

North Yorkshire Council
Community Development Services
Strategic Planning Committee

10 DECEMBER 2024

ZC23/04361/EIAMAJ - ERECTION OF GROUND MOUNTED SOLAR FARM (UP TO 43MW) AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS TO THE A61, INTERNAL ACCESS TRACKS, CUSTOMER SUBSTATION, DNO BUILDING, STORAGE CONTAINER, 2NO. POWER STATIONS, POLE MOUNTED CCTV, FENCING AND LANDSCAPING

AT LAND EAST OF WORMALD GREEN, WORMALD GREEN, NORTH YORKSHIRE

ON BEHALF OF HARMONY WG SOLAR LIMITED

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the erection of a ground mounted solar farm (up to 43MW) and associated infrastructure including access to the A61, internal access tracks, customer substation, DNO building, storage container, 2No. power stations, pole mounted CCTV, fencing and landscaping on land to the east of Wormald Green, Wormald Green, North Yorkshire.
- 1.2 The application is brought to the strategic planning committee as it is an application accompanied by an Environmental Impact Assessment that is recommended for approval.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. The application seeks full planning permission for a ground mounted solar farm (up to 43MW) and associated infrastructure on 66.56 hectares of agricultural land to the east of Wormald Green. The villages of Bishop Monkton and Burton Leonard are located to the east and south respectively. Mains Lane, a bridleway linking the A61 to the west with Bishop Monkton to the east, bisects through the middle of the site.
- 2.2. The principle of renewable energy generation is considered to be acceptable and an important material consideration. Key issues for consideration relate to use of agricultural land, landscape impact, flooding, highways and impact upon public rights of way and ecology.
- 2.3. Overall, for the reasons set out in this report, it is considered that the proposal is compliant with the overarching policies of the development plan and national planning policy requirements and therefore represents sustainable development.

- 2.4. The application has been submitted with an Environmental Statement, which has been provided in accordance with relevant legislation and which has not identified any significant environmental effects resulting from the development that would justify refusal. Where the Environmental Statement has identified adverse impacts, they have been minimised through a combination of appropriate mitigation and compensation measures.

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. There are two relevant planning applications for this application which are detailed below.

21/01249/SCREEN – Screening opinion for development of a solar farm and battery storage system. Determined EIA required 5th May 2021.

ZC24/01453/FUL – Cable route to connect proposed solar farm (Ref ZC24/04361/EIAMAJ) to Wormald Green Substation. Pending consideration.

4.0 Site and Surroundings

- 4.1. The application site is 66.56 hectares of agricultural land lying between the villages of Wormald Green, Bishop Monkton and Burton Leonard. Mains Lane, a bridleway, leads east from the A61, providing vehicular access to a number of properties and Monkton Mains Farm before turning into a track bisecting the site and linking to the western edge of Bishop Monkton. This will not be used to serve the development with a new access being provided from the A61. Traditional field boundaries of hedgerow and trees contain the fields as well as pockets of woodlands.
- 4.2. As well as the bridleway, a number of other public footpaths lead south from Mains Lane to Burton Leonard, passing the eastern and southern boundaries of the application site. A further footpath, part of the Ripon Rowel Walk, leads south from Bishop Monkton to Burton Leonard.
- 4.3. Bishop Monkton and Burton Leonard both have conservation areas within the heart of the villages, both with a number of listed buildings located in the villages.
- 4.4. The site is subject to areas of low, medium and high surface water flooding associated with land drains crossing the fields.
- 4.5. The closest properties to the site are Monkton Mains Farm, immediately to the east, Leyton Lees, Park House and Park Lodge to the east/south, properties on the edge of Burton Leonard and along Common Balk Lane and a number of dwellings along Moor Road to the north.
- 4.6. The Bishop Monkton Railway Cutting Nature Reserve is located to the northwest of the site. Bishop Monkton Ings SSSI is located to the east of Bishop Monkton and Burton Leonard Lime Quarry SSSI is located to south of the village. The site lies within the impact risk zones for these.
- 4.7. The edge of the buffer zone to Studley Royal and Fountains Abbey World Heritage Site is approximately 3km to the northwest. There are also a number of scheduled monuments located within the locality of the site including Wallerthwaite medieval village (2km to the west), Markenfield Hall moated medieval fortified house (2.1km to

the west), and a Cisterian Grange and medieval settlement at High Cayton (3.4km to the southwest).

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for erection of a ground mounted solar farm (up to 43MW) and associated infrastructure including access to the A61, internal access tracks, customer substation, DNO building, storage container, 2No. power stations, pole mounted CCTV, fencing and landscaping.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as this is material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is the Harrogate District Local Plan 2014-2035.

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site however no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance
 - Providing Net Gain for Biodiversity SPD 2021
 - Harrogate Landscape Character Assessment 2004
 - Written Ministerial Statement on Solar Energy (Protecting the Local and Global Environment
 - Written Ministerial Statement (Solar and Protecting our Food Security and Best And Most Versatile (BMV) Land 2024).

Other Relevant Strategies and Material Considerations

- 6.5. The North Yorkshire Climate Change Strategy 2023-2030 (NYCCS) was adopted in July 2023 and identifies ways in which the county can minimise the impacts of climate change, including providing support for renewable energy transition.
- 6.6. On 5 July 2022 North Yorkshire County Council declared a climate emergency, which rolled over to North Yorkshire Council in April 2023. The strategy aims to deliver net zero by 2034 and reach carbon negative by 2040.

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Burton Leonard Parish Council:** Does not support or object but makes the following comments:
Ensure mechanisms are in place to ensure compliance with conditions; more people appear to object to the proposal than support; size and scale is huge and out of scale; site will be visible from the village, hedge and tree screening is inadequate; loss of good quality agricultural land; danger to low-flying fast UK and NATO fighter-bomber jets which fly over the area.
- 7.3. **Bishop Monkton Parish Council:** Concerned regarding the potential to affect rainfall into the beck; the Yorkshire Wildlife Trust should be consulted; the security fence should be a deer fence; maintenance arrangements should be provided for the site; access crosses the bridleway, concern that this will be used for construction.
- 7.4. **Harrogate and Dales Bridleway Group:** Provides comments relating to the proposed permissive path, requests that the vehicular access does not affect the bridleway and that there will be no disruption to the bridleway by the proposal.
- 7.5. **Environment Agency:** Provides comments relating to biodiversity, groundwater and contaminated land.
- 7.6. **Historic England:** No objections.
- 7.7. **Natural England:** No comments
- 7.8. **North Yorkshire Local Access Forum:** Provides comments relating to the effort made to minimise impact upon the bridleway, loss of amenity value due to loss of open views from Mains Lane however mitigated by creation of the permissive path.
- 7.9. **NYC Arboriculture:** No objections, recommends condition relating to protection of root protection areas.
- 7.10. **NYC Conservation:** No objections and provides comments on landscaping, fencing and design of new structures.
- 7.11. **NYC Ecology:** No objection, recommends condition relating to Construction Ecological Management Plan and S106 to secure biodiversity enhancements.
- 7.12. **NYC Environmental Health:** No objections, recommends conditions relating to land contamination, noise and lighting.
- 7.13. **NYC Footpath Officer:** Provides comments relating to the treatment of the bridleway and its boundaries.
- 7.14. **NYC Heritage Services (Archaeology):** No objections
- 7.15. **NYC Highways:** No objections and recommends conditions relating to construction of the access, visibility splays, off-site highway works, access, parking, turning and construction management plan.
- 7.16. **NYC Landscape Officer:** No objection.
- 7.17. **NYC LLFA:** No objection, recommends condition relating to soil condition.
- 7.18. **NYC Planning Services (Minerals and Waste):** No objections.
- 7.19. **Yorkshire Wildlife Trust:** Provides comments regarding breeding birds, biodiversity net gain, habitat creation, protected species, layout and trees.

