



Notice of a public meeting of

Planning Committee A

- To:** Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft, Wann and Moroney
- Date:** Thursday, 7 November 2024
- Time:** 4.30 pm
- Venue:** West Offices - Station Rise, York YO1 6GA

AGENDA

- 1. Apologies for Absence**
To receive and note apologies for absence.
- 2. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].
- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the

management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 5 November 2024.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

a) Land to South and East of the Cemetery, New Lane, Huntington, York [23/01016/OUTM] (Pages 3 - 46)

Outline planning application with all matters reserved except access, for up to 107 dwellings (use class C3) with associated landscaping, public open space, and vehicular access from New Lane [Huntington/New Earswick Ward]

b) Elvington Water Treatment Works, Kexby Lane, Elvington, York [24/01238/FULM] (Pages 47 - 90)

Installation of a solar photovoltaic array with associated infrastructure including transformer, security fencing, pole mounted CCTV, temporary construction access and compound [Wheldrake Ward]

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Angela Bielby

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

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Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

COMMITTEE REPORT

Date: 7 November 2024 **Ward:** Huntington/New Earswick
Team: East Area **Parish:** Huntington Parish Council

Reference: 23/01016/OUTM
Application at: Land To South And East Of The Cemetery New Lane Huntington York
For: Outline planning application with all matters reserved except access, for up to 107 dwellings (use class C3) with associated landscaping, public open space, and vehicular access from New Lane
By: Jomast Developments And GBL Projects
Application Type: Major Outline Application
Target Date: 30 April 2024
Recommendation: Approve after referral to Sec. of State and subject to completion of S106 agreement

1.0 PROPOSAL**APPLICATION SITE AND SURROUNDINGS**

1.1 The application site is within the general extent of the Green Belt on the east side of New Lane, Huntington. It comprises three agricultural fields with hedgerows. The cemetery and a cycle / footpath leading to Monks Cross are to the north, the Monks Cross Park and Ride to the east and housing to the west. To the south contains land that formerly accommodated a farm shop but is subject to a planning application (pending approval following completion of s106 agreement), for the Island, a children's centre with associated car parking and landscaping.

1.2 The surrounding land has the following planning permissions in place / applications pending determination -

- Land to the south
22/01733/FULM – children's centre with car parking – planning permission will be issued when the planning obligation (s106 agreement) is concluded.

- Land to the north

Application Reference Number: 23/01016/OUTM

Item No: 4a

17/01250/FUL – permission to extend New Lane cemetery.

21/00305/OUTM – planning permission for circa. 300 houses on land between the cemetery and Forge Close.

THE SCHEME

1.3 The application is in outline for up to 107 dwellings on the site. All of the homes would be affordable (as defined in the national planning policy; the NPPF). The main access from New Lane forms part of this application.

1.4 The application includes an indicative layout with a mix of 2, 3 and 4-bedroom dwellings, up to 2.5 storey in height with a vehicle access from New Lane. The layout includes a nature zone of the east side of the site, a village green on the north side of the site, drainage infrastructure (pumping station and attenuation tank), and a sub-station. There would be multiple pedestrian and cycle connections into the existing route to the immediate north of the site and a 3m wide shared cycle lane and footpath on the east side of New Lane. The hedgerow to the south boundary is shown as retained, part of the hedgerow on the west boundary is removed (to accommodate the segregated pedestrian and cycle lane and for visibility splays at the main entrance). The majority of the hedgerow that runs east-west through the site is retained.

1.5 The scheme includes drawings which propose the following highway works –

- The pedestrian / cycle lane to the north of the site is continued on the east side of New Lane.
- A signalised crossing (for cycles and pedestrians) is provided on New Lane.
- Vehicle entrance which will have an LTN 1/20 compliant pedestrian / cycle crossing (precise details to be subject to highways approval).
- Bus shelter on east side of New Lane to be relocated and updated.

ENVIRONMENTAL IMPACT ASSESSMENT

1.6 It has been determined that an Environmental Impact Assessment is not required in this case.

1.7 The EIA regulations establish that if residential development of more than 150 dwellings are proposed a screening process is required to determine if an EIA is required, taking into account the characteristics / scale of the development, location and characteristics of potential impacts. The indicative criteria for dwellings is provided in the guidance as significant urbanising effects in a non-urban area, for example more than 1,000 dwellings. The guidance also states -

- Only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment.

- The more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment.

1.8 The proposed development is up to 107 dwellings; the threshold for screening is not met, and the site is not in a sensitive area, as defined in the regulations. As such it is deemed an EIA is not required.

2.0 POLICY CONTEXT

THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies; it must be taken into account in preparing the development plan and is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways.

2.2 The most relevant NPPF sections to this outline application are –

Section 2 Achieving sustainable development.

Section 5 Delivering a sufficient supply of homes.

Section 9 Promoting sustainable transport.

Section 12 Achieving well-designed and beautiful places.

Section 13 Protecting Green Belt Land.

HUNTINGTON NEIGHBOURHOOD PLAN

2.3 The Neighbourhood Plan is adopted; it is the development plan for the area and covers the period 2017 to 2032/33. Policies most relevant are -

H1 Housing need

The policy states that as appropriate to their scale, nature and location development proposals for new residential development should:

- Promote and accommodate transport links for pedestrians, cyclists, and public transport.
- Provide safe pedestrian and cycle links to Huntington Village, local schools and the existing network of pedestrian and cycle routes, including through green infrastructure where this would not have an adverse impact on biodiversity.
- Include significant and well-designed landscape and green areas to ensure that development sits sympathetically with the existing landscape.
- Retains and where practicable improve trees and hedgerows of good amenity, arboricultural or biodiversity value.

H2 Housing mix in new housing development proposals

Developments should provide for a mix of housing types, sizes and tenures to meet identified housing need in the Parish and the City of York. Development proposals that deliver smaller homes (one or two bedrooms) suitable for young families and young people as well as older people (including those who wish to downsize) to meet an identified housing need will be particularly supported.

H4 Design principles

Development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate to their nature and location. Development proposals should also take into account the amenity of neighbouring occupiers. Where appropriate, development proposals should provide safe and attractive public and private spaces, and well defined and legible spaces that are easy to get around, especially for older people.

H7 Biodiversity

Proposals should maintain and where practical enhance existing ecological corridors and landscape features.

H21 Walking and cycling

As appropriate to their scale and location development proposals should be designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality. Priority should be given to those that create or improve links between the main residential areas and key local services such as shops and schools.

DRAFT LOCAL PLAN 2018 (DLP 2018)

2.3 The DLP 2018 has been subject to examination and a response from the Inspectors is awaited. The DLP 2018 policies can be given weight in accordance with NPPF paragraph 48 which requires regard to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with NPPF policy.

2.4 Most relevant Policies of the DLP 2018 -

SS1	Delivering sustainable growth for York
H3	Balancing the Housing Market
D1	Placemaking
D2	Landscape and setting
GI4	Trees and Hedgerows
CC2	Sustainable design and construction of new development
ENV3	Land contamination

ENV5	Sustainable drainage
T1	Sustainable access
T7	Minimising and accommodating generated trips

3.0 CONSULTATIONS

Affordable Housing

3.1 Support. The Local Housing Needs Assessment identifies the need for 592 affordable homes per year. The affordable housing proposed (up to 107 dwellings) would be much needed, are of good size and type and would provide an important contribution to meet the need of affordable housing York.

3.2 The indicative mix is 24% social rent and 76% other types (affordable rent and shared-ownership). The amount of social rent dwellings proposed equates to the council's preferred mix if applying a 30% affordable housing requirement with 80% social rent to a greenfield site.

Design & Conservation - Archaeology

3.3 No objection. No conditions recommended (area has been subject to sufficient investigation already).

Design & Conservation – Ecology

3.4 Strensall Common impact and mitigation required. Recommend conditions.

- Strensall Common - Options to mitigate impacts of increased visitor pressure will need to be explored. These could include - increased public open space, increasing the accessibility to current walking routes (through signage and clear access points) and ensuring dog walking routes are clearly marked and facilitated (e.g. dog waste bins). Such information would need to be detailed within an Open Space Strategy, in-line with policy GI2a of the draft local plan.
- Biodiversity enhancement – condition required to mitigate impacts on ecological receptors to be affected through the construction phase of the project.
- Great crested newts (GCN) are assumed present on site. A European Protected Species licence issued by Natural England will be required prior to the commencement of works. A condition is recommended to this effect.
- To ensure wildlife mitigation and enhancement measures are managed and maintained, the provision of a management plan is considered appropriate. A condition is recommended.
- Sensitive lighting plan to protect use of green corridors by light sensitive species recommended as a condition.

Design & Conservation (Landscape Architect)

Recommend conditions.

3.5 The revised site plan illustrates incorporating most of the existing hedgerow that runs east – west across the centre of the site (Tree groups 1 and 2). This provides better amenity and sense of place and orientation for the development (compared to the superseded scheme); and contributes to tree cover within the street scenes.

3.6 Proximity to existing trees –

- The space around Oak tree T8, between plots 84 and 85, is very tight. This threatens the longevity of the tree. The protection zone and buffer around this tree should be more generously robust.
- The reserved matters masterplan should also be cognisant of the mature size of trees T13 (B1) and T14 (B1), and their compatibility and influence on the amenity of any adjacent properties and gardens, i.e. 91 and 105 respectively.

3.7 Proposed tree planting – green streets - the revised scheme shows that it should be possible to incorporate a single verge with street trees along the primary route. Some of the trees within forecourts are in beds that are too small and too close to the property to be feasible, e.g. in front of units 39-41. Otherwise, across much of the scheme, small trees are shown between parking bays within front gardens. Whilst there should not be too much reliance on such front garden trees, there appears to be sufficient proposed tree cover when combined with those in verges, open spaces, existing trees and hedgerows, to present a reasonable presence of trees within the street scenes.

3.8 Recommend conditions –

- Arboricultural method statement and tree protection plan.
- Detailed landscape scheme (this should also include drainage, underground utilities and street lighting).
- Boundary treatments
- Play area and street furniture.
- Landscape and ecological management plan.

Education

3.9 Request planning obligations as follows -

- Early Years 14 places £20,940 per place = £293,160
- SEND 1.17 SEND places plus a contribution towards likely transport costs, total £103,388.

Flood Risk Management

3.10 The drainage scheme is acceptable in principle but reliant on consent from third parties.

- Evidence to discount the use of infiltration methods of surface water disposal (soakaway) is required, in accordance with our SuDS Guidance for Developers and the hierarchy of surface water disposal.
- The scheme shows connection to a private drain in Geldof Road (assumed highway drain) which will require consent from the owner. The Council's highways team would need to allow the connection into this drain.

Highway Network Management

3.11 No objection in principle, request planning obligations and off-site highways works.

3.12 Officers initially (July 2023) advised a 2m wide crossing over New Lane with a central island would be required. In August 2024 the request was updated; to provide a 4m wide toucan crossing (signalised crossing for pedestrians and cycles). Officer note - the plans have been revised accordingly and show a toucan crossing and the specification requested will be secured through condition.

3.13 Further clarification was requested on trip rates required. Officer note - since these comments an updated Transport Assessment was supplied, with updated trip rates, inclusion of modes to promote walking and cycling and impact on the road network. National Highways advised they were content with the impact on the wider network. No further observations have been received from highways in respect of trip rates.

3.14 The following infrastructure to promote walking, cycling and sustainable travel was requested -

- Bus shelter (and relocate bus stop).
- 3m wide footpath on east side of New Lane.
- New lane crossing points - safe crossing point on from the development to the residential estate and primary school.

The three items above were all provided for on revised plans.

3.15 Planning obligations sought –

- £200 per dwelling - Car Club Contributions incentive.
- £600 per dwelling - Travel Plan Contribution to ensure that the travel plan is implemented for 5 years.
- £400 per dwelling - Sustainable Travel Incentives (bus pass or cycle equipment)

- £6,000 - Traffic regulation orders (maybe revised dependant on information supplied).
- A possible contribution was also identified for measures to improve safety and limit speeds on nearby streets and for other pedestrian and cycle crossings.

3.16 Further conditions requested –

- Details of the new junction / site access.
- Dilapidation survey and measures to prevent mud on the highway.
- Car club parking space on site close to new Lane.

Strategic Planning Policy

Housing land supply

3.17 The NPPF requires local authorities to annually update its evidence of deliverable housing sites. The Council has recently completed this exercise using monitoring data from the last full monitoring year (2023/24). A land supply of 4.17 years has been calculated.

3.18 For this planning application, considerations relating to land supply must be made in the context of whether a full 5 years or more of housing sites can be demonstrated. With the Council's supply falling short of a full 5 years' worth of sites, and results of the last published Housing Delivery Test indicating that the delivery of housing was below 75% of the housing requirement over the previous 3 years, the presumption in favour of sustainable development (the 'titled balance in paragraph 11(d) of the NPPF) applies. However, NPPF footnote 7 identifies policy protections and designations that effectively disengage the titled balance, including Green Belt. It is our view that the site is Green Belt and the test of 'very special circumstances' applies.

Affordable housing

3.19 Evidence submitted to the local Plan examination confirms that 9,396 affordable homes are required over the plan period (2017 – 2033). It was estimated that around 35% of affordable housing need could be met from known sources of supply, but the report also acknowledged the likelihood of other forms of supply coming forward in the plan period for which reasonable estimates could not be calculated.

3.20 Policy SS1 now states the amount of affordable housing needed in York and targets meeting at least 45% of need (4,228 homes). In setting the target it was acknowledged that 963 more affordable homes would be needed, above that calculated from known sources of supply (i.e. site allocations and considering historic windfall rates).

