposals have reduced the extent and visual impact of the development, the visual harm caused to the distinctive qualities of the local landscape from both the Woolpots North and South elements of the proposals would be substantial. This harm, when considered cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E7 and RM6 of the Hambleton Local Plan.
5. Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features or special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy E5 (Historic Environment) also states that any harm to, or loss of, the significance of a designated Heritage Asset will require clear and convincing justification. The proposed development (as amended) would have a less than substantial impact on the respective settings of a number of designated Heritage Assets, including the Husthwaite and Carlton Husthwaite Conservation Areas and a number of listed buildings. This harm, which is given substantial weight, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E5 and RM6 of the Hambleton Local Plan.