Local Representations

- 7.20. 43 local representations have been received of which 5 are in support and 38 are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.21. Support:

- The Council has declared a climate emergency and we need to move away from fossil fuels.
- The location adjacent to a substation seems sensible as provides easy access to the grid. Also adjacent to battery storage facility – ability to store low-cost energy and feed into the grid makes the site an excellent choice of location.
- Solar farms do not prevent continued use of land for grazing. Could EV chargers be provided on site?
- Solar farms are one of the most sustainable ways to move away from fossil fuels.
- Increased biodiversity, reduction in the loss of carbon in the soil, improved hedgerows.
- Increased public access.
- Support multi-faceted land management planning.
- Climate change and saving the planet should be number one priority.
- The variation in topography of the site and existing landscape features help to assimilate and break up the visual impact.
- Government policy expresses a preference to avoid best and most versatile agricultural land but does not direct to the imposition of a sequential test. The remaining area of land will be farmed and the scheme will help support the farming activities.
- Crops are already planted across the country for ethanol production, supporting anaerobic digestion and for diesel substitution with no environmental enhancements.

7.22. Objections:

- Use of arable land capable of producing food for animals or humans; less productive land or brownfield sites should be used.
- Negative visual and landscape impact, including fencing, CCTV, tracks and buildings, cumulative impact.
- Impact upon amenity of Mains Lane bridleway, Ripon Rowel public right of way; public rights of way should be protected.
- Solar panels should be added to new housing or less productive land.
- More remote, unfarmed areas should be used.
- Impact upon biodiversity and habitats. Great Crested Newt survey is inconsistent in its findings.
- The solar farm is huge.
- Other solar farms have been given permission close by and this is an industrial scale in a small area.
- Increase flood risk in local area and proposed mitigation inadequate.
- Compensation package offered by developer inadequate. Compensation should be delivered to individual households.
- Impact upon property prices.
- Noise, vibration and light pollution.
- Road safety issues due to access location and impact upon local roads.
- Inadequate public consultation by the developer.
- Solar panels cannot be recycled and end up in landfill.
- Solar farms should be identified in the Local Plan.
- Solar application should have been submitted at the same time as the battery storage application.

- Negative impact upon tourism and local businesses and no benefit to local community.
- The development is not temporary.
- Impact upon ecology and suggested mitigation measures.

7.23 Neither Object nor Support

- Preformed drainage crates should be used rather than gravel trenches.
- Mitigation to ensure hedgehogs are not adversely affected should be included.
- Hedges should be laid at the appropriate time and any failed plants replaced for a period of five years.
- Bird nest boxes should be provided for via condition. The YWT could ensure boxes are appropriate to the species and correctly placed.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development falls within Schedule 2 Category 3(a), industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1) of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds the applicable threshold due to the site being over 0.5ha. As such the Council as Local Planning Authority have screened the development and found an EIA is required (application 21/01249/SCREEN).
- 8.2. The Screening Opinion concluded that an EIA was required due to the potential likely significant effects upon the historic environment and the landscape. An Environmental Statement is submitted with the application covering these topic areas.
- 8.3. Appropriate consultation has been undertaken and likely significant effects and mitigation or monitoring considered. The Council considers that the ES information presented is up to date and reasoned conclusions reached on the basis of the information submitted.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Use of Agricultural Land
 - Landscape and Visual Impact
 - Heritage and Archaeology
 - Highways
 - Amenity
 - Flood Risk and Drainage
 - Biodiversity and Ecology
 - Arboriculture
 - Other Matters
 - S106 Agreement

10.0 **ASSESSMENT**

Principle of Development

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council on 4 March 2020. Following adoption, a legal challenge was raised against the new settlement policies. In line with the court order received, the whole of the plan was remitted to the Council and formally adopted, with the new settlement policies, on 9 December 2020. All the policies in the Local Plan can therefore be given full weight.
- 10.2. The Local Plan sets out a growth strategy with the focus for development being those settlements listed in Policy GS2. The application site is located outside the development limits of any settlement and is therefore within the open countryside. Policy GS3 advises that outside development limits proposals for new development will only be supported where expressly permitted by other policies of this plan, a neighbourhood plan or national planning policy.
- 10.3. Local Plan Policy CC3: Renewable and Low Carbon Energy is the principal policy against which applications for renewable energy schemes are considered. This advises that such proposals will be supported provided there will be no unacceptable adverse impact upon the landscape, natural environment, biodiversity, the cultural environment, historic environment, adjoining land uses and residential amenity. Appropriate mitigation measures should be included to minimise and where possible address adverse impacts. Unacceptable cumulative landscape and visual impacts should be avoided.
- 10.4. The 2008 Climate Change Act 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 2050.
- 10.5. There is strong national support for renewable energy schemes, as set out in national guidance and policy documents such as the National Policy Statement (NPS) for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN-3), the UK Government Solar Strategy (2014) and the Written Ministerial Statement on Solar Energy (Protecting the Local and Global Environment 2015). These all recognise the importance of renewable energy, including solar energy, in addressing the impacts of climate change.
- 10.6. The National Planning Policy Framework (NPPF) supports the use of renewable and low carbon energy and associated infrastructure. Applications should be approved if impacts are, or can be made, acceptable. Applicants do not need to demonstrate the overall need for renewable or low carbon energy, recognising that even small-scale projects provide a valuable contribution to significantly cutting greenhouse gas emissions.