3.21 Delivery of affordable housing to date has fallen short of the average levels needed to achieve the target by the end of the plan period. The protracted Local

Plan examination has contributed to this, with the volumes expected on strategic sites not yet translating to completed homes on the ground. However, the Plan is now in its final stages and close to adoption. This milestone will undoubtedly unlock land and the pace of development likely to increase, which in turn will benefit our performance of affordable housing delivery.

3.22 The amount of affordable housing within our land supply remains at around 35% of overall need and windfall schemes offering 100% affordable housing will be necessary if the Council is to achieve its ambitions of facilitating delivery of over 4,200 homes by 2033 (i.e. 45% of identified need). These are matters that are material to a decision on this application.

Public Protection

3.23 No objection. Recommend conditions.

- Land contamination – based on site investigation a remediation strategy is required.
- Construction management – during construction measures to minimise noise, vibration and dust requested.
- EV charging – an informative is recommended.
- Noise – noise survey issued advises on suitable mitigation for future occupants. Secure by condition.

Rights of way (PROW)

3.24 No objection. Advise the path on the north side of the site is a public highway. During and after construction the surface of the route must not be affected for example by drainage or unauthorised vehicle use. If the proposed development results in a deterioration of the current surface of the route the developer would be responsible.

Sport and Leisure

3.25 No response.

EXTERNAL

Foss Drainage Board

3.26 No objection. Recommend a condition to approve the drainage scheme. Surface water drainage – advise that the Planning Practice Guidance hierarchy for the management of surface water should be adhered to and therefore first soakaways should be ruled out. If soakaways are not achievable the board would

advocate a discharge rate of up to 3.5 l/sec, to enable Yorkshire Water to adopt the infrastructure.

Huntington Parish Council

3.27 Object on the following grounds:

- Principle - the adopted Neighbourhood Plan supports the Green Belt designation for the application site and identifies area "ST8 (off North Lane)", as the only acceptable area of land for development within Huntington Parish. The application is at odds with the community, stakeholder and parish council opinion as outlined in the Neighbourhood Plan.
- Road safety
- Air quality
- Residential amenity and loss of views
- Overdevelopment
- Negative impact on biodiversity
- Harm to open aspect on cemetery
- Flooding issues
- Landscape and visual impact
- Lack of infrastructure

National Highways

3.28 Recommend a condition that travel planning continues until the travel plan targets in the travel plan (version v1.1) have been met.

Natural England

Object. The proposals could have potential significant effects on Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

3.29 Based on the nature, scale and location of the proposed development and the Suitable Alternative Natural Greenspace (SANG) provision it is very difficult to conclude no adverse effect on site integrity for Strensall Common SAC due to the potential impacts from increased recreational disturbance. Natural England does not consider that the mitigation measures proposed are sufficient. There may be scope for amendments to the design of the proposal - changes to the size, quality, and type of the proposed SANG provision - that could avoid or mitigate the environmental harm described above.

NHS

3.30 Request planning obligation - Report that there are 4 GP surgeries within 1.2 miles of the site. Two of these do not have capacity. The increased population

proposed will increase demands on services. Using their formula, taking into account population proposed and additional floorspace required to accommodate such, a financial contribution of £109,182 is requested.

North Yorkshire Police

3.31 No objection. Recommend informative regarding designing out crime and in this respect provide advice on footpath and cycle routes that are direct and have natural surveillance (going past frontages); car parking; lighting; clear definition on ownership of public / private space.

Yorkshire Water

3.32 No objection to drainage strategy dated 24.2.23. Recommend conditions for foul water (further information on this matter was requested as a pumping station maybe required) and surface water (support proposals to drain direct to a watercourse).

4.0 REPRESENTATIONS

4.1 There have been 20 contributors and 13 objections to the application.

- Housing need - Whilst acknowledge affordable housing is needed, it should not be on Green Belt. Labour in the media have said the emphasis would be on ensuring new homes are on brownfield land.
- Harm to green belt purposes.
- Landscape and visual harm.
- Highways - It is unsafe to cross New Lane. Increased pressure for parking and rat running in nearby streets. Excessive traffic on local roads due to amount of recent development. Harm and disruption to roads during construction.
- Ecology – adverse effects due to loss of nature on the site.
- Lack of infrastructure – roads, schools doctors. Existing residents have to use facilities outside of Huntington. Huntington is densely built up with minimal open space, it does not have the parks that other parts of the city enjoy. Proposals at all housing sites would increase the size of the area by 25%.
- Flood risk – the site is susceptible to flooding.
- Public spaces – could increase anti-social behaviour, who would manage.
- Affordable homes – to what extent would the homes be affordable?
- Neighbourhood Plan – contrary to principle P3 – to protect the rural character and quality of life by, for example, prioritising the reuse of brownfield sites and conserving the Green Belt.
- Community engagement – not aligned with the NPPF (paragraph 137) which states applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that

can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

- Wildlife - the Wildlife Area around the Balancing Pond at Monks Cross Park & Ride has had issues with illegal access in the past. It is associated with the effective drainage of the Park & Ride site and the community stadium. It is requested this site includes adequate boundary treatment to restrict access.
- Support - York and North Yorkshire Chamber of Commerce - The proposals would deliver much-needed affordable homes in a suitable location nearby to a range of facilities at Monks Cross and Vangarde, as well as sustainable travel options via the Park & Ride.

5.0 APPRAISAL

5.1 The key issues are as follows –

- Green Belt
- Principle of the proposed development (including housing tenure and mix)
- Biodiversity and ecology
- Design and amenity
- Sustainable design and construction
- Open space
- Landscape and visual impact
- Highway Network Management
- Public protection
- Drainage
- Planning obligations – Education and NHS
- Consideration of very special circumstances

GREEN BELT

Whether the site is within the Green Belt

5.2 The site is within the general extent of the Green Belt in the Regional Spatial Strategy and the site is proposed as Green Belt in the DLP 2018. The proposed Green Belt boundaries in the DLP 2018 do not carry full weight because the plan is still under examination.

5.3 The *Wedgewood v City of York Council* Judgment, March 2020 is a material consideration in respect of the approach to decision making in the general extent of the Green Belt. The case decided that in the absence of an adopted Local Development Plan that specifies what is and is not green belt, ... the council must apply the high-level policy rationally to determine what land within the inner and

outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to

- The 2005 Draft Local Plan.
- The DLP 2018, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treat the site as Green Belt or not.

5.4 The Huntington Neighbourhood Plan policy H14 Green Belt states decisions on whether to treat land as Green Belt will be taken in accordance with *Wedgewood v CYC*.

5.5 Both the 2015 and 2018 DLP allocate the site as Green Belt. The Neighbourhood Plan states (in policy H14) within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances.

5.6 The third test from *Wedgewood* is whether site-specific features exist, that may tend to treating the site as Green Belt or not.

5.7 In respect of the site specific features –

- In the Green Belt assessment for the appeal concerning the New Lane housing site to the north (Appeal ref: APP/C2741/W/21/3282598 dated 17 October 2023), the land the subject of the current application was described as countryside in the urban fringe visually influenced by the surrounding development. In that appeal both the Inspector and Secretary of State determined the land to the north of this site did not perform Green Belt purposes. However, the land to the south of the cemetery (i.e. the application site) was described as having a more rural character.
- The land south of the application site is Monk Stray, that land is identified as a Green Wedge that plays a role in preserving the historic character and setting of the city (DLP 2018 policy SS1: Delivering sustainable growth for York, figure 3.1). The application site is outside of the Green Wedge, but forms a continuation of it, and has an open character. The land use is rural.

5.8 Following the appeal decision concerning the land to the north, considering the characteristics of the site and its proposed Green Belt designation in the DLP 2018 which is (whilst still subject to objections) advanced, it is appropriate to regard the application site as Green Belt.

Harm to Green Belt

5.9 NPPF paragraph 152 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 154 and 155 go on to identify development which is not regarded as inappropriate. The proposed development does not fall under any of the exceptions; it is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.10 It is also necessary to determine the extent to which the proposals would conflict with the aim of Green Belt policy; to prevent urban sprawl by keeping land permanently open. In this respect the NPPF states the Green Belt serves five purposes –

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.11 Taking into account the appeal concerning the site to the north (decision APP/C2741/W/21/3282598) it can reasonably be determined that the following purposes are relevant to this site –

- to check the unrestricted sprawl of large built-up areas
- to assist in safeguarding the countryside from encroachment

5.12 It is not considered that there would be unrestricted sprawl of the built-up area. The site is contained to existing and established field boundaries, there is development to the north, and the southern boundary of the site is broadly aligned with urban development to the east and the west. The Council have determined to approve planning permission for a children's centre (the Island) to the south – planning reference 22/01733/FULM.

5.13 The site is in agricultural use at the urban fringe and forms part of a larger field network, which forms part of the Green Wedge as identified in the Council's Green Belt Appraisal 2003. The Inspector in determining the appeal at the site to the north (decision APP/C2741/W/21/3282598) referred to the more rural character of the city in the location of this site. It is reasonable to conclude residential development of the site would be detrimental in terms of the purpose of safeguarding the countryside from encroachment. As the site is rural and contains no built form and appears in landscape terms of an extension of the Green Wedge to the south (Monk Stray) there would be a harmful effect on openness.

5.14 To conclude there would be harm to the Green Belt; by definition and by leading to loss of openness and being in conflict with one of the Green Belt purposes.

5.15 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.16 Further to the Green Belt assessment above, in the planning balance and considering weight to give to the harm to Green Belt the Ministerial Statement "Building the Homes we need" dated 30 July 2024 is a material consideration. The statement is in the context of proposed changes to the NPPF in respect of the development of Green Belt land with limited Green Belt purposes where the authority cannot meet its development needs. The Ministerial Statement carries little weight; the proposed changes to the NPPF have only been subject to consultation and the final version is unknown.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

5.21 The agricultural land is classed as being of moderate quality (DEFRA Agricultural land classification). When applying NPPF paragraph 15 in respect of the natural environment there would be no policy conflict resulting from the loss of agricultural land.

5.22 A key social objective of the NPPF is to ensure a sufficient number and range of homes can be provided to meet the needs of present and future generations. The NPPF in paragraph 76 requires that the Council should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. This should include a 5% buffer. The Council should also monitor housing delivery. There is a requirement in paragraph 79 (over a 3-year period) to either –

- Prepare an action plan to increase delivery if it falls below 95%.
- Increase supply (a 20% buffer rather than the 5% buffer referred to above)

5.23 In respect of the above in York –

- Housing supply falls short of a full 5 years' worth of sites (4.17 years).
- The last published Housing Delivery Test indicates delivery of housing was below 75% of the housing requirement over the previous three years.

5.24 The Secretary of State in determining the New Lane appeal (land to the north - (APP/C2741/W/21/3282598) found 30% affordable housing to be a very significant benefit. The Inspector's report commented on the very significant shortage of Housing Land Supply and the poor delivery of market housing and affordable housing, further stating that they found the future pipeline for affordable housing "very poor."

5.25 Policy SS1: Delivering sustainable growth for York includes a priority to deliver at least 45% of the 9,396 affordable dwellings required to meet the needs of residents unable to compete on the open market (within the plan period 2017-2033). It goes on to explain the spatial principles that should guide the location of development. These principles include directing development to sustainable locations. The background text acknowledges at least 2,360 affordable homes are expected to be delivered through the site allocations and affordable housing policies in H7 (student housing, which requires an off-site contribution towards affordable housing) and H10 (affordable housing).

5.26 Policy SS1 advises it is estimated around 3,265 (35%) affordable homes can be delivered in the plan period when windfall sites (sites not allocated in the plan and using an estimate based on the number of windfall permissions in previous years) and the Council's Housing Delivery Programme are factored in. This remains 940 dwellings short of the target set in the DLP 2018. In previous years delivery of affordable homes has fallen short of the average levels needed to achieve the target by the end of the plan period. The Council is reliant on windfall sites such as the application site to meet the target for affordable housing delivery in the DLP 2018.

5.27 The application is on the basis 100% of the homes are affordable. The indicative mix shows 46 x 2-bed, 51 x 3-bed and 10 x 4-bed. Policy H2 of the Huntington Neighbourhood Plan states proposals that deliver smaller homes (one or two bedrooms) will be particularly supported, policy H3 states that housing proposals where possible exceed affordable housing targets in the DLP 2018. The predominant amount of 2 and 3 bed sized homes is aligned with homes identified as being in most need in the local housing needs assessment (LHNA).

5.28 Given the social objectives of the NPPF regarding housing delivery, current under delivery in York (and the lack of the measures as required under the NPPF to address such) the provision of 107 affordable homes, that meet the affordability definition in the NPPF, and provides house sizes aligned with identified need in this specific case is given very substantial weight in decision-making.

BIODIVERSITY / ECOLOGY

Strensall Common Special Area of Conservation (SAC)

5.29 The site is within the Zone of Influence of Strensall Common Special Area of Conservation (SAC). DLP 2018 policy GI2a states proposals for housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy GI6.

5.30 The advice from the Council's Ecologist was that options to mitigate impacts of increased visitor pressure on Strensall Common SAC will need to be explored. These could include - increased public open space, increasing the accessibility to current walking routes and ensuring dog walking routes are clearly marked and facilitated (e.g. dog waste bins).

5.31 Following advice from the Ecologist the appeal decision for the site to the north, (APP/C2741/W/21/3282598) for some 300 homes was received (dated 17.10.23). For what is a larger scheme to the north, the Secretary of State was satisfied that for a number of factors, including the proposed mitigation on site (provision of a dog walking route), alternative public open space and the distance from Strensall Common, the proposed housing would not result in adverse effects on the integrity of the Strensall Common SAC. The circumstances are the same for this application. The scheme provides direct access to the public footpath to the north and has access to alternatives to Strensall Common, including (in due course) the residential scheme to the north. Policy GI2a in respect of effects on Strensall Common is satisfied.

