



**Approve Planning Permission**

**TOWN AND COUNTRY PLANNING ACT 1990**

**To:**

Mrs Pippa Gardner  
David Bell Planning Ltd  
26 Alva Street  
Edinburgh  
EH2 4PY

**Application at:** Land To The South Of New Farm Lords Lane  
Nether Poppleton York

**For:** Installation of a solar farm with associated  
infrastructure, access, security fencing and  
landscaping

**By:** Mark Wood, Poppleton Solar Limited

**Application Ref No:** 23/02254/FULM

**Application Received on:** 6 December 2023

**CONDITIONS OF APPROVAL:**

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs: Conceptual Elevation Details AMPYR-Poppleton-DWG-AL-002  
Site Layout Plan Fig 4.1a)  
Solar Panel Cross Section and Elevation. Drawing 1  
MV Station Elevation Fig 4.3

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CCTV Security Camera Elevation Fig 4.8  
Submission Design with Grid Connection Rev 1  
PROW footpath diversion Rev 1  
Distance to Drains/Watercourses FRDA-XXX-01  
Landscape Mitigation Plan 0562\_Fig 5 Rev 5  
Fencing Detail Fig 4.5 Rev R0  
Access Gate Elevations Fig 4.6 Rev R0  
Location Plan Drawing 3.1

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 No development shall take place (including enabling works) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP: Biodiversity shall include, but not be limited to the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones' (additional plans/drawings could be provided to highlight areas to be avoided).
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) Programme of pre-commencement checking surveys (e.g., Badgers, Otters, nesting birds, etc.).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) Use of directional lighting during construction, which will not shine upon the site boundaries, hedgerows, or trees within the site.
- g) The location of all storage of materials and parking and manoeuvring of vehicles during works.
- h) Details of pollution prevention measures to avoid harm to watercourses/water bodies.
- i) Measures to protect deer, Badgers, Brown hares, Foxes and Hedgehogs who might otherwise access the site for foraging and commuting purposes including and not limited to, precautionary working methods to prevent accidental harm or injury to animals, removal of tree or shrub cuttings from the site and the covering of trenches and capping of any open pipes.
- j) Measures to protect amphibians and reptiles.
- k) Details of biosecurity measures to stop the spread of Invasive Non-Native Species.
- l) The times during construction when specialist ecologists need to be present on site to oversee works.
- m) Responsible persons and lines of communication.
- n) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- o) Use of protective fences, exclusion barriers and warning signs (including watercourse, trees, woodlands and hedgerow protection).

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area.

4 Construction works, including ground clearance and enabling works, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence; or
- c) Confirmation that the site is registered on a Low Impact Class Licence issued by Natural England; or
- d) A countersigned IACPC certificate issued by Natural England is provided, stating the site is eligible for District Level Licencing.

Reason: To ensure Great crested newts and their habitat are protected during the proposed works. Great crested newts and their habitat are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

5 An updated Landscape and Ecological Management Plan (LEMP), shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the LEMP shall include, but not be limited to the following:

- a) Description and evaluation of features to be managed, including all newly created habitat and enhancement features (i.e., bat and bird boxes, invertebrate hibernacula, etc.).
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions, including reinstatement/enhancement of work areas, haulage/access roads and site compounds.
- f) Preparation of a work schedule (including an annual work plan, to include the lifespan of the solar farm).
- g) Programme of ecological surveying, management and protection measures to support decommissioning works.

- h) Details of the body or organisation responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.
- j) Establish BNG monitoring and reporting programme - to be submitted to the LPA. As a minimum, the monitoring programme should include:
  - o Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the target units.
  - o Where target conditions for habitats/units are not yet met provide an assessment of time to target condition for each habitat and any changes to management that are required.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP will be implemented in accordance with its terms.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 180 (d) of the NPPF to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seeding mix and sowing rate where applicable. It will also include details of tree pits and ground preparation. This scheme shall be implemented within a period of six months of the start of on-site development operations and shall be completed by the end of the next planting season. Any trees or plants which within the lifetime of development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability, and disposition of species across the site, since the landscape scheme is integral to landscape character and visual mitigation associated with the development.

7 Before the development hereby authorised is first brought into use a detailed decommissioning management plan shall be submitted to and approved in writing by the Local Planning Authority. Such plan shall include:

- i) Details of phasing
- ii) Landscape planting and habitat protection measures
- iii) Details of the method for decommissioning, dismantling and removal of all plant, machinery, fencing and associated apparatus
- iv) Details of the point of access to be used.
- v) Details of aftercare for the site and the method for restoring it to agricultural use.

Management of traffic during the decommissioning process]

- vii) Timescales by which decommissioning, removal and reinstatement of the land shall be fully completed[following cessation of use of the development] [if the solar farm ceases to be operational].

The development shall thenceforth be decommissioned and the land restored to its former agricultural use in accordance with the details and timescales thereby approved and the timescales as set out in the approved decommissioning management plan shall be strictly adhered to unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the biodiversity value of the site and to secure compliance with paragraph 180b) of the NPPF.

8 A programme of post-determination archaeological evaluation is required on this site.

The archaeological scheme comprises 3-4 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) Archaeological investigation and post-investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation (WSI) (AOC Archaeology 2023). Provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged

until these elements have been fulfilled in accordance with the programme set out in the WSI.

B) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

C) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

D) No development shall take place until:

- details in C have been approved and implemented on site where necessary
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part C should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

9 Prior to the site being first brought into use the substations, storage buildings and other ancillary structures associated with the development shall be painted in dark colour previously agreed in writing by the Local Planning Authority.

Reason: To safeguard the character of the local landscape and to secure compliance with paragraph 180b) of the NPPF.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 The hours of construction involving noisy operations, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

12 The development shall be carried out in accordance with the details shown on the submitted Flood Risk & Drainage Assessment Report - Version 2 - dated 18 March 2024, Drawing "Distance to Drains / Watercourses" - FRDA-XXX - Revision 01 dated April 2024 and Drawing "Landscape Mitigation Plan" - Fig 5 - Revision 5 - dated 21 June 2024, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

13 A strip of land 9 metres wide adjacent to the top of the embankment of any watercourse which is maintained by Ainsty (2008) Internal Drainage Board under the Land Drainage Act 1991 shall be kept clear of all new buildings, structures, walls, fencing, hard paving and planting unless agreed otherwise in writing with the Drainage Board on the basis:

- i) Ground levels must also remain the same within this area, and
- ii) Access arrangements should also be agreed with Ainsty (2008) Internal Drainage Board.

Reason: to ensure adequate space is available to maintain the watercourse at all times.

## Drainage notes

a) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal, and

b) The applicant should be advised that the York Consortium of Drainage Board's prior consent is required (outside and as well as planning permission) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

14 An updated Construction Traffic Management Plan identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park; and
- where materials will be stored within the site,
- location of the construction site compound for each element of the development.
- hours of operation including deliveries
- volumes of construction and delivery traffic

The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the amenity of neighbouring properties ,to secure the safety and convenience of highway users and to secure compliance with the 2018 City of York Draft Local Plan

15 The development shall not be begun until details of the junction between the internal access road to areas A and B and the highway have been approved in writing by the Local Planning Authority, and the development shall



not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

16 No part of the site shall come into use until turning areas have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

17 Prior to the commencement of the development hereby authorised a detailed Outline Access Management Plan indicating how construction activities will impact upon the usage of the PROW network crossing the site and the usage of other neighbouring paths together with how those construction impacts can be managed for those users during the duration of construction works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the safety and amenity of users of the PROW network.

18 Prior to the development being first brought into use all tracks, roads and other hard surfaced areas shall be surfaced in a Type 3 permeable aggregate to the satisfaction of the Local Planning Authority.

Reason: To ensure that the site drains satisfactorily and to secure compliance with paragraph 173 of the NPPF

19 The development hereby permitted shall not come into use until the following highway works(which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Upgrading of passing places on Newlands Lane between its junction with the A59 and Lord's Lane.

Such scheme shall specify:

i) Dimensions

ii) Surfacing

iii) Provision for maintenance

iv) Signage

The upgraded passing places shall be retained and maintained for the lifetime of the development.

Reason: In the interests of the safe and free passage of highway users.

20 The development hereby permitted shall not be undertaken beyond site layout works until a scheme to assess the need for additional passing places on Newlands Lane and Common Croft Lane has been submitted to and approved in writing by the Local Planning Authority. Should the scheme identify additional spaces the following information should be submitted:

i) Dimensions

ii) Surfacing

iii) Provision for maintenance

iv) Signage

v) Programme for implementation

Any agreed additional passing places shall then be provided, retained and maintained for the life of the development.

Reason: In the interests of the safe and free passage of highway users.

Date: 8 October 2024

*Becky Eades*

**Head of Planning and Development Services**

**FOR RIGHTS OF APPEAL, SEE OVERLEAF**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework

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(paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Sought amendment to the proposed boundary fencing scheme
- ii) Sought amendment to the proposed landscape mitigation strategy
- iii) Sought amendment to the proposed surface water drainage scheme
- iv) Sought clarification of the proposed access arrangements to Area B
- vi) Sought provision of an easement through Area B to allow the proposed National Grid improvement works to take place.

## 2. GREAT CRESTED NEWTS

Great crested newts are afforded protection under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended), under which it is an offence to:

Capture, kill, disturb or injure Great crested newts deliberately.

- o Damage or destroy a breeding or resting place.
- o Obstruct access to their resting or sheltering places (deliberately or by not taking enough care).
- o Possess, sell, control or transport live or dead newts, or parts of them.
- o Take great crested newt eggs.

## 3. NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

## 4. WILDLIFE AND LIGHTING

When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new bat roosting and bird nesting features are installed, on trees, and 'green'

linear features, such as hedgerows. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2023) Bats and Artificial Lighting at Night:  
<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

## **Appeals to the Secretary of State**

- . If you are aggrieved by the decision of the City Council to attach conditions to the grant of planning permission, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- . If you want to appeal, then you must do so within SIX months of the date of this. You must use a form which you can get from The Planning Inspectorate, at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0303 444 5433) or made online at <https://www.gov.uk/appeal-planning-decision>
- . The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- . The Secretary of State need not consider an appeal if it seems to him that the City Council could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.
- . In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **Purchase Notices**

- . If either the City Council or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- . In these circumstances, the owner may serve a purchase notice on the City Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **Compensation**

- . In certain circumstances, compensation may be claimed from the City Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- . These circumstances are set out in Section 120 and related provisions of the Town and Country Planning Act 1990.

## **Note**

This permission does not absolve you from the need to obtain approval under the Building Regulations, or to obtain approval under any other Bye-Laws, Local Acts, Orders, Regulations and statutory provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.