- 10.7. The Planning Practice Guidance advises that increasing the amount of energy from renewable and low carbon technologies will help to make the 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 environmental impact is acceptable. The PPG provides advice on the particular considerations that relate to ground-mounted solar farms. These have been considered as part of the assessment of the application and are covered within the following sections of this report.
- 10.8. The proposed development would have a capacity of 43MW, which would result in a reduction of around 17,000 of CO2 emissions annually. It would produce enough clean, renewable energy to power approximately 12,000 homes. The importance of renewable energy and solar development as part of the UK's energy mix is considered to be a key component in decarbonising the power system. The contribution from this development therefore attracts substantial weight in favour of the development.
- 10.9. Solar farms are normally temporary structures and planning conditions can be used to ensure that installations are removed when no longer in use and the land is restored to its previous use. The applicant has indicated that the solar farm would have a lifespan of 40 years and a condition is therefore included that would limit the development to 40 years. This would enable the land to be brought back, if required at a later date, into agricultural use.
- 10.10. A recent High Court Judgement considered the issue of whether planning permission was granted for a solar farm with a "capacity" above 50MW and thus the application should have been dealt with as a National Strategic Infrastructure Project i.e. did the application approve more panels over a larger area than were required to produce the stated electricity generating capacity?
- 10.11. Proposals for solar farms often propose a greater number of panels than is needed to generate the stated amount of electricity. This accounts for degradation in panel efficiency over time, power losses when converting direct current (DC) to alternating current (AC), times of low irradiation and shading. This is often called 'overplanting'.
- 10.12. Solar developments generate electricity in DC form. This is then converted to AC via inverters. The capacity of the solar farm to generate electricity is assessed on the basis of their AC output. The applicants have confirmed that the total output from the inverters is 43MW (AC), that their connection agreement with Northern Powergrid is for 43MW (AC) and they would not be able to connect a larger generating scheme than this. Whilst overplanting has taken place in terms of the DC output capacity, it is accepted within EN-3 that overplanting does take place to overcome issues with degradation. PV modules are tested in very specific conditions which do not match with real world conditions. Therefore, inverter power will be lower than the theoretical output as modules are working below their test conditions. Officers are satisfied that the information provided demonstrates that the scheme will provide a power output of less than 50MW.

- 10.13. Taking into consideration all policy requirements noted above, it is considered that the proposed solar farm is acceptable in principle.
- 10.14. Under Section 149 of The Equality Act 2010, Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. In this case, given the nature of the development as an energy production facility, it is considered that the above legislation is not prejudiced by this proposal.

Use of Agricultural Land

- 10.15. Paragraph 180(b) of the NPPF advises that planning policies and decisions should recognise 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. Footnote 62 advises 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. The availability of agricultural land use for food production should be considered, alongside the other policies in the Framework, when deciding what sites are most appropriate for development.
- 10.16. This is reiterated in Local Plan Policy NE8, which advises that best and most versatile (BMV) land will be protected from development not associated with agriculture or forestry except where it can be demonstrated to be necessary. Planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either:
- A. Sufficient land of a lower grade (grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations; or
 - B. The benefits of the development justify the loss of high quality agricultural land.
- 10.17. The National Planning Practice Guidance advises that where a proposal for solar involves greenfield land it should be considered whether (i) the proposed use of 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.
- 10.18. Written Ministerial Statement “Solar and Protecting our Food Security and Best and Most Versatile Land (BMV)” dated 15 May 2024 addresses concerns that large solar developments are using more BMV land rather than this being used for food production. The statement is targeted towards Nationally Significant Infrastructure Projects

(NSIPS); this application is not of a scale to fall within this category. However, the statement also advises that the National Policy Statement for Energy (EN-3) can also be a material consideration in determining applications under the Town and Country Planning Act 1990 and is broadly consistent with the approach to agricultural land in the NPPF, which is set out in paragraph 10.15 above.

- 10.19. This means that due weight needs to be given to the proposed use of BMV land when considering whether planning consent should be granted for solar developments.
- 10.20. The applicant has submitted an Agricultural Land Quality report and Summary of Agricultural Considerations report covering this matter. The Agricultural Land Quality report concludes that 11% of the site is classed as Grade 2, 33% is Grade 3a, 54% is Grade 3b and 3% other land. A total of 44% is therefore considered to be best and most versatile agricultural land and 56% non-BMV land. The applicant has also provided a response to the WMS, which sets out the acceptability of the proposal in this instance.
- 10.21. Site selection is covered within the Design and Access Statement and Volume 1, Chapter 4 of the Environmental Statement. These, plus the applicant's response to the WMS advise that there are locational constraints to the development of solar farms. A key factor in guiding the location has been the proximity to the distribution network and connection to the grid, which has been secured at the existing substation to the southwest of the application site. In order for a solar farm to connect to the grid, there must be a technically and financially viable connection available and sufficient capacity on the grid. This has been secured at this location. Other than areas that are already developed, all of the land surrounding the substation is agricultural and there are no areas of previously developed land that could be used in preference to the agricultural land.
- 10.22. Previously developed land of a scale suitable for large solar farms is more likely to be located close to existing settlements and therefore priority would be given to its use for housing or employment developments.
- 10.23. Land around the substation was assessed in relation to potential constraints and concluded that the site was not subject to fluvial flooding, there are no landscape, ecological or heritage designations on the site and the topography suggested that a solar farm could be acceptable in the landscape.
- 10.24. Other land in the vicinity of the point of connection was considered. Other potential site locations in this area could be closer to the conservation areas in Bishop Monkton and Burton Leonard and the listed buildings and residential properties within the villages. The Nidderdale National Landscape is located further northwest and two consented solar farms are sited to the southwest. To the north and east of Bishop Monkton is a large area of fluvial flood risk. Taking all these factors into account, the application site was considered to be the most appropriate area of land in proximity to a grid connection.
- 10.25. An Agricultural Impact Statement has been submitted by the applicant, which advises that the site forms part of Monkton Mains Farm, which has a total land holding of

approximately 162 hectares (400 acres). Monkton Mains is a mixed farming enterprise comprising sheep and pigs with the majority of the land used for growing crops for animal feed, which is sold externally. The sheep are grazed on the farmland whilst the pigs are housed in the pig barn at the farm. Wheat, barley and break crops, such as grass, oil seed rape and beans are grown.