Tree and hedgerow retention

5.32 DLP 2018 policy GI4 states development will be permitted where it recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context and where it retains trees and hedgerows that make a positive contribution to the character or setting. The policy is broadly consistent with H17 Biodiversity in the Neighbourhood Plan. The scheme takes an acceptable approach to tree and hedgerow retention in accordance with local policy GI4.

5.33 The hedgerow parallel to New Lane is categorised as B2 quality. The trees within the hedge are category C, apart from one which is B2 - self-seeded Ash trees 6m to 13m high. Part of the hedge requires removal to accommodate a new 3m pedestrian and cycle lane on this side of the street and for sight lines at the entrance. Replacement planting would be provided setback further within the site.

5.34 Tree group which runs east – west through centre of site. Hawthorn, blackthorn and apple; the tree survey states this is a strong cohesive feature -

Category B2. Revised plans have been issued that retains most of this group of trees and hedges. There will be minimal penetrations to allow the access road around the site. The hedgerow will become a primary landscape feature and add value to the scheme, in respect of biodiversity and landscape character. Trees and hedgerows on the north, south and west boundaries are to be retained.

Great crested newts (GCN) and derogation tests

5.35 GCN are a protected species. Newt ponds are within 250m of the site – within this range GCN may travel to habitat or breeding sites. Without mitigation there is risk GCN could be harmed and their access to habitat (i.e. ponds off-site) removed. To provide sufficient mitigation in the form of retained and enhanced habitat (grassland) the 15m wide nature zone and meadow are proposed on the east side of the site. A licence from Natural England would be required through condition to secure appropriate mitigation. Notwithstanding that licencing process, the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain three "derogation tests" the planning authority must consider in deciding whether to grant planning permission.

5.36 The three tests relate to (i) whether there is overriding public interest including those of a social or economic nature; (ii) there is no satisfactory alternative and that; (iii) the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

5.37 In respect of the tests there is public interest in the social economic gains of the scheme; there is no satisfactory alternative as the site layout has been designed to accommodate reasonable mitigation, therefore points 1 and 2 would be passed. The final point in respect of favourable conservation of the species would be met as the requirement for a European Protected Species licence will prevent any direct harm, and the provision of new connecting habitat will maintain the range and population of GCN.

Biodiversity Net Gain

5.38 A landscape and ecological management plan is recommended by the ecologist to secure enhancement measures. The eastern extent of the site includes natural amenity space and in addition there are retained hedgerows within and around the site. The scheme would provide some 9,000sqm of land with ecological value (this does not include the other types of open space for play etc). The scheme will achieve biodiversity net gain in accordance with NPPF paragraph 180d. Note that the scheme was submitted before 10% biodiversity net gain became mandatory.

DESIGN AND AMENITY

5.39 Neighbourhood Plan policy H4 Design principles states development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate to their nature and location... Where appropriate, development proposals should provide safe and attractive public and private spaces, and well defined and legible spaces that are easy to get around, especially for older people. The NPPF, in addition, in paragraphs 135 and 136 advises developments should promote health and well-being and recognise the important contribution trees make in respect of the character and quality of urban environments.

5.40 The NPPF states development should include tree lined streets, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. This is consistent with Huntington Neighbourhood Plan policy H1 which states that schemes include significant and well-designed landscape and green areas to ensure that development sits sympathetically with the existing landscape and retains and where practicable improve trees and hedgerows of good amenity, arboricultural or biodiversity value.

5.41 The application only seeks detailed approval of the access. The appearance, landscaping and layout of the scheme would be subject to future reserved matters application(s). However, to illustrate the intent and evidence the amount of development proposed can be accommodated on the site in an acceptable manner a landscape and general arrangement plan (revision P07) has been issued.

5.42 The plans issued show a layout that is acceptable in design terms and compliant with NPPF paragraph 135 which states developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The key components in this respect are a sufficient landscape character; retention of the trees and hedgerow through the centre of the site with a parallel route primarily for walking, cycling and recreation; the main entrance road is tree lined and active frontages would overlook an area of public open space and the existing right of way on the north side of the site. Planning conditions can be used to secure key elements of the landscape and layout including a suitable number of pedestrian and cycle connections directly into the route to the north of the site.

5.43 The houses would be 2 or 2.5 storey; they do not raise any amenity issues in respect of any surrounding occupants.

5.44 The scheme is also acceptable in terms of promoting sustainable travel and health and wellbeing by virtue of the landscaped layout, provision of a 3m pedestrian cycle route parallel to New Lane and a new signalised crossing across

New Lane. There would be an LTN 1/20 compliant pedestrian / cyclist crossing at the main entrance.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.45 DLP 2018 Policy CC2 states all new residential buildings should achieve –

- On-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), aiming for 75% (which is future homes standards). At least 19% of the reduction should come from energy efficiency measures.
- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

5.46 The applicant's statement on sustainable design and construction is from 2023 and proposes a 70% reduction in carbon emissions compared to 2013 building regulations, achieved using air-sourced heat pumps (ASHP). The policy also seeks a 19% reduction in carbon demand / emissions through fabric efficiency. This was significantly exceeded with a reduction of 42% proposed.

OPEN SPACE

5.47 DLP 2018 Policy GI6 states residential development should contribute to the provision of open space for recreation and amenity in accordance with current local standards and using the Council's up to date open space assessment (shown in the Local Plan Evidence Base Study: Open Space and Green Infrastructure (2014) and Update (2017) and the City of York Commuted Sum Payments for Open Space in New Developments – A Guide for Developers (updated 1 June 2014) and any further updates of these studies).

5.48 The scheme proposes sufficient natural open space and amenity open space (over 10,000sqm). Play space for children would be expected on a site of this scale and can be secured by planning condition; there is space to accommodate within areas of public open space as shown on the landscape general arrangement plan. The developer would be required to manage and maintain the public open space, this could be secured through legal agreement.

5.49 There is no sports provision on site. The ward has a surplus of outdoor sports facilities according to the 2017 update (over 17ha). Consistent with the decision at a larger 100% affordable housing site in the ward (New Earswick Joseph Rowntree Housing Trust application 20/02495/FULM considered at committee A in January 2024) no off-site contribution is sought.

LANDSCAPE AND VISUAL IMPACT (LVIA)

5.50 NPPF Paragraph 180b states that planning 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 from best and most versatile agricultural land and of trees and woodland. Policy D2 of the DLP 2018 indicates that development proposals will be encouraged and supported where they conserve and enhance landscape quality and character and the public's experience of it and make a positive contribution to York's special qualities. Neighbourhood Plan policy H4 seeks to respect the character of the local environment.

5.51 The application site does not lie within any special landscape designations. The proposed development would change the site's appearance from a rural character to a suburban one. However, taking into consideration the residential and commercial buildings and car parking to the three sides of the site the proposed development would not appear out of context with its surroundings.

5.52 The visual harm would be very localised and not long range but that there would be some harm to the landscape character of the area, and therefore some conflict with Policy H4 of the neighbourhood plan and DLP 2018 policy D2 which seeks to respect the character of the local environment. Consistent with the appeal decision for the larger housing site to the north (APP/C2741/W/21/3282598), moderate weight in the planning balance is attributed to landscape and visual harm by virtue of development of the site.

HIGHWAYS

5.53 The NPPF states that in assessing applications it should be ensured that –

- Opportunities to promote sustainable transport are included where appropriate.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.54 The NFFPF also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development should –

- Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.

- Address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles ...

5.55 Promoting walking and cycling - the scheme is in outline but includes details of access. Certain measures will be fixed by this application to reasonably encourage walking and cycling and sustainable travel and to be compliant with travel related requirements within policy H1 of the Huntington Neighbourhood Plan –

- Multiple access points directly to the cycleway and footpath to the north of the site – which is part of the cities cycle route network.
- Segregated cycle lane along New Lane (3m wide pedestrian and cycle route).
- Signalised crossing on New Lane which is highly beneficial to walking and cycling and again to the wider cycle route network. Since the consultation response from highways in July 2023, highways officers have identified the need for a signalised crossing and this is supported as a more inclusive and effective measure of promoting walking and cycling.
- As advocated in national guidance a travel plan will be a requirement of the development. This can promote car share, target school travel (Yearsley school is only some 350m from the site and the aforementioned signalised crossing would make access convenient and safe).
- Covered and secure cycle parking at a rate of 1 space per bedroom will be required through planning condition.
- LTN 1/20 compliant pedestrian and cycle priority crossing the main site entrance.

5.56 Safe access – the main access from New Lane does not raise any undue safety issues. The precise design will be subject to approval under the Highways Act.

5.57 Impact on the network - the transport assessment has been undertaken using data from the 2011 census in terms of travel to work statistics. This still shows junctions operate at capacity with the development. It is reasonable to assume working patterns have changed since 2011 and home-working is more frequent (and consequently lowers the number of car journeys in the peak period). There would be no significant impact on the network. Mitigation proposed is in the form of physical measures to promote sustainable travel. The site will have direct pedestrian links to the cycle / pedestrian route to the north. A cycle path off-road is provided along New Lane the extent of the site and the scheme includes a signalised junction to make crossing New Lane and therefore access to schools and amenities easier and more efficient for non-motorised traffic. To reduce reliance on private car ownership the developer will be required to provide a car club parking space on the site and residents will be offered incentives to use the car club.

PUBLIC PROTECTION

5.58 Policy ENV3 of the Draft Local Plan (2018) relates to land contamination and states where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination (e.g. housing with gardens), planning applications must be accompanied by an appropriate contamination risk assessment and appropriate remedial measures secured if needed.

5.59 Land contamination –standard conditions will be required to ensure ground investigations to determine whether any remediation measures are required in respect of ground gas. Verification reports, if applicable, any contamination has been dealt with would be required before occupation.

5.60 Noise – the noise assessment undertaken identifies mitigation can ensure adequate noise levels internally and also targets for gardens. The levels can be secured through condition and noise levels in gardens by design / boundary treatment.

DRAINAGE

5.61 DLP 2018 Policy ENV5 emphasises the need for Sustainable Drainage Systems (SuDS) in new development. Existing land drainage systems should not suffer any detriment as a result of development. Landscaping should be designed to reduce surface water flooding and to enhance local biodiversity. Surface water flow/run off is required to be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

5.62 A planning condition can be used to secure suitable drainage arrangements. The illustrative plans show an area of the site that would accommodate attenuation. It is expected soakaway would not work on the site (it didn't at the sites to the north and to the south). Assuming a connection to watercourse is discounted, the site would connect into the existing local drainage system at an appropriate, policy compliant rate.

EDUCATION

5.63 NPPF paragraph 99 states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications". The NPPG states Plan makers and local authorities for education should agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts. Policy DM1 of the DLP 2018 contains a general policy in respect of planning obligations but

does not explain detailed requirements for education contributions. The Council has been working towards a Community Infrastructure Levy charging schedule which would fund both education and healthcare. Affordable housing schemes would be exempt from the levy.

5.64 Education officers have sought contributions towards 14 Early Years places and 1.17 SEND places plus a contribution towards likely transport costs (for the latter). The combined request is £396,548. The request needs to factor in viability as required by the NPPG (which would suggest a more flexible approach to a scheme which is 100% affordable housing and the national community infrastructure levy regulations advise affordable housing is exempt from charging)).

5.65 The developer has advised that the amount the scheme can afford to contribute towards s106 contributions is limited because the proposals are for a scheme which provides for 100% affordable housing. For affordable housing there are other sources of funding available for education places. The applicants have offered a contribution of £293,160 towards education. This falls short of the contribution sought from Education and is a matter for the planning balance. The applicants have advised the authority could use these funds towards either early years or SEND.

PROVISION OF HEALTHCARE SERVICES

5.66 Policy HW5 of the DLP 2018 states the Council will support the provision of new or enhanced primary and secondary care services when there is an identified need. Improved, enlarged or additional primary or secondary healthcare facilities will be required to support residential developments that place additional demands on services beyond their current capacity. Developer contributions will be required to support increased provision.

5.67 The NPPG advice is that policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. Plan makers should consider how needs and viability may differ between site typologies and may choose to set different policy requirements for different sites or types of development in their plans. Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability.

5.68 Policy HW5 does it explain how viability or the type of development proposed will be factored in as advised by the NPPG. Assuming the Council progress to adopt a Community Infrastructure Levy, affordable housing would be exempt from financial obligations in respect of healthcare. The NPPG guidance on planning obligations (in the context of setting policies for such) advises obligations need to consider viability, not compromise sustainable development and ensure that asks are realistic. As the scheme provides for affordable housing, it can not afford to

provide the same level of planning gain/obligations compared to a scheme for market housing. The affordable housing proposed means the developer cannot provide for all the obligations required by the Council and no contribution has been agreed. This position has to be weighed against the benefits of the affordable housing proposed.

VERY SPECIAL CIRCUMSTANCES

5.69 The site is regarded to be in the general extent of the Green Belt. Under NPPF Green Belt policy the development is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 152). There is also harm to Green Belt purposes; there would be a loss of openness and encroachment into the countryside (although the harm is limited because of the extent of the surrounding urban area).

5.70 NPPF paragraph 153 requires local planning authorities ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.71 The harms identified in this case are -

Green Belt – inappropriate development which is harmful by definition, loss of openness and contrary to Green Belt purpose to assist in safeguarding the countryside from encroachment - substantial weight.

- .
- Landscape and visual harm - moderate weight.

Benefits

5.72 The scheme would deliver up to 107 homes that in NPPF terms would all be regarded as Affordable Housing. The scheme is 100% affordable housing and the Council would require that at least 26 of the homes were for social rent, following the recommendations in the Local Housing Needs Assessment 2022 (para. 1.21).

5.73 The DLP 2018 identifies housing need in York. It only includes a priority to deliver at least 45% of the 9,396 affordable dwellings required (within the plan period 2017-2033). Delivery of affordable housing to date has fallen short of the average levels needed to achieve the target by the end of the plan period. In setting the target DLP 2018 policy SS1: Delivering sustainable growth for York acknowledges that 963 more affordable homes would be needed, in addition to supply calculated from known sources (i.e. site allocations and considering historic windfall rates); windfall schemes offering 100% affordable housing will be necessary

if the Council is to achieve its ambitions of facilitating delivery of over 4,200 homes by 2033 (i.e. 45% of identified need).

5.75 Given the social objectives of the NPPF regarding housing delivery, current under delivery of affordable housing in York (and the acknowledgment that windfall sites providing 100% affordable housing will be necessary to achieve targets for affordable housing) the provision of 107 affordable homes, that meet the affordability definition in the NPPF, is given very substantial weight. The benefits of the scheme are considered to clearly outweigh the identified harm to the Green Belt and other identified harms.

PUBLIC SECTOR EQUALITIES DUTY

5.76 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.77 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications. The Council have not identified any equalities implications as a consequence of this decision.

6.0 CONCLUSION

6.1 The site is in a sustainable location for housing and is of a design that promotes active travel and health and well-being. The scheme would provide affordable housing for which there is an identified need. Windfall schemes such as this, offering 100% affordable housing will be necessary if the Council is to achieve its ambitions of meeting 45% of affordable housing need in the period of 2017-2033. The benefits of the affordable housing proposed carries very substantial weight in favour of the scheme.

6.2 The harm to the Green Belt would be limited and moderate weight is given to the visual and landscape adverse impacts as a consequence of developing the site. The scheme is also unable to provide a full contribution towards the education and NHS requests for planning obligations. There is no other harm arising from the development that cannot be addressed through planning obligations and conditions.

6.3 The proposals comply with the relevant policies in the Huntington Neighbourhood Plan in respect of housing need, housing mix, design principles, active travel and biodiversity. The benefits of the scheme are considered to clearly outweigh the identified harms.

7.0 RECOMMENDATION: Approve with the following conditions subject to Secretary of State Decision and subject to completion of a s106 agreement

7.1 That delegated authority to be given to the Head of Planning and Development Services to:

- Determine the final detail of the planning conditions and planning obligations below.
- Refer the application to the Secretary of State for Communities and Local Application Government under the requirements of the Town and Country Planning Consultation Direction (2021), and should the application not be called in by the Secretary of State, then APPROVE the application subject to planning conditions and completion of a s106 legal agreement to secure the items listed below.

S106 / PLANNING OBLIGATIONS –

- Affordable housing provision – all homes are to meet the NPPF definition of affordable housing. At least 26 of the homes are to be social rent.
- Car Club Contributions incentive - £200 per dwelling.
- Education – £293,160 to be used towards early years and SEND provision.
- Management and maintenance of public open space.
- Monitoring fee £4,520

PLANNING CONDITIONS

1 RESERVED MATTERS

Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 SUBMISSION OF RESERVED MATTERS

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates must be begun no later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

3 APPROVED PLANS

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

Landscape general arrangement
NLY-COL-XX-XX-DR-L-1000- revision P08

Highways works
31073-SC-100-P-001

And in broad accordance with the indicative layout
22003-GT3-00-00-DR-A-08-0901 P9

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved details.

4 RESTRICTION ON NUMBER OF DWELLINGS

The number of dwellings on site shall not exceed 107.

Reason: To ensure that the necessary infrastructure and mitigation is secured as the application and its impacts has been considered on the basis of a maximum of 107 dwellings.

5 CONSTRUCTION MANGEMENT

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management plan shall be adhered to throughout the construction period. The plan shall include details of:

- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by the Institute of Air Quality Management and a package of mitigation measures commensurate with the risk identified in the assessment.
- Air Quality - The air quality impacts associated with construction vehicles and

non-road mobile machinery and the proposed mitigation measures, commensurate with the identified risk.

- Noise - Details on maximum permitted noise levels; noise mitigation measures; and noise monitoring and compliance with relevant standards.
- Vibration - Details of any activities that may result in vibration, including piling. Details shall include maximum vibration levels and any required mitigation and monitoring.
- Traffic management – confirmation that construction vehicles will be required to approach the site from the south.
- Complaints procedure - to detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Planning Authority every month throughout the period of construction.

Reason: Specifically required prior to commencement to ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the Draft Local Plan.

6 DILAPIDATION SURVEY

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

7 NO MUD ON HIGHWAY DURING CONSTRUCTION

Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

8 TIMES OF CONSTRUCTION

Construction, loading and unloading on the site shall not take place outside of the

hours of 8:00 to 18:00 Monday to Friday and 9:00 to 13:00 Saturday. There shall be no construction, loading and unloading at any time on Sundays and public holidays.

Reason: In accordance with NPPF paragraphs 135 and 191. To protect the amenities of adjacent residents.

9 TREE & HEDGE PROTECTION MEASURES

No development shall take place (including the importing of materials and any excavations) until a method statement regarding protection measures for the existing trees and hedgerows shown to be retained on the approved Landscape general arrangement plan shall be submitted to and approved in writing by the local planning authority. All works on site shall be undertaken in accordance with the approved method statement. For the avoidance of doubt this condition excludes works necessary for routine tree maintenance, pruning and crowning works.

The method statement shall include details and locations of protective fencing, and construction details where any change in surface material or installation of services is proposed within the canopy spread and likely rooting zone of a tree. No trenches, pipe runs for services or drains shall be sited within the root protection area of the tree(s) on the site which are to be retained without the prior approval in writing of the local planning authority.

Reason: Required prior to development in the interests of good design and biodiversity.

10 CONSTRUCTION MANAGEMENT BIODIVERSITY

No development shall take place (including ground works and vegetation removal) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction shall be undertaken in complete accordance with the approved Construction Environmental Management Plan. The plan shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of 'biodiversity protection zones'.
- Measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements).
- The location and timing of works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists will be present on site to oversee works.
- Details of responsible persons and lines of communication.
- The roles and responsibilities on site of an ecological clerk of works or a similarly competent person.

- Use of protective fences, exclusion barriers and warning signs.

Reason: Specifically required prior to commencement in accordance with NPPF paragraphs 180 and 186. To mitigate and minimise impacts on biodiversity.

11 BIODIVERSITY NET GAIN

No development shall take place (including ground works and vegetation removal) until a detailed biodiversity gain plan has been submitted to and approved in writing by the Local Planning Authority.

The measures set out in the approved biodiversity gain plan shall be implemented in accordance with its terms and permanently maintained.

The biodiversity gain plan must evidence a biodiversity net gain and include -

- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat.
- The pre-development biodiversity value of the onsite habitat.
- The post-development biodiversity value of the onsite habitat.
- Description and evaluation of features to be managed, including all newly created habitat and enhancement features.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions, including reinstatement/enhancement of work areas, haulage/access roads and site compounds.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

Reason: To minimise impacts on and provide net gains for biodiversity, in accordance with Paragraph 180 (d) of the NPPF.

12 GREAT CRESTED NEWTS

No development shall take place (including ground works and vegetation removal) unless the local planning authority has been provided with either:

- 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
- 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).

13 BATS

Prior to the installation of any new external lighting within the public realm, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The plan shall include (but not be limited to) the following:

- Specified lighting made in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.
- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrating where light spill will occur.
- Details of height, type, position, angle and spread of any external lighting.

The external lighting shall be erected and maintained in accordance with the approved details, to minimise light spillage and glare outside the development area.

Reason: To maintain the favourable conservation status of bats, and protect the habitats used by European Protected Species, in accordance with Section 15 of the National Planning Policy Framework.

14 LAND CONTAMINATION - REMEDIATION SCHEME

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

15 LAND CONTAMINATION - REMEDIAL WORKS

Prior to first occupation the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved 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.

16 DRAINAGE

No development shall take place (apart from site enabling works) until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The means by which the surface water discharge rate shall be restricted to a maximum (greenfield) rate of 1.4 litres per second. (If the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the scheme).
- Storage volume calculations, using computer modelling, which must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- A scheme of future management and maintenance.

The approved scheme shall subsequently be fully implemented prior to occupation of the first dwelling.

Reason: To ensure the development incorporates sustainable drainage systems, in accordance with NPPF paragraph 175 and policy ENV5 of the DLP 2018.

17 PUBLIC OPEN SPACE

No development shall take place (apart from site enabling works) until full details of the provision of public amenity space has been submitted to and approved in writing by the Local Planning Authority. The details shall include a masterplan showing

areas for natural/semi-natural amenity space, parks/gardens and a children's play area on-site, including equipment.

The public amenity space shall be provided in full in accordance with the approved details prior to first occupation, unless an alternative phasing plan is approved in advance in writing by the Local Planning Authority.

Reason: In accordance with NPPF section 8 and the York Open space and Green Infrastructure update 2017. To ensure that there is adequate open and amenity space and to promote health and well-being.

18 CARBON EMISSIONS

On-site carbon emissions shall achieve a reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% shall come from energy efficiency measures.

The Target Emission Rate (TER) for each dwelling should be calculated using version 10 of the Standard Assessment Procedure (SAP) and submitted to the Local Planning Authority prior to construction to demonstrate an overall reduction in carbon emissions of at least 75% above Part L of the Building Regulations 2013 will be achieved. If a reduction of 75% or more cannot be achieved, a statement shall be submitted to demonstrate that such a reduction would not be feasible or viable and shall be approved in writing by the Local Planning Authority prior to construction.

The new build dwellings shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In accordance with policy CC2 of the DLP 2018 to achieve sustainable design and construction.

19 CAR CLUB

Prior to first occupation of the development hereby permitted a scheme to accommodate at least one dedicated car parking space for the car club shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the location of dedicated car share space and the timeframe for installation. The development shall be carried out in accordance with the approved details and timetable. The car club space shall be retained for parking of car club vehicles exclusively for the lifetime of the development.

Reason: To promote sustainable travel and reduce private car travel, in accordance with NPPF section 9 and policy T7 of the Draft Local Plan 2018.

20 HIGHWAYS WORKS

Prior to first occupation of the development hereby permitted the following highway works, as indicatively shown on the general arrangement plan (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) shall have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

- Pedestrian and cycle lane, 3m wide on the east side of New Lane.
- Signalised crossing on New Lane with a 4m wide crossing point.
- Vehicle entrance provided with LTN 1/20 compliant pedestrian / cycle crossing.
- Bus shelter and associated works on the east side of New Lane relocated.

Reason: In accordance with NPPF section 9 and policy T1 of the DLP 2018; to promote sustainable travel.

21 CYCLE PARKING

Prior to first occupation of each dwelling hereby approved details of cycle parking facilities for the relevant dwelling shall be submitted to and approved in writing by the local planning authority. The facilities shall be covered and secure and provide for at least one space per bedroom. The cycle parking shall be provided in accordance with the approved details prior to the first occupation of the dwelling to which it relates and shall thereafter be retained for its intended purpose at all times.

Reason: To encourage sustainable travel, in accordance with NPPF section 9, LTN1/20 (and the parking standards within) and policy T1 of the DLP 2018.

22 TRAVEL PLAN

The site shall be occupied in accordance with the Travel Plan prepared by Fore, version 1,1.

Reason: In accordance with NPPF section 9 and policy T7 of the DLP 2018. To promote sustainable travel, specifically so that private car travel is an improvement over the anticipated modal split (with no mitigation) and to ensure that traffic flows from the site can be safely accommodated.

23 ACCESS AND LAYOUT

The reserved matters application for the layout of the development hereby permitted shall include details of sufficient direct access points for pedestrians and cycles only into the pedestrian and cycle route to the immediate north of the site.

Reason: To encourage sustainable travel, in accordance with NPPF section 9.

24 LANDSCAPE FEATURES

The reserved matters application in respect of landscaping and layout shall locate all trees and hedgerows to be retained (and their root protection areas), as shown on the landscape general arrangement plan, within public open space. The reserved matters application shall also include at least the areas GCN habitat and POS as shown on the landscape general arrangement plan and a scheme for replacement planting to compensate for the loss of hedgerow parallel to New Lane.

Reason: To minimise impacts on and provide net gains for biodiversity, in accordance with Paragraph 180 (d) of the NPPF and in the interests of good design and placemaking, in accordance with NPPF paragraphs 135 and 136 and to provide sufficient open space provision for future residents, in accordance with NPPF paragraphs 96 and 102 in respect of healthy and safe communities and DLP 2018 policy GI6 new open space provision

25 NOISE

The sound attenuation measures detailed in the noise assessment - Dragonfly Consulting noise assessment DC3764-NR1v2 - shall be fully implemented in each dwelling prior to first occupation.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

26 PLANNING OPEN SPACE ACCESS

The permissive routes and public open space hereby approved shall be kept open, free from any obstruction and in a safe condition for use by members of the public at all times unless any temporary closure is reasonably required for essential maintenance.

Reason: In accordance with NPPF section 8 and the York Open space and Green Infrastructure update 2017. To ensure that there is adequate open and amenity space and to promote health and well-being.

8.0 INFORMATIVES:

Notes to Applicant

1. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Application Reference Number: 23/01016/OUTM Item No: 4a

2. Public Rights of Way

Although the path to the north of the site is not shown on the Definitive Map (<https://www.york.gov.uk/PROW>) it is recorded on the List of Streets maintained at public expense and is therefore a public highway.

If the works mean there is a need to temporarily close this route on safety grounds you can apply for a closure at: <https://www.york.gov.uk/RoadClosures>.

During and after construction the surface of the route must not be affected for example by drainage or unauthorised vehicle use. If the proposed development results in a deterioration of the current surface of the route, you will be expected to restore the surfaces to how they were (or improved) before construction started. Similarly, the development must not reduce the current width of the route or interrupt access.

Please direct any further questions to rightsofway@york.gov.uk.