- 10.26. The area of land where the solar farm is proposed is used for growing wheat. Livestock numbers are not expected to change as all crops grown are sold and grazing can continue around the panels. The proposed solar farm will help diversify the farming enterprise and provide a stable income, compared to the more volatile income and costs associated with farming. This will help sustain the farm in the long term and ensure it remains a viable business. Whilst proposed for a 40-year period, the solar farm is a temporary use and the land will be returned to agricultural use once it has been removed.
- 10.27. The size of the site has been reduced by 11.94 hectares from that shown at the screening stage and the final layout has sought to minimise the amount of BMV land used. The applicant advises that the area of Grade 2 land is within the centre of the site and it would therefore be impractical to remove this area as it would create a fragmented layout. Areas of Grade 3a in the northeast and southeast are also in areas considered to have less of a landscape impact. It was considered preferable to retain these areas rather than use areas of Grade 3b in more prominent areas. As set out in the Ecology section below, the proposal includes biodiversity improvements such as hedgerow planting, new native woodland, meadow grassland, wildflower areas and skylark breeding areas totalling a 204.62% gain in habitat units and 12.42% gain in hedgerow units.
- 10.28. The Written Ministerial Statement acknowledged that the total area of agricultural land use for solar is very small, even in the most ambitious scenarios would occupy less than 1% of the UK's agricultural land and National Policy Statement EN-3 advises that solar has an important role in delivering the Government's goals for greater energy independence.
- 10.29. Officers have given careful consideration to the weight that should be given to the use of agricultural land, appreciating the policy context and local representations on this matter. Whilst it is acknowledged that the proposal would change the use of this land from the growth of crops for animal feed this is balanced against the significant weight that should be afforded to the benefits of provision of renewable energy, the ecological enhancements proposed, the benefits of farm diversification and the improvement in agricultural land quality as a result of the land not being intensively farmed. Resting the land from intensive agriculture would likely improve soil health by increasing the organic matter in the soil and improving soil structure and drainage. It is also acknowledged that the land remains available for grazing under the panels and can still be used for the purposes of agriculture and food production. It is therefore considered that the applicant has followed a reasonable approach to site selection and the proposal is consistent with the provisions of paragraph 180(b) of the NPPG, the PPG and Policy NE8 of the Local Plan.

- 10.30. It is also worth noting that the provision of renewable electricity generation by solar farm proposals has been afforded great weight in the planning balance in a number of appeal decisions nationally over recent months. The impact upon food production over the duration of the development is noted however decisions have considered this loss to be temporary and reversible and that the land resource would improve over time due to not be intensively farmed. The provision of renewable energy has been afforded more weight than the loss of agricultural land for food production in the planning balance.
- 10.31. The application is therefore considered to satisfy national and local planning policies in this regard.

Landscape and Visual Impact

- 10.32. Local Plan Policy NE4 requires proposals to protect, enhance or restore the landscape character of the district. Development should maintain the aesthetic and biodiversity qualities of the natural and man-made heritage within the landscape, be informed by and sympathetic to the distinctive landscape character areas in the Harrogate District Landscape Character Assessment, protect and/or enhance the character, appearance and local distinctiveness of the landscape and protect visually sensitive areas. Development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 10.33. The application site is not subject to any specific landscape designations. Bishop Monkton Railway Cutting to the northwest is a Site of Importance for Nature Conservation and is managed by the Yorkshire Wildlife Trust. The site falls within two Landscape Character Areas identified in the Harrogate Landscape Character Assessment. Area 47 *Bishop Monkton Moor and Ingerthorpe Moor Farmland* covers the northern portion of the site and is advised to be large scale and open with extensive views over a uniform arable landscape. Woodland is sparse although there are several very small, scattered woodland blocks and occasional boundary trees. The area is sensitive to further loss of field boundaries and woodland and reinstatement of hedgerows and native tree and woodland planting area encouraged. New built form should not result in the loss of key landscape characteristics and must respect landscape pattern and landform. Mitigation will be required to integrate proposals with the surrounding landscape.
- 10.34. The southern part of the site falls within Area 48 *Burton Leonard and Bishop Monkton Undulating Farmland*. This area is described as being intensively farmed with large arable fields, poor tree cover and fragmented hedgerows. Development proposals beyond the village edge are likely to impact upon the open character of the area, which is sensitive to change. Guidelines include maintaining the open characteristics of the landscape between settlements and promoting the maintenance and restoration of existing hedgerow boundaries. New tree and woodland planting should respect the open character of the area.
- 10.35. The topography of the site is undulating and slopes from the southwest to the northeast. The land rises to the west and is flatter to the north, east and south. There are a number

of small blocks of woodland within the site and field boundaries delineated by fragmented hedgerows.

- 10.36. The submitted Landscape Mitigation Plan confirms that the boundary hedges and trees will be retained and improved with gap planting as necessary and their heights increased to between 3-3.5m to screen the development. In the southwest corner, the existing hedgerow along Mains Lane will be maintained at 1.5m-2m high to provide screening but also allow long distance views beyond the site. Gaps in seven sections of hedgerows and the removal of one tree will be required for access purposes. The panels will be set back a minimum of 10m from the bridleway along Mains Lane with hedgerows maintained and enhanced.
- 10.37. An additional area of woodland is proposed to be planted along the southern side of Mains Lane. This is to be planted in blocks with scrub planting to enable views out between the blocks and to ensure the bridleway is not fully enclosed in this section. Further areas of native woodland are proposed along the southwestern boundary, to minimise visual impacts from the adjacent PROW and residents to the southwest, and along the northern site boundary. A new native hedgerow is also proposed within the northern part of the site to provide additional screening and improve green links. Species-rich meadow grassland and wildflower areas are proposed around and between the panels.
- 10.38. Deer fencing will be used around the edge of the site, which is appropriate to this rural area. Security cameras will be mounted on wooden poles of a similar style to the deer fencing and will be sited so as not to be prominent in views from Mains Lane. A new permissive path is proposed in the centre of the site from Mains Lane leading into the northern area.
- 10.39. Volume 1, Chapter 6 of the ES assesses landscape and visual impacts and is supplemented by a LVIA Addendum following amendments to the landscaping scheme. Assessment of the effects upon landscape character concludes that within the site, large scale adverse impacts would remain for the lifetime of the solar farm due to the change from arable fields to a solar farm. However, due to mitigation planting and management measures of existing hedgerows, effects beyond the immediate boundaries would reduce to between medium and negligible as planting matures. The height of the proposed structures is similar to existing hedgerows and would not be such that there would be an impact upon horizons or long-distance views. The landscape effects would be mitigated by existing vegetation and the local topography as well as the proposed hedgerow, shrub and tree planting. This would reduce the impact to moderate/minor to minor adverse effects that are not considered to be significant on the landscape character.
- 10.40. Large scale changes in views would occur to the closest receptors within approximately 200m from the site, including views from Mains Lane bridleway as it passes through the centre of the site. Mitigation planting would help to reduce the effects and filter/screen views. Existing hedgerows and tree/woodland vegetation would help screen the development although some medium to small scale changes would be experienced by road users and residents at the A61/Moor Road junction and along Moor Road to the north, residents along Station Lane to the south and along the

northern edges of Burton Leonard village and also for users of the public footpaths close to the site. It is expected that the effects of these changes would reduce to small/negligible following maturation of the proposed planting. As a result of changes to the maintained hedge height along the southwest section of Mains Lane, long term there is anticipated to be a Slight magnitude of change and Moderate/Minor Adverse (not significant) visual effects.