3. Balancing Pond at Monks Cross

It is recommended that as part of the reserved matters for landscape, planting and boundary treatment takes into consideration measures to restrict public access to the ponds in the interests of public safety.

4. 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 (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: sought revised plans to make the scheme acceptable taking into account promotion of sustainable travel, placemaking and biodiversity and the use of planning conditions and an obligation.

Contact details:

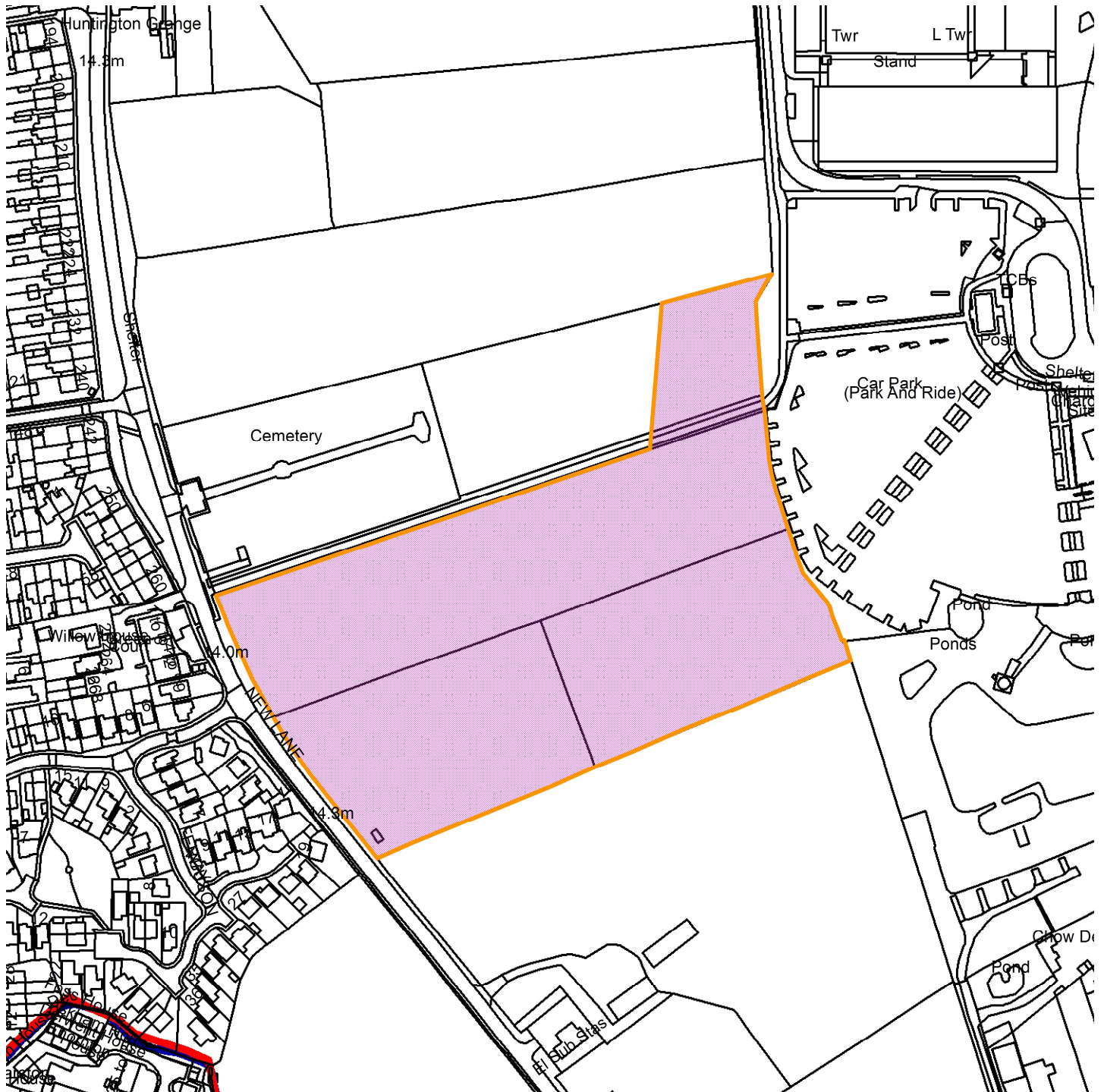
Case Officer: Jonathan Kenyon

Tel No: 01904 551323

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23/01016/OUTM

Land to South & East of the Cemetery, New Lane, Huntington



Scale : 1:2988

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Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Env, Transport & Planning
Comments	Site Location Plan
Date	28 October 2024
SLA Number	Not Set

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Planning Committee A

23/01016/OUTM

Land to South and East of the Cemetery New Lane Huntington

Indicative site layout



This information has been based upon information supplied by third parties and as such its accuracy cannot be guaranteed. All features are approximate and subject to clarification.

Do not scale this drawing. Use figured dimensions in all cases. Check all dimensions on site. Report any discrepancies to GT3 Architects before proceeding.



- Notes:
1. Refer to landscaping plan for all surface finishes and planting proposals.
 2. Refer to transport plans for details of New Lane road layout.

P9	Retained hedge/updated	ACU	23/10/24
P8	Retained hedge updated	ACU	10/10/24
P7	Rearranged for hedge retention	ACU	30/08/24
P6	Amended site entrance	ACU	24/04/24
P5	Amended site entrance	ACU	12/10/23
P4	Amended red line boundary	JEn	23/02/23
P3	Issue for Planning	ACU	31/01/23
P2	NDA amended	ACU	14/11/22
P1	First issue	ACU	04/11/22

Rev.	Description	Issued	Checked	Date
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Jomast
New Lane

New Lane
Huntingdon
York
YO32 9LY

Proposed Site Plan

GT3 PROJECT NO: 22003
 DWG NO: 22003-GT3-06-00-DR-A-08-0901-RevPA
 SCALE: 1:1250
 SHEET SIZE: A3
 DRAWING STATUS: Preliminary

Newcastle
0191 2817700
 Nottingham
0115 9470800

www.gt3architects.com
 info@gt3architects.com

KEY:

- Site boundary
- ↔ Pedestrian / cycle access
- ↔ Vehicular (and pedestrian) access
- ↔ Access only / no through road

Dwellings:

- 2 Bed : 46
- 3 Bed : 51
- 4 Bed : 10

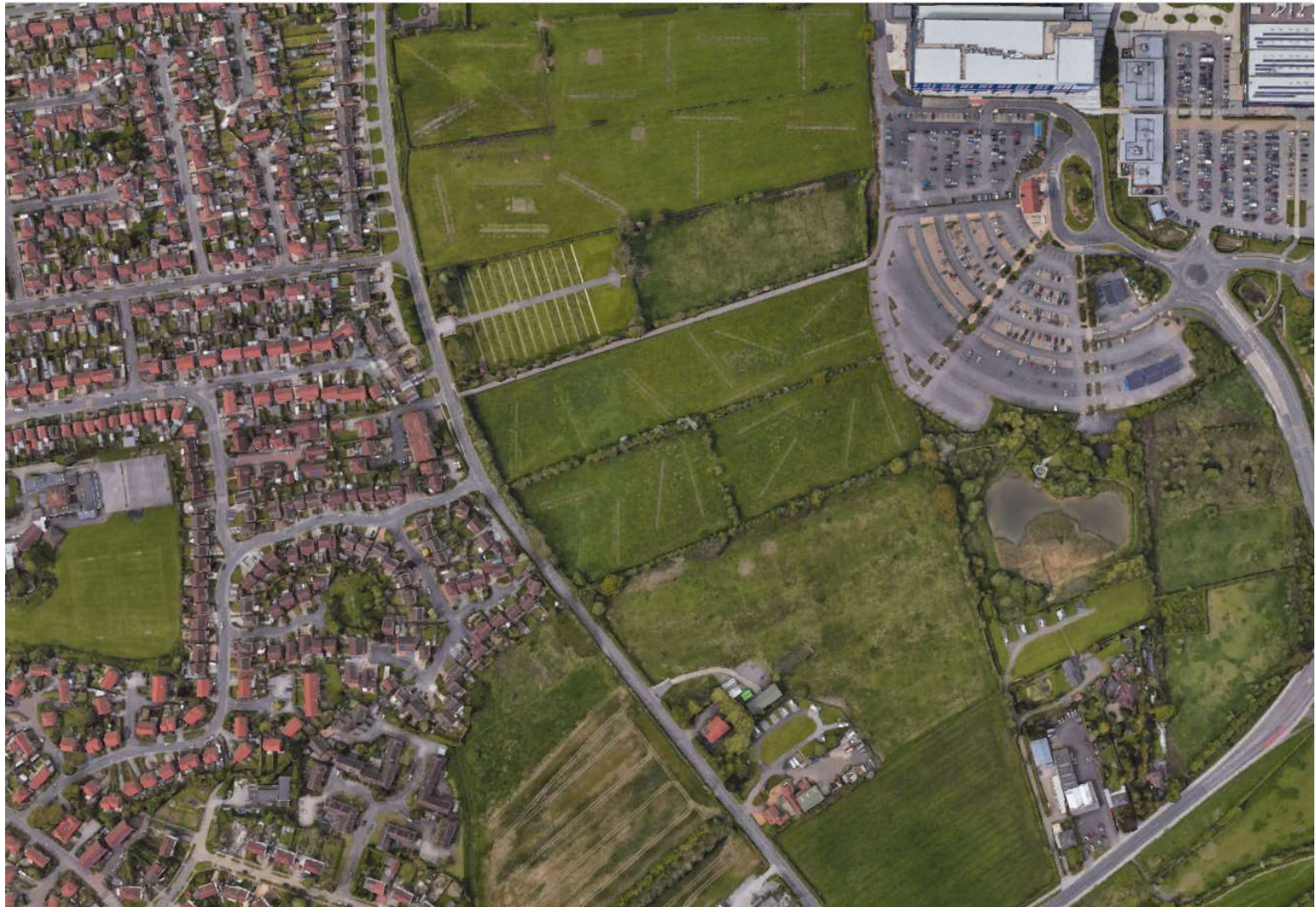
TOTAL : 107

2-Bed dwellings are 2 storeys high,
 3- and 4-Bed dwellings are 2.5 storeys high.

Indicative Landscape Plan



Google Satellite Image



COMMITTEE REPORT

Date: 7 November 2024 **Ward:** Wheldrake
Team: East Area **Parish:** Elvington Parish Council
Reference: 24/01238/FULM
Application at: Elvington Water Treatment Works Kexby Lane Elvington York
For: Installation of a solar photovoltaic array with associated infrastructure including transformer, security fencing, pole mounted CCTV, temporary construction access and compound.
By: Mr Ameet Juttla
Application Type: Major Full Application
Target Date: 6 December 2024
Recommendation: Approve

1.0 PROPOSALApplication Site

1.1 The application site is an irregular shaped site, with a total area of 4.9 hectares (ha). The site lies adjacent and to the south of the Elvington Waste Water Treatment Works (WWTW). Access to the existing WWTW is via a private track located off Dauby Lane, which also serves Derwent Close, a small residential cluster of 7 dwellings. There is a man-made access track within the site, accessed from the private track.

1.2 Overhead photos indicate that the site has been used historically for storage for the WWTW and is not in agricultural use. The site is characterised by semi-improved grassland with a number of trees scattered across the site.

1.3 The site is located to the west of the River Derwent. Whilst the site is not designated for its ecological value, it is situated close to a number of statutory nature conservation sites of international importance within 2km.

1.4 The site lies wholly within the general extent of the Green Belt.

Proposal

1.5 Planning permission is sought for the installation of a solar photovoltaic (PV) array with associated infrastructure. The development will have an operational period of 25years. Construction phase of the development is expected to have a duration of 3 - 4 months. The development is expected to generate 3200 Kilowatts (KW) (3.2 Megawatt (MW)).

1.6 The plans depict that there will be 26 rows of solar panels known as strings. Each string of panels would be mounted on a rack comprising poles pile-driven into the ground to a maximum depth of 2.5m, without the need for excavation. The panels would be tilted up to 25 degrees from horizontal and orientated to face due south. The panels would be mounted at approximately 1.5m from the ground at the lowest point, raising to a maximum of 3.6m at the highest point. There would be a distance of 4m (approx.) between each string of panels to avoid inter-panel shading.

1.7 The development shall also comprise of:

- a transformer located on a 3m x 3m concrete pad
- 1.8m high fencing and gates around the perimeter of the site
- 5m high security camera poles (12no. positioned around the perimeter fencing)
- cabling buried at a maximum depth of 1.2m
- temporary access track comprising of permeable surfacing and construction compound (approx. 30m x 30m).

1.8 The Applicant is Downing LLP. The land is owned by Yorkshire Water Services Ltd who own and operate the Elvington WWTW. Yorkshire Water have appointed Downing LLP to construct and install the development on their behalf. It is outlined that the power generated from the proposed development would be used by Yorkshire Water to power the operations of the WWTW. Any surplus may be exported to the Grid.

1.9 The proposal constitutes schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The information in the associated environmental statement is sufficient for the Local Planning Authority to understand the likely effects of the proposals and required mitigation.

Engagement by the Applicant

1.10 Planning policy guidance encourages developers to engage with the local planning authority and third parties prior to submitting a planning application.

1.11 A pre-application consultation was undertaken by the Applicant in April 2024 which involved an information leaflet dropped to 369 properties as well as an in-person consultation at Elvington Village Hall.

Planning History

1.12 A near identical planning application was granted consent on 13 May 2016. This permission was not implemented and it subsequently lapsed on 13 May 2019.

15/02639/FULM Installation of solar photovoltaic array with associated infrastructure including kiosks, security fencing, cctv and internal access track; Application Permitted 13 May 2016

1.13 Having reviewed the details of this Application, the main difference appears that the approved plans show 29 rows of solar panels with an internal access indicated to be provided in the western corner of the site.