- 10.41. Cumulative impact considers both the cumulative effects of the development in terms of the interaction of individual matters such as landscape and visual, transport and heritage upon sensitive receptors and also the cumulative impact of this development together with other consented and existing developments upon receptors.
- 10.42. There are two solar farms in the local area that have been considered in relation to cumulative impacts: Burton Top Solar Farm (22/04423/FULMAJ) and Cayton Solar Farm (19/02259/EIAMAJ). Burton Top Solar Farm is located on the southern side of Station Lane, at an elevated position to the application site. There would be some limited intervisibility between the application site and Burton Top Solar Farm from a short section of Station Lane and potential for sequential views for users of Station Lane and the A61. Maturation of the landscaping for both sites will limit these effects.
- 10.43. Cayton Solar Farm is located approximately 2km to the southwest of the site. Due to the ridge of high ground in the area of Station Lane, intervisibility between this and the application site is highly unlikely. Some sequential views may be possible when travelling along the A61 and local roads however these are assessed as unlikely to be significant due to the limited visibility of both developments and the landscape mitigation strategies.
- 10.44. The cumulative impact of the proposal in conjunction with other developments is not considered to give rise to significant adverse impacts due to intervening topography, distance between the schemes and landscape mitigation.
- 10.45. The Council's Landscape Officer has assessed the submission. Initial comments suggested areas of concern and required changes in relation to the height of the hedge along the southwest section of Mains Lane, positioning of security cameras, fence design, hedgerow gap planting and hedgerow trees along the new access track and whether the proposed permissive path could connect to existing rights of way to create a through route.
- 10.46. The landscape mitigation has been revised to overcome these concerns apart from the creation of a footpath connection, which is not possible due to landownership. A footpath loop is now proposed within the site to allow a circular route through the northern area. The Council's Landscape Officer has confirmed that proposed landscape mitigation is acceptable and accords with Local Plan Policy NE4. It is therefore concluded that the proposed mitigation is acceptable to mitigate effects upon landscape character and visual impact.

Heritage and Archaeology

- 10.47. There are no heritage assets on the application site. The edge of the buffer zone to Studley Royal and Fountains Abbey World Heritage Site is approximately 3km to the northwest. There are also a number of scheduled monuments located within the vicinity of the site including Wallerthwaite medieval village (2km to the west), Markenfield Hall moated medieval fortified house (2.1km to the west) and a Cisterian grange and medieval settlement at High Cayton (3.4km to the southwest). Bishop Monkton and Burton Leonard villages have conservation areas identified and there are also numerous listed buildings within the villages, to the north at Hollin Hall and to the south at South Stainley.
- 10.48. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.49. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.50. Local Plan Policy HP2 advises that proposals for development that would affect heritage assets will be determined in accordance with national planning policy. Proposals affecting a heritage asset or its setting should protect or enhance those features which contribute to its special architectural or historic interest. Any development that would have an impact on the Studley Royal and Fountains Abbey World Heritage site or its setting should conserve and where appropriate enhance those elements that contribute towards its outstanding universal value, including protection of key views and vistas to and from the world heritage site or its setting. Harm to elements which contribute to the significance of a designated heritage asset will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of such assets will be permitted only in exceptional circumstances.
- 10.51. Chapter 7 of the ES covers cultural heritage. The assessment found no meaningful visual relationship exists between the site and the World Heritage Site, including its buffer zone or wider setting. It is therefore concluded that the proposed development will not have any impact upon the outstanding universal values of the World Heritage Site nor the significance of any of its component heritage assets.
- 10.52. Both Bishop Monkton and Burton Leonard have conservation areas in the heart of the villages. Nine Grade II Listed Buildings are identified as being within a 1km radius of the site with the closest being Rigg House Farm, 730m to the west and a milepost near the junction of Moor Lane, 750m northwest. The site does not fall within any key views from either conservation area, nor is it mentioned as an aspect of their setting which contributes to their significance. The closest Listed Buildings are both some distance from the site and the development will not have an adverse impact upon their setting or significance.

- 10.53. The closest scheduled monuments are Wallerthwaite Medieval Village and Markenfield Hall, 1.8km west and 2.2km northwest respectively to the site. Their distance and orientation from the site mean the proposed development will not be readily perceivable and no harm will accrue to their significance.
- 10.54. A Historic Environment Desk Based Assessment and geophysical survey were undertaken to assess the potential effects of the proposed development upon archaeological receptors along with trial trenching in the northwestern part of the site. The site was assessed as having a high potential for archaeological remains of prehistoric to possibly early Romano-British date and a limited probability for remains of a later date. Targeted trial trenching contained the remains of post-medieval field boundaries, evidence of quarrying and modern ditches associated with a World War I rifle range relating to a nearby range at South Camp, Ripon.
- 10.55. No harmful or significant effects to archaeological remains are anticipated during the construction phase works or during the operation of the solar farm. The Council's Principal Archaeologist has advised that the solar arrays may have a minor impact upon the rifle range however this impact is not considered to be substantial and would not affect the ability to understand the features in the future.
- 10.56. Historic England were consulted on the application and advised that they consider the assessments submitted by the applicant to be appropriate and the conclusions drawn valid. They do not offer any further advice and do not object to the application.
- 10.57. The Council's Conservation Officer has reviewed the application and offers no objection to the proposal. A request is made that enhanced landscaping is traditional and found locally (e.g. native hedgerows), that fencing is a low level, post and rail form and any new structures are designed appropriately for this rural site.
- 10.58. It is therefore considered that the proposal will not lead to substantial or less than substantial harm to the significance of these designated heritage assets. As with the landscape cumulative assessment, no cumulative effects are expected with regards to cultural heritage.

Highways and Public Rights of Way

- 10.59. The NPPF requires development proposals to ensure safe and suitable access to the site can be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- 10.60. A new vehicular access point is proposed from the A61 Harrogate Road, across adjoining fields to reach the site. Vehicular tracks will be provided within the site area to provide access within the site. The new access point will also be used for construction of the solar farm to avoid any traffic using the bridleway. Vehicular parking for all site workers during construction and operation will be contained on site. Once construction is complete, the entrance to the access at the A61 will be reduced in width and areas reinstated to grass verge that are not required for the operational access.

- 10.61. The access point has been amended since the original submission through moving it further north slightly to enable the retention of an existing tree along the A61.
- 10.62. Highways have reviewed the information submitted and have confirmed the details are acceptable, including the amendments to the access point from the A61. A number of conditions are proposed relating to the construction of the access, visibility splays, off-site highways works, parking and turning areas and a construction management plan.
- 10.63. As noted, Mains Lane is also a public bridleway and a public footpath runs south from Mains Lane towards Burton Leonard. Local Plan Policy HP5 advises that proposals that affect existing public rights of way will only be permitted where it can be demonstrated that the routes and their recreational and amenity value is protected or satisfactory diverted routes are being provided. Opportunities for enhancement and improved facilities should be explored.
- 10.64. The Council's Countryside Access Service has advised that the bridleway must not be encroached upon or damaged without consent of North Yorkshire Council Countryside Access. It should have a usable width of at least four metres or the current physical width if wider with buffer zones between the bridleway and any fencing/hedgerows.
- 10.65. The existing hedgerow along the northern side of the bridleway will remain and be maintained at a height ranging from 1.5-4m and infilled where there are gaps. The security fence will be inset from the hedge by approximately 3.5m and the panels will be set back a minimum of 10m from the hedgerow. The bridleway will remain unchanged along its southern side. It is considered that the proposal will provide an acceptable buffer to ensure that the recreational and amenity value of the bridleway is retained. The solar farm will be visible from the public footpath linking Mains Lane to Burton Leonard and a limited number of nearby dwellings however management of the hedges and planting of additional hedgerow trees and woodland will help break up the length of panels visible and filter views.
- 10.66. A new permissive footpath is proposed in the northern section of the site creating a loop from and to Mains Lane. This is a benefit of the scheme and provides an opportunity to explore the site.
- 10.67. The proposal is considered to be acceptable and accords with the requirements of national and local planning policies.

Amenity

- 10.68. Policy HP4 advises that proposals should not result in significant adverse impacts upon the amenity of occupiers and neighbours. The closest dwellings are those to the north along Moor Road (approximately 175m from the closest dwelling to the edge of the application site), Springfield House to the northeast (approximately 175m to the edge of the application site), Monkton Mains Farm (approximately 270m to the west of the site), Leyton Lees (approximately 370m to the west) and Park House (approximately 270m to the southwest of the site).

- 10.69. It is acknowledged that the proposed solar farm will introduce a change to the outlook of properties in the vicinity of the site, particularly Leyton Lees and Park House as these dwellings are sited at a higher ground level to the site. However, the matter to consider is whether the change in outlook would be at a level where it would appear overbearing and have a detrimental impact on the occupant's enjoyment of their dwelling and overall living conditions. An individual's right to a view is not a material planning consideration however it is acknowledged that a sudden and considerable change in outlook can have a detrimental impact on amenity in this respect.
- 10.70. Whilst some of the solar panels would be visible and change the outlook from agricultural fields to a solar farm, existing hedge and tree planting will provide screening in the short term. Additional hedgerow, tree and woodland planting will lessen this impact in the medium to long term as the proposed landscaping matures. The solar panels are also set in from the boundaries of the site, particularly the southwest boundary closest to Park House where they are approximately 400m from the dwelling. The separation distances, plus the existing and proposed planting, are considered to adequately mitigate the visual impact of the development and ensure no harm will arise to the amenity of nearby dwellings in terms of an overbearing impact of the development.
- 10.71. The applicant has submitted a Glint and Glare Assessment, which assesses the possible effects from reflected sunlight on receptors such as residential properties, road, rail, air traffic and national trails.
- 10.72. Solar panels are designed to absorb sunlight rather than reflect it. Features such as vegetation, buildings and topography can also reduce any potential effects. The Glint and Glare study assessed 40 building receptors and four road receptors. Airfields in proximity to the site were scoped out due to the presence of existing solar developments and the distance between the project and the airfields.
- 10.73. The study found that glint and glare could be possible along the four routes however due to the limited section of the routes affected and the fact that existing trees and hedgerows are not modelled by the software, the overall impacts were considered to be negligible.
- 10.74. Five buildings were exposed to a yellow magnitude of glint and glare, which is similar to reflective materials such as glass and metallic surfaces. Glint and glare is not considered to be a material issue due to the limited timeframe and duration and the existing tree and hedgerow planting that screens the site. Seven buildings were identified as being impacted by green magnitude glint and glare, which is considered a lower magnitude than reflective surfaces such as windows. Existing hedgerows will mitigate any minimal impact that may occur.
- 10.75. It is therefore concluded that the proposed solar scheme will have a minimal impact in terms of glint and glare.
- 10.76. A noise assessment was undertaken to assess potential noise impacts associated with the operation of the proposed solar farm. This concluded that predicted operational noise levels were within BS4142 and NYC derived criteria at nearby dwellings and

below the measured representative background levels. The Council's Environmental Health Officer has confirmed no objections and conditions are proposed requiring an updated noise assessment prior to commencement to confirm no changes have occurred and to ensure that any noise is controlled during nighttime hours.

- 10.77. With regards to the use of artificial light, a condition is included requiring a lighting scheme to be submitted for approval should any lighting be proposed.

Flood Risk and Drainage

- 10.78. Local Plan Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate run off, giving priority to sustainable drainage systems where possible. Development will only be permitted where it has an acceptably low risk of being affected by flooding when assessed through sequential testing. Development layout within the site should be subject to the sequential approach, with the highest vulnerability development located in areas at lowest flood risk within the site.
- 10.79. The NPPF advises that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Local Planning Authorities should also ensure that flood risk is not increased elsewhere. Whilst the application site is at low risk of fluvial flooding, it is subject to areas of low, medium and high surface water flooding. A sequential test has therefore been submitted to demonstrate that there are no sequentially preferable sites available for the proposed solar farm.
- 10.80. As explained above, site selection is constrained by provision of a viable connection to the grid and has been shown to be acceptable in terms of other planning constraints. The applicant has considered the level of surface water flooding on the site and has assessed other comparable parcels of land within a 3km search area from the point of connection. It is concluded that there are no reasonably available sites appropriate for the proposed development with a lower risk of flooding.
- 10.81. It is understood that there are concerns within the local community regarding the potential of the solar farm to increase flood risk within Bishop Monkton. The applicant has provided a detailed Flood Risk and Drainage Assessment, which has been assessed by the Lead Local Flood Authority. The drainage scheme proposes using permeable materials to create the new access tracks, infiltration trenches and storage basins to dispose of surface water from impermeable areas. These have been designed with sufficient capacity to contain a 1 in 100-year event with an allowance for climate change and have sufficient capacity within 24 hours to accept flows from a 1 in 10 year storm. The overland flow runoff will continue to flow naturally as per the existing regime with the proposed re-vegetation providing betterment over the current situation in slowing the flow. The runoff destination for overland flow is therefore not altered as part of the proposal and flood risk will not be increased elsewhere.

- 10.82. The LLFA is satisfied that the application demonstrates a reasonable approach to the management of surface water and recommends a condition relating to monitoring of soil conditions for the first five years of the development.