20/02135/EIASN Screening opinion in respect of Elvington Water Treatment Works solar farm; EIA required 02.12.2020

2.0 POLICY & LEGISLATIVE CONTEXT

Planning and Compulsory Purchase Act 2004

2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that an application is made in accordance with the development plan unless material considerations indicated otherwise. The Council does not have an adopted local plan. There is no made Neighbourhood Plan relevant to this application site.

Regional Strategy For Yorkshire And Humber (Partial Revocation) Order 2013

2.2 Policies YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

National Planning Policy Framework (NPPF)

2.3 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.4 The sections of the NPPF that are considered to be of relevance to this planning application include: 13) Protecting Green Belt land, 14) Meeting the challenge of climate change, flooding and coastal change, 15) Conserving and enhancing the natural environment and 16) Conserving and enhancing the historic environment.

Draft Local Plan (2018)

2.5 The Draft Local Plan 2018 (DLP 2018) was submitted for examination on 25 May 2018. The plan has been subject to examination. Proposed modifications regarding policy H5 Gypsies and Travellers have recently been subject to consultation. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

D2	Landscape and Setting
D6	Archaeology
GI1	Green Infrastructure
GI2	Biodiversity and Access to Nature
GB1	Development in the Green Belt
CC1	Renewable and Low Carbon Energy Generation and Storage
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access

DLP 2018 evidence base

2.6 The evidence base that underpins the draft DLP 2018 policies is a material consideration and can be afforded weight when determining planning applications. The evidence base that is considered to be of relevance to this application includes:

- Renewable Energy Study (September 2014)

Other guidance

- Department for Energy Security and Net Zero: National Policy Statement (NPS) for renewable energy infrastructure (EN-3) (November 2023).

2.7 Section 2.10 relates to solar photovoltaic generation and states that solar has an important role in delivering the government's goals for greater energy independence.

2.8 NPS EN-3 covers the impact of solar photovoltaic generation on visual and residential amenity, specifically glint and glare, which officers consider is not covered under any other planning guidance. Paragraph 2.10.102 sets out that solar panels are specifically designed to absorb, not reflect irradiation, however they may reflect the sun's rays at certain angles, causing glint and glare. Glint is defined as a momentary flash of light that may be produced as a direct reflection of the sun in the solar panel. Glare is a continuous source of excessive brightness experienced by

stationary observer located in the path of reflected sunlight from the face of the panel. The effect occurs when the solar panel is stationed between or at an angle of the sun and the receptor. It continues in para. 2.10.104 to state that when a quantitative glint and glare assessment is necessary, applicants are expected to consider the geometric possibility of glint and glare affecting nearby receptors and provide an assessment of potential impact and impairment based on the angle and duration of incidence and the intensity of the reflection.

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (DCSD) (Archaeology)

3.1 There is no ridge and furrow extant within the application site.

3.2 The archaeological potential for this site is likely to be low – medium and any resource material is likely to date to the late prehistoric – medieval period and at shallow depth. Impacts arising from the construction of the whole site can be managed through an archaeological evaluation, covering 4% of the site and will aid in confirming whether there is an archaeological resource on the site, characterise that resource, inform decision making on any mitigation measures through excavation or by avoidance and inform any decommissioning mitigation measures which may be required.

Design, Conservation and Sustainable Development (DCSD) (Ecology)

3.3 It is requested that further consideration is given to ecological enhancements for species across the site (such as bat/bird boxes/barn owl nest box) which can be installed on existing retained vegetation around the site. Also recommend that the deer fencing will have suitable access points at ground level for mammals to avoid the site being isolated and fragmented within the landscape.

Design, Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.4 Consultation response was provided to a very similar application in April 2016 (Ref: 15/02639/FULM) and those comments remain largely relevant to this 2024 submission. The information submitted with this latest application is more comprehensive.

3.5 Overall, the Landscape and Visual Impact Assessment (LVA) makes a reasonable assessment of the visual effects of the development and the impact on landscape character. Generally, in Year 1 the development would result in a 'minor-moderate adverse' effect (at worst 'moderate'). Depending on the rate of establishment, this would reduce to 'negligible beneficial' (or at least negligible

adverse) at year 15 and would continue to lessen over time due to the proposed trees, hedge, and scrub planting around the perimeter of the site in addition to the existing vegetation.

3.6 The vast majority of trees are category C and located around the periphery of the site or beyond. The better trees – the category 'B' early-mature/mature Oaks - are all safely retained.

3.7 I find the proposed Landscape and Biodiversity Restoration Plan to be appropriate in complexity, character, and species selection in terms of landscape. Confirmation that the fencing would be a timber post and wire deer fencing is welcomed and suitable in terms of visual character.

Highways Network Management

3.8 Requests further details in respect to service vehicle parking areas within the site and details of site accesses off Derwent Close. Further details are requested via a Construction Traffic Management Plan (CTMP).

Lead Local Flood Authority (LLFA)

3.9 Following additional information received regarding construction details for the access roads, transformer base and cable route, further details are required, and the FRA should be updated to show these updated site-specific construction details.

3.10 The access road sub-base material should be Type 3 (free draining) material and not Type 2. The transformer base and cable route do not need formal drainage, but site-specific construction details are required.

Public Protection Unit (PPU)

3.11 Noise - Due to the location of the transformer unit from the noise sensitive receptor (NSR), the size of the transformer unit and the fact that the operation of the site will be daytime only there is no requirement for a noise assessment.

3.12 Construction Noise and Dust – recommend a Construction Environmental Management Plan (CEMP) due to the extent of the site and to minimise noise, vibration, dust impacts during site preparation and construction phases.

3.13 Land Contamination – The Phase 1 Contaminated Land Report (dated 26.2.2024) concludes that there is potential for harm and a Phase 2 site investigation is recommended, which can be dealt with by conditions.

EXTERNAL

Elvington Parish Council

3.14 Any response will be verbally reported.

Civil Aviation Authority

3.15 Any response will be verbally reported.

Environment Agency

3.16 Any response will be verbally reported.

Natural England

3.17 Not able to provide specific advice on this application and therefore has no comment to make on its details. Offer further advice and referenced to our standing advice. It is for the LPA to determine whether or not the proposal is consistent with national and local environmental policies.

Ouse and Derwent Internal Drainage Board (IDB)

3.18 The Board has assets adjacent to the site (on the southern boundary) in the form of Horse Dyke.

3.19 Further details requested:

- in respect to perimeter drainage ditches - what is the proposal for these ditches? Will they just be a basin or will they have an outfall to the watercourse?
- temporary access tracks where will these be located/how long in place

Yorkshire Water

3.20 The north of the application site is crossed by a live water main with the landscape and biodiversity restoration plan indicating the planting of tree species over the route of the water main, which could jeopardise the integrity of this asset. A condition is recommended to revise this arrangement and restricts tree planting to areas outside of the water main buffer zone (5.0m either side of the centre line of the water main).

4.0 REPRESENTATIONS

4.1 The application has been advertised by site and press notice as well as neighbour notification.

4.2 One letter of objection has been received, raising the following concerns:

- impact on natural landscape/scenic beauty of the rural area
- potential for removal of hedge and trees to facilitate any services or access
- disruption of habitats, leading to a local decline in local biodiversity.
- increased noise levels during both construction and maintenance, disturbing peace and quiet that residents currently enjoy
- glare and reflection maybe intrusive
- no mention of lighting the site at night
- reduce the availability of land for farming, which is vital for our local economy and food supply
- potential for increase in flooding
- lack of local benefit; the energy generated may be exported to other areas (or used within the Treatment Plant) leaving residents with the negative impacts without any advantages
- potential of extending the array in the future
- disruption to historic ridge and furrow field patterns
- negative impact on property values

4.3 One letter of support has been received from Mr Luke Charters MP (York Outer) who states that:

- excited by the many green jobs created in our area, which are vital for the future of our economy
- for the future of our planet, the security of our nation, and the stability of our economy we need to diversify our energy away from unsustainable and insecure fossil fuels
- solar projects like this application greatly support Government and Council climate ambitions and build on our global reputation for being a carbon reduction leader
- this application builds on the previous planning approval to apply modern principles and technology to set the site up for success
- proposals for managing noise and other impacts during the construction project will minimise disruption for local residents
- confirmation from local experts that this site will not be detrimental to local wildlife is warmly received, along with confirmation about the impact of glare and other resident concerns.

5.0 APPRAISAL

5.1 Key Issues:

- Whether the site lies within the Green Belt
- Harm to the Green Belt
 - Impact on openness on the Green Belt
 - Impact on Green Belt purposes
- Provision of energy infrastructure
- Loss of agricultural land
- Impact on landscape

- Archaeology and heritage impacts
- Ecology and Biodiversity
 - Preliminary Ecological Appraisal
 - Biodiversity Net Gain
 - Habitat Regulations Assessment – European Designated Sites
- Flood Risk
- Access and Public Rights of Way
- Impact on visual amenity
- Residential environmental amenity
- Land Contamination
- Site Decommissioning
- Public Sector Equalities Duty
- Planning Obligations
- Planning Balance and Case for Very Special Circumstances

ASSESSMENT

Whether the site is within the Green Belt

5.2 The site is within the general extent of the York Green Belt in the Regional Spatial Strategy and the site is proposed as Green Belt in the DLP 2018. The proposed Green Belt boundaries in the DLP 2018 do not carry full weight because the plan is still under examination.

5.3 The *Wedgwood v City of York Council* Judgment, March 2020 is a material consideration in respect of the approach to decision making in the general extent of the Green Belt. The case decided that in the absence of an adopted Local Development Plan that specifies what is and is not green belt, the Council must apply the high-level policy rationally to determine what land within the inner and outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to:

- The 2005 Draft Local Plan.
- The DLP 2018, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treating the site as Green Belt or not.

5.4 Both the 2005 and 2018 DLP allocate the site as Green Belt. The third test from the *Wedgwood* case is whether site-specific features exist, that may tend to treating the site as Green Belt or not.

5.5 The site is located within the countryside and is generally open in character with surrounding by open agricultural fields, although the WWTW to the east of the site along with its access track provides some, limited urbanising feature in the wider landscape, although it is not obvious.

5.6 The Council's strategic approach to the Green Belt within York has been set out at a high level through Topic Paper 1 'Approach to Defining York's Green Belt' (May 2018). A revised addendum Topic Paper 1 'Approach to Defining York's Green Belt Addendum' (Jan 2021) clarified the methodology and revised the text to properly represent the methodology developed and applied for the setting of York's Green Belt boundaries.

5.7 In addition, the Council has undertaken further work in respect to the methodology that has been followed in the setting of inner and outer Green Belt boundaries, forming part of the emerging plan's evidence base. Relevant to this application site is Annex 4: Other developed areas, which considers all the densely developed areas and the detailed boundaries. The village of Elvington has been identified to be inset from the Green Belt to prevent any further encroachment or sprawl. Also relevant is Annex 2: Outer Boundary.

5.8 There have been no changes to the boundary around Elvington, with boundary no. 2 following the rear boundaries of residential properties, where there is a clear distinction between built up areas and open areas. The land contributes to the open approaches to the city from the A1079 and B1224. The rural land around the village contributes to the open feel of the area, which is part of Elvington's setting, as well as part of the open countryside setting around the City of York. There are views into this land from Elvington and the open approaches of Dauby Lane.

5.9 Officers therefore consider that as outlined above, the site exhibits features of, and contributes to the openness of the Green Belt. It offers a degree of permanence and serves to assist in safeguarding the countryside from encroachment (purpose C).

Harm to the Green Belt

5.10 The application site lies within open countryside within the general extent of York's Green Belt. The NPPF sets out in para. 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristic of Green Belts are their openness and permanence.

5.11 It is set out in paragraph 153 of the NPPF that substantial weight should be given to any harm to the Green Belt. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.12 Paragraph 155 of the NPPF specifies certain forms of development that, provided that they preserve its openness and do not conflict with the purposes of

including land within it, are not inappropriate in the Green Belt. However, paragraph 156 states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

5.13 The proposed development of solar photovoltaic array does not fall within any of the identified exceptions in paragraph 155 and is therefore considered to be inappropriate development in the Green Belt by definition and, in accordance with para 147 of the NPPF very special circumstances will need to be demonstrated to justify the development.

- Impact on openness on the Green Belt

5.14 The site is considered to form an open buffer of countryside between the WWTW to the north and Elvington village to the south. There is a green bund, running north to south which forms a physical and visual edge to the WWTW. The site itself is generally flat, with land sloping down across the eastern part of the site. Towards the southern boundary, the land gently rises towards the village. Whilst the site is bounded on two sides by existing hedgerows, and an earth mound to the north together with the WWTW, the site is not considered to be enclosed nor comprise infill.

5.15 The development comprising of 26 rows of solar array, a maximum of 3.6m high across much of the site along with perimeter fencing and twelve 5m high poles with mounted cameras, would significantly reduce openness both visually and spatially. There would be minor mitigation as the solar array is arranged in rows of 4m apart, rather than a constant mass. The impact on openness is relatively high given the height of the panels and the generally open nature of the site.

5.16 The development has an anticipated construction programme of 3-4 months and will include a temporary construction compound with storage of materials and equipment. It is considered that the construction phase and a similar decommissioning phase would have a notable, but temporary impact on the openness of the Green Belt.

5.17 Regarding the applicants' argument presented that the development is for a temporary period of 25 years, it has been considered whether this is materially temporary in terms of Green Belt policy and aims. 25 years is a substantial length of time. Moreover, should the development be permitted, the principle of development of the site for renewable energy (assuming very special circumstances are accepted on this basis) would be set. The development established for this length of time is considered to have a permanent harmful impact on the Green Belt due to the length of any permission and the strong precedent it would set for a continued use of the

site for renewable energy generation. Therefore, there would be a permanence in terms of impact on the Green Belt set by the proposed development.