Biodiversity and Ecology

- 10.83. The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy NE3 requires proposals to protect and enhance features of ecological and geological interest. Major developments should avoid any net loss of biodiversity. Provisions relating to mandatory Biodiversity Net Gain (BNG) have been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permission granted for applications before this date are not subject to mandatory BNG. This application was submitted prior to the introduction of mandatory BNG therefore those provisions do not apply.
- 10.84. However, the applicant has submitted a Preliminary Ecological Appraisal, Great Crested Newt Survey, Breeding Bird Survey, Biodiversity Management Plan and Biodiversity Metric Calculation and Report. The application proposes a 204.95% gain in habitat units and 12.84% gain in hedgerow units through woodland planting, scrub planting, new hedgerows, meadow grassland and wildflower areas. These significant ecological benefits have moderate weight in the favour of the scheme in the planning balance.
- 10.85. The application site is close to the Bishop Monkton Railway Cutting Nature Reserve and Site of Importance for Nature Conservation (SINC), which is managed by the Yorkshire Wildlife Trust. Comments have been received from the YWT regarding a number of aspects. With specific reference to ground-nesting birds, the proposal has been amended to include four Skylark breeding plots on land to the east of the application site, within land owned by the applicant and a Skylark feeding area within the southwest area of the site, which will be planted to provide a range of seeds and plant shoots to attract invertebrate prey for the Skylarks to feed on. These will be secured through condition of the plans and S106 Agreement for the off-site areas.
- 10.86. The Council's Ecologist has reviewed the application and is satisfied with the proposals. A Construction Ecological Management Plan is required prior to commencement and will be secured by condition. Implementation and long-term management and maintenance of the biodiversity enhancements will be secured through S106 Agreement.

Arboriculture

- 10.87. Local Plan Policy NE7 advises that development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of the settlement. New development should be designed to ensure a satisfactory relationship between buildings and new and existing trees.

- 10.88. The application site consists of arable fields, scrub, mixed plantation, broadleaved woodland and poor semi-improved grassland. Multiple hedgerows, tree lines and scattered trees are also present.
- 10.89. In order to provide access to and within the site, gaps in seven sections of hedgerows will be required including for the site access from the A61. One tree will also be removed. The access has been amended slightly to enable the retention of an Ash tree at the access point with the A61, which is considered by the Council's Ecologist to be a transitioning veteran tree. The scheme now retains this tree.
- 10.90. Extensive hedgerow and tree planting is proposed around the boundaries of the site, which is a clear benefit of the scheme.
- 10.91. The Council's Arboricultural Officer has no objections and recommends a condition requiring protection of tree root protection areas. Conditions requiring a detailed landscaping plan and to cover replacement planting should any planting fail are also included.

Other Matters

- 10.92. The application site lies within a Minerals and Waste Safeguarding Area for Limestone and Building Stone. A Minerals Resource Assessment has been submitted and is confirmed to be acceptable.
- 10.93. A Phase I Geoenvironmental Site Assessment has been submitted, which advises that the site is within 250m of a former landfill site that was closed in the 1980s. The risk assessment shows the site to be low risk for the proposed development and conditions are proposed requiring a Phase II Intrusive Site Investigation and subsequent remediation if required.
- 10.94. The applicant advises that a Community Benefit Fund would be set up for the lifetime of the project providing £20,000 per annum available to support local facilities and projects within the vicinity of the site. This offer is not considered to be required to make the development acceptable and is therefore not included within the S106 or taken into consideration in the planning balance when determining the application.

S106 Legal Agreement

- 10.95. The following Heads of Terms have been agreed with the applicant for this application:

Table 1		
Category/Type	Contribution	Amount & Trigger
Biodiversity Net Gain	Implementation of Biodiversity Net Gain Report and Biodiversity Management Plan	To secure the establishment, management and monitoring of on-site and off-site biodiversity net gain.
	Provision of Skylark Breeding Plots	Four Skylark Breeding Plots to be provided off-site within land owned by the applicant.
Monitoring	Ecological Monitoring Fees	£9154.00

10.96. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The proposed solar farm is considered to be acceptable in principle and meets the requirements of local and national planning policies. There is strong national support for renewable energy schemes, as set out in national guidance and policy documents. The provision of renewable energy attracts substantial weight in favour of the development and biodiversity enhancements attract moderate weight in favour. As set out above, the proposal is acceptable in terms of landscape impact, biodiversity and the natural environment, the historic environment, highways and amenity.

11.2. The loss of agricultural land for food production is noted as an adverse impact however is considered to carry limited weight in the planning balance. All other matters are acceptable or can be made acceptable with mitigation as set out in this report. It is therefore considered that the development would not result in significant harm that would outweigh the substantial public benefits of a renewable energy scheme.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions:

1. The development hereby permitted shall be begun on or before three years from the date of this permission.

R: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the following details as modified by the conditions of this consent:

Site Location Plan Rev A October 2024

Proposed Site Plan Rev A October 2024

CCTV Pole Mounting Details HES1002-232

PV Array Details HES1002-200

Customer Substation Details HES1002-221

Spare Parts Container Details HES1002-222

Power Station Details HES1002-223

Landscape Mitigation Plan Access Track Figure 6.6 Rev A Rev 02

Skylark Plan dated 22/04/2024

Landscape Mitigation Plan Overall Site – Figure 6.4 Rev B Rev 05

Landscape Mitigation Plan Northern Area – Figure 6.5 Rev B Rev 08
 Proposed Access – Preliminary Design with Visibility Splays based at a 2.4m Setback – LTP/4651/V5/01.01 Rev D
 Proposed Operational Access – Preliminary Design with Visibility Splays based at 2.4m Setback – LTP/4651/V5/02.01 Rev B
 Proposed Internal Access Road – LTP/4651/V6/01.01 Rev D
 Proposed Operational/Construction Access Roadmarking Amendments – LTP/4651/V6/05.01 Rev B
 Access Track Section Details – HES1002-230 Rev 01
 Construction Traffic Management Plan – Rev B dated April 2024
 Arboricultural Impact Assessment October 2024
 Biodiversity Metric October 2024
 Biodiversity Metric Report Reference 81-133-R2-3 October 2024
 Biodiversity Management Plan Reference 81-133-R4-1 November 2023
 Ecological Mitigation Measures by e3p dated 16th July 2024
 Flood Risk Assessment GON.0078.0092 version 2 dated 10/07/2024

R: The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details.

3. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (the First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

R: To safeguard the character of the landscape in accordance with Local Plan Policy NE4.

4. The solar arrays, their bases and all associated structures and infrastructure, including the internal access roads, shall be wholly removed from the land and the land returned to agricultural use within six months of the cessation of energy generation from the site, or a period of 40 years and six months from the date when electricity is first exported to the electricity grid (First Export Date) from the development, whichever is the sooner, in accordance with a decommissioning scheme that must be submitted to and approved in writing by the Local Planning Authority no later than 12 months before the decommissioning of the solar panels. The decommissioning scheme shall include identification of ecological impacts and/or mitigation, a programme for the timing and a scheme of work which shall be fully implemented in accordance with the approved details.

R: To prevent the accumulation of redundant renewable energy equipment in the interests of the visual amenity of the area.

5. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, shall be submitted within 6 months of the end of the cessation period to the local planning authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and

timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include identification of ecological impacts and/or mitigation, details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

R: In the interests of visual amenity and to ensure the site can be restored to agricultural use if required.

6. Prior to their erection or construction on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, enclosures and access tracks shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.

R: In the interests of visual amenity in accordance with Local Plan Policies NE4 and NE7.

7. Prior to their installation or construction details of all fencing and gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved plans.

R: In the interests of visual amenity.

8. A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority prior to the commencement of any external construction of the walls of any structure or the erection of any part of the solar array hereby approved. The scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, landscape management and the timing of implementation of the scheme, including any earthworks required. The development shall be implemented in strict accordance with the approved details and thereafter maintained.

R: To exercise the rights of control of the Local Planning Authority in this regard and in the interests of landscape.

9. In the event of failure of any trees or shrubs or any substantial areas of grassland located beneath the panels, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such planting shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

R: To mitigate the visual impact of the development within the landscape in accordance with Local Plan Policies HP3 and NE4.

10. No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination, predicted lighting contours, measures for the control of any glare or stray light and the details of

when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the lighting remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.

R: In the interests of general and residential amenity in accordance with Local Plan Policy HP4.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, replacing or reenacting that Order) no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority except for those works permitted by this permission.

R: In the interests of visual and residential amenity in accordance with Local Plan Policies HP3 and HP4.

12. The cumulative noise from any fixed installations which comprise mechanical and electrical plant and equipment associated with the development at the site shall be effectively controlled so that the rating level of all such equipment does not exceed the background sound level at any time ("rating level" and "background sound level" are as defined in BS4142:2014+A1 2019).

R: In the interests of residential amenity in accordance with Local Plan Policy HP4.

13. No development shall commence on site before the approved tree report detail (Lakeland Tree Consultancy AIA dated October 2024) including root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction - Recommendations, or any subsequent amendments to that document, has been erected around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.

R: In order to ensure the protection of trees in accordance with Local Plan Policy NE7.

14. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Details of any temporary traffic management and signage associated with the construction works

3. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. The parking of contractors' site operatives and visitor's vehicles;
5. Areas for storage of plant and materials used in constructing the development clear of the highway;
6. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. Protection of carriageway and footway users at all times during demolition and construction;
9. Protection of contractors working adjacent to the highway;
10. Details of site working hours;
11. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. Measures to control and monitor construction noise;
14. An undertaking that there must be no burning of materials on site at any time during construction;
15. Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. Details of the measures to be taken for the protection of trees;
17. Details of external lighting equipment;
18. Details of ditches to be piped during the construction phases;
19. A detailed method statement and programme for the building works; and
20. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

R: In the interest of public safety and amenity.

- 15 Groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

R: In the interests of general amenity in accordance with Local Plan Policy NE9.

- 16 Where site remediation is recommended in the Local Authority approved Phase II Intrusive Site Investigation Report groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

R: In the interests of general amenity in accordance with Local Plan Policy NE9.

- 17 Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is

identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

R: In the interests of general amenity in accordance with Local Plan Policy NE9.

- 18 Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a land contamination Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

R: In the interests of general amenity in accordance with Local Plan Policy NE9.

- 19 The development must not be brought into use until the access to the site at 431559 465375, Wormald Green has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- Any gates or barriers must be erected a minimum distance of 15m metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 10m metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the submitted details
- The final surfacing of any private access within 15m metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must be constructed to accord with the approved details.

R: 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.

- 20 There must be no access or egress by any vehicles between the highway and the application site at field 431559 465375, Wormald Green until splays are provided giving clear visibility of 2.4m x 69 metres to the left and 2.4 x 128 metres to the right of the construction access along both channel lines of the major road in accordance with visibility splay drawing reference LTP/4651/V5/01.0 rev D. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

R: In the interests of highway safety.

- 21 The following schemes of off-site highway mitigation measures must be completed as indicated below:

commrep/29

- Right turn ghost pocket works description at A61 prior to use.

For the off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

The off-site highway works must be completed in accordance with the approved engineering details and programme.

R: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

- 22 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at the site have been constructed in accordance with details to be submitted and approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

R: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 23 The applicant is to retain for the first five years, starting from the date the development first exports electricity, the drainage consultant who is to forward a yearly progress report to the Local Planning Authority for review by the Lead Local Flood Authority. The progress report is required to demonstrate the soil conditions is not deteriorating as a result of the development during the course of the first five years. The report should include any issues arising from the development in relation to soil condition, any required mitigation and a timeframe for their resolution to be agreed with the LLFA. The development shall be carried out in accordance with the submitted report and any agreed mitigation.

R: To ensure that following construction activities the soil conditions which manage the surface water runoff from the solar arrays does not increase flood risk off site by preventing the establishment of the proposed vegetation as mitigation.

24. No development shall commence until a Construction Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP must incorporate (but not be limited to) the measures identified within the Preliminary Ecological Appraisal (e3p, November 2023) under the 'Ecological Constraints and Mitigation' section and the Ecological Mitigation Measures document (e3P, 16/07/24). Additionally, it must provide for a bat assessment to be undertaken of tree T30 prior to it undergoing major tree-works. The development shall be carried

out strictly in accordance with the approved document and a copy retained on site throughout the construction process.

R: To safeguard retained habitats, protected and priority species in accordance with Local Plan Policy NE3.

INFORMATIVES

- 1 A public right of way crosses the site to which this permission relates. The grant of planning permission does not entitle developers to obstruct a public right of way. Development, in so far as it affects a public right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under section 247 or 257 of the Town and Country Planning Act 1990, for the diversion or extinguishment of the right of way, has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed. Forms to apply to stop up/divert footpaths/bridleways in order to enable a development granted planning permission to be carried out may be obtained from the Councils' website.
- 2 Any lighting scheme should include the following information:-
 - The proposed design level of maintained average horizontal illuminance for the site.
 - The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity.
 - The proposals to minimise or eliminate glare from the use of the lighting installation.
 - The proposed hours of operation of the lighting.

Generally, to reduce problems of glare from floodlights and security lights, such lighting should be installed and maintained in accordance with the " Guidance Notes for the Reduction of Obtrusive Light" produced by the Institution of Lighting professionals (www.theilp.org.uk tel: 01788 576492).

- 3 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's website:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edi.pdf .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 4 Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

- 5 This development is subject to a Planning Obligation made under Section 106 of the Town and Country Planning Act 1990.

Target Determination Date: 11.12.2024

Case Officer: Kate Broadbank Kate.Broadbank@northyorks.gov.uk