- Impact on Green Belt purposes

5.18 Paragraph 143 of the NPPF states that the Green Belt serves five purposes. These are:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.19 The site is not identified within an historic character and setting of York outlined in Figure 3.1 of the Draft Local Plan, however it fulfils one of the Green Belt purposes, namely c) to assist in safeguarding the countryside from encroachment. The site contributes to the important open gap of countryside between Elvington village and the WWTW as a major developed industrial site. The proposed development will bring development closer to the village and outside the visual boundary of the WWTW provided by the bund and thus encroach into the countryside. It may also affect the setting of Elvington as a historic village, although to a limited extent in this location. It is a green field site outside the WWTW boundary so it does not assist in urban regeneration or use derelict or underused land within the WWTW.

5.20 The proposal would harm one of the purposes of Green Belts outlined in paragraph 143 of the NPPF, specifically Part c) which relates to the purposes of assisting in safeguarding the countryside from encroachment. To conclude there would be harm to the Green Belt; by reason of inappropriateness and by leading to significant loss of openness and being in conflict with one of the Green Belt purposes. In line with the NPPF, it should not be approved except in very special circumstances. The NPPF requires substantial weight be given to any Green Belt harm.

Provision of energy infrastructure

5.21 Chapter 14 of the NPPF 'Meeting the challenge of climate change, flooding and coastal change' sets out that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 157 of the NPPF states that the planning system should shape places that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.

5.22 Underpinning the requirement of meeting the challenge of climate change in the planning system is the Climate Change Act 2008 which establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050.

5.23 At high level, the Energy White Paper (Powering our Net Zero Future) (December 2020) provides a ten-point plan and a national infrastructure strategy for the wider energy system. The White Paper establishes the need for energy infrastructure and to ensure the continuation of a planning policy framework, through the National Policy Statement (NPS) for energy, in order to deliver the investment required to build the infrastructure needed for the transition to net zero.

5.24 The National Practice Guidance outlines that large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. The visual impact of a well-planned and well-screened solar farm can be properly assessed within the landscape if planned sensitively.

5.25 Whilst Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' of the DLP is directly relevant to this proposal, this policy is subject to significant changes and has not been through the four rounds of hearings. Therefore, this policy can only be applied at this stage with limited weight.

5.26 Notwithstanding the above, Policy CC1 sets out that proposals for renewable and low carbon energy storage developments should be sited a suitable distance from major residential areas and have suitable fire suppression procedures. These proposals will be supported and encouraged, subject to demonstrating that any impacts (direct, indirect, individual and cumulative) on the following considerations are demonstrated to be acceptable:

- i. York's historic character and setting, including the sensitivity of the scheme to the surrounding landscape and proximity to airfields and other sensitive land use, including conservation areas;
- ii. local communities and residential amenity resulting from development, construction and operation such as air quality, atmospheric emissions, noise, odour, water pollution and the disposal of waste;
- iii. the location in terms of the scale of the proposal and new grid connection lines;
- iv. national and internationally designated heritage sites or landscape areas, including the impact of proposals close to their boundaries;
- v. nature conservation sites and features, biodiversity and geodiversity, including protected local sites and other sites of nature conservation importance, and potential effects on setting, habitats, species and the water supply and hydrology of such sites;
- vi. the road network, capacity and highway safety; and
- vii. agriculture and other land-based industries.

5.27 These matters, along with other relevant matters are considered below, as appropriate.

- Applicant's strategy

5.28 In January 2022, the Secretary of State for Business, Energy and Industrial Strategy issued an open letter to the Chief Executives of Ofwat (as well as Ofgem and Ofcom), to consider the compatibility of Ofwat's regulatory framework within the UK government's Net Zero Strategy pathways to 2050 and interim carbon budgets. Yorkshire Water have, in response, developed an energy strategy with three core goals to manage their energy consumption and carbon footprint. These are to:

- reduce energy consumption;
- increase energy generation; and,
- to make smarter use of existing assets.

5.29 The investment into renewable energy generated by the proposed development would be utilised by Yorkshire Water to power the operations of the WWTW. The use of renewable energy at this WWTW would help to significantly reduce CO₂ levels at the site. Overall, the Yorkshire Water (through Downing LLP) intends to deploy up to 120MW of solar generation facilities by 2028, and for 40% of their electricity consumption to be sourced from on-site renewables, with the proposed development contributing to these targets.

Loss of agricultural land

5.30 Footnote 62 of the NPPF sets out that where the development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The best and most versatile agricultural land is graded as 1, 2 and 3a of the Agricultural Land Classification (ACL) (Annexe 2 of the NPPF).

5.31 Whilst not currently serving agricultural purposes, the site is identified on the Agricultural Land Classification as being of moderate agricultural value (Grade 3). The site covers a relatively small area of land (4.9ha) and given that the site itself has not been reportedly used for farming for many years and along with the temporary permission applied for, does not result in specific policy objections on these grounds. There is a need for the development to be positioned in close proximity to the WWTW, in order to contribute and be part of the WWTW's infrastructure. There are no other realistic alternatives. The Applicant has set out that the transformer will be installed on a 3m x 3m concrete pad and new access tracks will comprise of permeable surfacing. As such, the extent of permanent hardstanding and earthworks is considered to be minimal and as such, the site could readily be reverted back to its current condition.

Impact on Landscape

5.32 The site lies within two landscape character areas, the 'River Derwent Floodplain' and 'Vale Farmland with Plantation Woodland and Heathland'. The site is not physically part of the traditional Ings meadows, although it is related to this landscape by its proximity and openness, which has the potential to be returned to pasture. The development presents an extension of structures into the open countryside, which is part of the open Green Belt and character of Elvington village. The proposals will significantly alter the natural landscape character on the site by covering it with man-made structures, including the solar arrays and not insignificant ancillary structures. However, due to the nature of the landscape, it would be over a fairly limited area.

5.33 Due to the modern (20th century) development of the village in particular, the site is heavily screened from the Main Street. Views of the site from public vantage points is limited. A number of properties will have views of the development from upper floors. The context of the WWTW is also a mitigating factor, as despite the grassed bunding, the WWTW is industrial in appearance.

5.34 To the east of the site, the River Derwent Corridor is identified as an extremely important green infrastructure corridor for biodiversity, recreation and landscape character. A public footpath is located on the east bank of the river, and whilst some views of the site would be identified, distance and vegetated field boundaries provide some natural visual mitigation.

5.35 Dauby Lane to the north of the site provides private access to the WWTW so is of little concern. The main visual impact on the landscape will be from the south of the development from the properties on Riverside Close. The southern boundary of the site comprises mature managed hedgerow.

5.36 The application is supported by a Landscape and Visual Appraisal (LVA) which assesses the visual effects of the development and impact on landscape character to assist in forming the visual impact of the proposed development including assessing whether the extent of existing vegetation provides screening and whether any future mitigation is required. The LVA assesses the visual effects of the development and impact on landscape character; Year 1 the development would result in a 'minor-moderate adverse' effect (at worst 'moderate'). Depending on the rate of establishment, this would reduce to 'negligible beneficial' (or at least negligible adverse) at year 15 and would continue to lessen over time due to the proposed trees, hedge, and scrub planting around the perimeter of the site in addition to the existing vegetation. The additional landscaping will minimise the overall harm to the landscape.

Archaeology and heritage assets

5.37 In terms of the proposals on archaeological impact, the archaeological potential is likely to be low-medium with any archaeological resource most likely be at shallow depth, date to the late prehistoric – medieval period. The potential construction of an access road, trenching for cabling and temporary compound and transformer area could remove any resource present.

5.38 The Council's Archaeologist has advised that the impacts arising from the construction of the whole site can be managed through an archaeological evaluation, covering 4% of the site. This will aid in confirming whether there is an archaeological resource on the site, characterise that resource, inform decision making on any mitigation measures through excavation or by avoidance and inform any decommissioning mitigation measures which may be required. Therefore, subject to a suitable condition covering site investigation and post investigation assessment, the impact upon archaeological features and deposits at this site is not likely to be harmful and can be suitably managed.

5.39 The objector has referred to the potential impact to historic ridge and furrow. The Council's Archaeologist has confirmed that from modern aerial images there doesn't appear to be any ridge and furrow extant within the application site.

5.40 Elvington Conservation Area (no. 25) lies to the south of the site and is centred on the main street, extending eastwards to the Grade II* listed Sutton Bridge (also an ancient monument). The CA description includes the Riverside Meadows as being essential to the setting of the village and are tranquil and pastoral in character. However, the views of the Riverside Meadows in the CA appraisal are to the south of the village rather than the north and the setting of the bridge is not considered to be affected.

5.41 There would be no harm to the setting of the conservation area or Sutton Bridge as a result of the proposals as the development is unlikely to be visible. As the proposed development is broadly similar in size, scale and visual impact to the previously approved scheme, officers maintain this assessment.

Ecology and Biodiversity

5.42 Section 15 of the NPPF focuses on the conservation and enhancement of the natural planning environment. It sets out in paragraph 180 sub sections a), d) and e) that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soils, air, water or noise pollution or land stability.

- Preliminary Ecological Appraisal

5.43 The application site including an appropriate buffer are subject to a Preliminary Ecological Appraisal (PEA). A Phase 1 Habitat Survey has been undertaken and supports the application.

5.44 The surveys concluded that within the last 10 years, there were no records of badgers with the site, although the scrub and grassland provide foraging opportunities and tall embankments offer suitability for badger sett creation. No records of Great Crested Newts, reptiles, otters and water vole within the last 10 years. There were records of brown hare, roe deer and field mouse during reptile surveys. In respect to bats, there were 25 records of 6 species of bats from the last 10 years within 2km of the site. The habitats are of moderate suitability for foraging and commuting bats; the hedgerows and ditches along the periphery of the site offer foraging potential along with hedgerows that offer connectivity to the River Derwent. The boundary habitats of higher value will not be directly impacted by the development and will be enhanced.

5.45 The application will result in a loss of habitats (4.9ha approx.) that are common and widespread, and which support largely common and widespread species. Some protected species, particularly bat species and otter are supported by these habitats; however, no significant residual effects on any ecological receptor are predicted. No significant effects have been identified for the construction, operation and decommissioning of the proposed development, either alone or in combination with other developments.

5.46 There has been some embedded mitigation in design undertaken by the Applicants, with the infrastructure designed to be more than 5m from hedgerows and more than 10m from watercourses. This along with additional avoidance measures have been proposed to minimise potential harmful effects and to reduce the likelihood of legal offences occurring. Opportunities for biodiversity enhancement are provided for in the Landscape and Biodiversity Restoration Plan and through other conditions, which would improve biodiversity in the locality.

- Biodiversity Net Gain

5.47 In line with the Environment Act 2021, a minimum 10% Biodiversity Net Gain is a statutory requirement for major developments. Sites must deliver 10% BNG either on-site or off-site, or as a last resort by buying statutory biodiversity credits. The maintenance of a significant on-site habitat enhancement must be secured by either a planning condition, planning obligation or conservation covenant for at least 30 years after the completion of the development.

5.48 Most of the site comprises relatively species-rich, dense neutral grassland, that appears to have been unmanaged for some time.

BNG results

5.49 On-site habitat units – 27.41% net gain due to enhancement of grassland areas and creation of scrub habitat

Hedgerow units – 53.60% net gain due to proposed hedgerow planting and enhancement.

5.50 The biodiversity enhancement will be achieved through on-site provision with the developer requirement secured through the biodiversity gain condition included as an informative (as it has its own statutory basis and is deemed to apply to every planning permission (unless exemptions or traditional provisions apply)). A Habitat Management and Monitoring Plan (HMMP) is recommended to be secured by condition. The delivery of biodiversity enhancements will also take into account that decommissioning is likely to happen after 25 years, so the enhancements will need to be accounted for and accommodated for an additional 5 years. To ensure the on-site works take place in accordance with the approved HMMP, monitoring is required, and this will be via a S106 agreement. This is considered reasonable and necessary to ensure that biodiversity net gain is achieved and monitored for the 30-year period by the Environment Act 2021.

- Habitat Regulations Assessment – European Designated Sites

5.51 The application site is located approximately 400m to the west of the River Derwent. Whilst the site itself is not designated for its ecological value; it is close to a number of statutory nature conservation sites of international importance and sites within the Impact Risk Zones of a number of statutory designated sites and within 2km of other statutory designations:

- River Derwent Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA)
- Lower Derwent Valley Ramsar, SAC, SPA and National Nature Reserve (NNR)
- Derwent Ings SSSI, Ramsar, SPA and NNR
- Newton Mask SSSI

5.52 These sites are designated for a range of features including flood meadows and associated species, the most mobile of which are otters, and breeding and wintering birds.

5.53 The Habitats Regulations Assessment (HRA) is the process that the competent authority (the Local Planning Authority) must undertake to consider whether a proposed development is likely to have significant effects on a European site designated for its nature conservation interest. As a competent authority, it is this Local Planning Authority's responsibility to produce a HRA, although it is commonplace for the Applicant to provide a 'shadow HRA' and for the LPA, in coming to its own conclusions, to 'adopt' this to fulfil the legal duty.

5.54 The development of solar array was considered in light of the assessment requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by City of York Council as Local Planning Authority which is the competent authority responsible for authorising the development and any assessment of it required by the Regulations.

5.55 Having considered the nature, scale, timing, duration and location of the proposed development, it was concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

Flood Risk

5.56 The NPPF (paragraph 165) sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

5.57 The majority of the site falls within Flood Zone 1 (low risk) however an area of the site alongside, and to the north of a watercourse/drain falls within Flood Zones 2 (medium risk) and Flood Zone 3 (high risk). The Applicant sets out that 10 panels will be located within Flood Zone 2. The watercourse is Ref: 196 Horse Dyke which is maintained by the Ouse and Derwent Internal Drainage Board (IDB) (Part of the York Consortium of Drainage Boards).

5.58 The NPPF sets out that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This is referred to as the sequential test. Planning Practice Guidance details that the aim of the sequential approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk.

5.59 In respect to the flood zoning of the application site, further scrutiny of the plans appears to show that the development will only result in a small number (5 at most) of the panels to be within flood zone 2. None will be in flood zone 3. Surrounding land is currently in use for agricultural or operational land associated with the WWTW, and other areas of the site in flood zone 1 will be used for wider environmental (biodiversity and landscaping) enhancement. The strings (solar PV panels) are supported off the ground by a rack comprising of poles driven into the ground and thus would not impede water flows, allowing the free flow of flood waters around the base of the structures. The NPPF Annex 3: Flood risk vulnerability classification as well as the Council's Strategic Flood Risk Assessment (Rev D June 2024) assesses solar farms as essential infrastructure, which are appropriate development in Flood Zones 1 and 2.

5.60 The installation of the solar photovoltaic arrays do not involve any significant areas of hardstanding (other than a 3m x 3m concrete pad that the transformers sits on), and therefore surface water runoff rates will not increase substantially from the baseline. The LLFA have requested that the permeable surface for the new access track to be Type 1 (free draining) rather than Type 2 material and can be dealt with by condition.

5.61 The Environmental Statement contains a details chapter on hydrology. It identifies a field drain on the southern boundary which discharges into Horse Dyke and then to the River Derwent. The ES proposes a Pollution Prevention Plan (PPP) which will be incorporated into a Construction Environmental Management Plan (CEMP) to ensure that the any surface water does not discharge sediments or pollutants into the drain and from there to the River Derwent. The water management measures to control surface water runoff during construction and operation include drainage ditches, silt fencing, designated material storage areas and compacting, temporary interception bunds and cut-off drainage ditches and perimeter drains.

5.62 Further details have been requested from the Ouse and Derwent IDB in respect to perimeter drainage ditches and whether they will have an outfall to the watercourse as well as details regarding the temporary access tracks, their location and position. Members will be updated at the meeting in this regard.

5.63 Yorkshire Water have outlined that the north of the site is crossed by a live water main, with tree planting over this mains route, which could jeopardise the integrity of the asset. Detailed analysis of the route of this water main and its relationship to the application site and any areas of tree planting have been undertaken. It is shown that the area of tree planting as shown on the Landscape and Biodiversity Restoration Plan is not within 5m of the centre line of this live water mains and therefore the proposals will not have any impact upon Yorkshire Water's assets. The condition requested by Yorkshire Water is therefore not required.

Access and Public Rights of Way (PRoW)

5.64 The site is accessed off a private track leading from Dauby Lane, which also serves properties at Derwent Close. Beyond Derwent Close, there is no public access; the private track is used solely by Yorkshire Water and the farmer who accesses the fields to the south of the application site. Deliveries and construction vehicles are unlikely to be greater than generated by the WWTW, and the impact of the development on the local highway network will be negligible. The recommendation set out by the Council's Highways Officer for a Construction Management Plan are not considered to meet the 6 tests for the imposition of planning conditions.

5.65 There are three public rights of way in the local vicinity. Wilberforce Way is a 50 mile linear trail from Hull to York. It runs east to west to the south of Elvington Village, crossing the river at Sutton Bridge. The Jorvik Way is a circular route around York. In Elvington, it follows the east bank of the River Derwent so is at a distance of 335m (approx.) at its nearest point. There is also a public footpath to the fields to the north of the site (490m away) which leads from Dauby Lane to the WWTW. It is not considered that the proposal will impact upon any PRow in the vicinity.

Impact on visual amenity

5.66 The proposal includes the arrays of solar panels, but also 1.8m high fencing and 12no. 5m high CCTV poles position around the perimeter of the site. Residential properties positioned on Riverside Gardens have their rear elevations facing a northerly direction, towards the proposed development. There is a distance in excess of 260m between these properties and the application site. From Riverside Gardens, the perspective and perception is that the depth of the site is foreshortened, and it is anticipated that the solar panels would form a relatively thin visual strip at a distance, which is in itself a mitigating factor. Further they would be seen within the side context of the immediate setting of the gardens (although open in aspect with low fencing from these 10no. properties), arable landscape and importantly the WWTW. Whilst the bunding does provide some visual screen, the industrial landscape of the buildings and works is clear above the mound and the panels, dark and recessive, would be viewed within this context.

5.67 The most visible and open part of the site is the northern half, with a relatively small number of properties in the village that may be affected. The impact was previously considered to be minimal, and circumstances have not significantly changed to suggest a different conclusion should now be reached. Moreover, case law has established that the loss of a private individual's view from private property is not a material consideration.

5.68 Additionally, the assessment made in the previously approved application citing that the proposal would barely be visible from Wilberforce Way to the south of the village and there would be no visual harm from the PRow to the north which terminates near the WWTW. As the proposed development is broadly similar in size and scale to the previously approved scheme, and there have been no significant changes to the site or surrounding areas, officers maintain this assessment.

5.69 It was also concluded that there would be no harm to the visual amenity from the footpath to the far (east) side of the River Derwent (Jorvik Way) when seen in the wider landscape context and with the additional screening proposed.

Residential environmental amenity

5.70 The NPPF (para. 135e)) states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state the decisions should avoid noise from given rise to significant adverse impacts on health and quality of life as a result of new development (para. 191 a)).

5.71 DLP policies D1 and ENV2 consider amenity. The nearest built-up residential area is Elvington village. One objection has been received which cites concern regarding increased noise levels during construction, glare and reflection being intrusive and lighting at the site at night.

5.72 As the proposed development relates to a solar photovoltaic array it is not anticipated that it would have an adverse impact to neighbour amenity in terms of air quality (from odour, fumes, smoke and dust).

5.73 The Applicant has undertaken pre-application discussions with the Council's public protection (PPU) officers and having examined the location of the nearest noise sensitive receptors (NSR), properties at White House Grove which are 435m approx. from the transformer unit and taking into account its daytime operation, there is no requirement for a noise assessment. As such, it is unlikely that the noise level from the solar array and any additional equipment would cause adverse impacts to the nearest residents.

5.74 Given the distances to neighbouring residents as detailed above, and the site's context within close proximity to the WWTW, a condition requiring a Construction Environmental Management Plan (CEMP) would be unreasonable; the Applicant will be reminded of their duties relating to the control of noise on construction sites laid down in the Control of Pollution Act 1974 via informative.

5.75 The Applicant advises that the site will be monitored remotely. Contractors undertaken any maintenance would visit the site as an when required, typically this would be between 1-4 times per month and during the daytime. Any maintenance undertaken is likely to be no greater than noise and disturbance generated by the WWTW operation.

5.76 The site would only be operational during daylight and therefore there would be no requirement for lighting at night-time. The application includes other security features (CCTV and fencing) although these would have no impact upon neighbouring residential amenity.

- Glint and Glare

5.77 The photovoltaic cells of each panel have been designed to maximise absorbency of the sun's rays and minimise solar glare. Included within the planning application is a glint and glare assessment which considers the possible impact upon surrounding road safety, residential amenity, and aviation activity associated

with Elvington Airfield, Full Sutton Airfield, Pocklington Airfield, Melrose Farm Airfield and Gilrudding Grange Airfield. As detailed above in Section 2 of this report, NPS EN-3 is the only source which provides planning policy/guidance for determining the impact of glint and glare on road safety, residential amenity and aviation activity.

5.78 The assessment concludes that there are no significant impacts upon road users, dwellings or aviation activity from the proposed development and no mitigation is required. Considering the impact on dwellings in further detail, of the 88 dwellings assessed, with 50 of these (including the objector's property) solar reflections are not geometrically possible. Of the 38 dwellings where solar reflections are geometrically possible, 25 dwellings will not experience solar reflections due to screening in the form of existing vegetation and/or buildings, which will significantly obstruct views of the reflecting panels; four dwellings will have low impact with views of the reflecting panels despite screening in the form of existing vegetation, however solar reflections are predicated for less than 60 minutes on any given day and for less than 3 months of the year. For nine dwellings views of the reflecting panels may be possible despite screening in the form of existing vegetation with solar reflections predicted for less than 60 minutes on any given day and for more than 3 months of the year. Whilst a low impact is predicted, mitigation is not recommended due to any effects likely to be limited to an observer above the ground floor; and/or effects would mostly coincide with direct sunlight.

Land Contamination

5.79 The application is accompanied by a Phase 1 Contaminated Lane Report which sets out that a desk study has been undertaken. The analysis identified potentially contaminative land uses at the application site and surrounding area. A Phase 2 site investigation is recommended, which can be dealt with via suitable conditions.

Site Decommissioning

5.80 Whilst some information has been supplied relating to the site's decommissioning at the end of 25 years, this does not contain sufficient detailed information, however a decommissioning plan/method statement can be dealt with by condition. The decommissioning plan/method statement shall also have regard to the requirements of the enhancements required by Biodiversity Net Gain, which has a minimum 30 year commitment period.

Public Sector Equalities Duty

5.81 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.82 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic.
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.83 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.84 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

Planning Obligations

5.85 Policy DM1 of the Draft Local Plan (2018) states that new development will be supported by appropriate physical, social and economic infrastructure provision. The NPPF (para. 57) states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

5.86 The development will deliver biodiversity net gain on-site and the maintenance and monitoring of any biodiversity is required to be secured by a S106. The draft S106 heads of terms for the proposed development include:

- On-site Biodiversity Net Gain – to secure a monitoring contribution in respect of biodiversity net gain monitoring where a development will deliver some biodiversity

net gain on-site and the maintenance and monitoring of any biodiversity is secured by a condition imposed on the development.

Planning Balance and case for Very Special Circumstances

5.87 As noted above, the proposal for a solar photovoltaic array gives rise to harm of the Green Belt by reason of inappropriateness. There is also significant harm to the openness of the Green Belt and there is harm to one of the purposes of including land within the Green Belt. In line with the NPPF, the application should not be approved except in very special circumstances.

5.88 The NPPF requires local planning authorities to give substantial weight to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.89 The NPPF (para. 156) states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to succeed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

5.90 In summary, the applicant argues that there are several considerations to weigh against the harms to the Green Belt identified in this report:

- Benefits of renewable energy generation, securing a reduction in CO₂ and the supporting the Government's target, as set out in the Climate Change Act 2008, to reduce the UK's greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050;
- The need to co-locate the solar farm with the WWTW and therefore alternative sites are not available;
- Biodiversity and landscape enhancements;
- Permission has been granted previously, demonstrating that the principle of the development has previously been found acceptable in this location; and
- Lack of impact on the openness and permanence of the Green Belt and no conflict with the purposes of the Green Belt.

5.91 Whilst the current application does not provide specific details, the previous application (covering a smaller area of 4,1ha) set out that 15% savings of total energy consumption could be offset by renewable energy and the overall saving is anticipated to be a minimum of 645tonnes of CO₂ emissions per year from entering the atmosphere (equivalent to electricity usage of approximately 460 homes). The reduction in CO₂ emissions is key, not whether it is financially beneficial to a utility company and whether these savings are passed on, nor whether the renewable

energy consumption is for the local community or a business. The proposal demonstrates the benefits for the environment and contribution to reducing the impacts of climate change through the reduction of greenhouse gases.

5.92 It is acknowledged that there is a need for the development to be positioned in close proximity to the WWTW, in order to contribute and be part of the WWTW's infrastructure. Other considerations have also been taken into account, in terms of site selection, to ensure that the development can harness the required energy yield, and include its agricultural land classification, its size, topography and orientation, nearby visual receptors and whether it contains or is located close to an environmental or historic designations,

5.93 The application demonstrates compliance with the requirement to deliver a minimum 10% Biodiversity Net Gain, which will be on-site. Although as this is a statutory requirement, this is not agreed with as VSC and carries no weight in the determination of the application. However, the design of the solar array and associated infrastructure includes some embedded mitigation in order to enhance existing habitats and improve biodiversity more generally, and avoid the site being isolated and fragmented within the landscape. The Landscape and Biodiversity restoration plan offers mitigation that is appropriate in complexity, character and species selection.

5.94 The final argument presented by the applicant, is not agreed with, and carries no weight in the determination of the application. As demonstrated above, the development will significantly reduce the openness of the Green Belt, as well as harming one of the purposes of the Green Belt, specifically part c) which assists in safeguarding the countryside from encroachment.

5.95 In the overall balancing exercise, the wider environmental benefits from renewable energy development along with the proximity of the site to the existing operations at the Elvington WWTW, are collectively sufficient to outweigh the harm to the Green Belt, even when substantial harm is attached to the harm to the Green Belt. It is considered that the very special circumstances necessary to justify the development exist in this instance.

6.0 CONCLUSION

6.1 This application, with an Environmental Statement relates to the development of solar photovoltaic array to generate 3200 Kilowatts (KW) (3.2 Megawatt (MW) and be used to power the operations of the Elvington WWTW.

6.2 The site is located within the general extent of the Green Belt. In the overall balancing exercise, substantial weight should be given to the harm to the Green Belt. The benefits of the generation of significant amount of renewable energy is considered to clearly outweigh the harm to the Green Belt. These therefore amount

to very special circumstances necessary to justify the inappropriate development in the Green Belt. The proposals are therefore found to accord with Green Belt policy in the NPPF.

6.3 The visual effects of the development and impact on landscape character is set to improve from a minor-moderate adverse effect in year 1 to negligible beneficial at year 15 depending on the rate of establishment and continue to lessen overtime due to retention of key hedgerows and trees and additional landscape planting around the perimeter of the site. There would be minimal impact of the development when viewed from neighbouring residential properties, given the arable landscape and landscape features and the existing WWTW as a major developed industrial site, in the background, and overall distances would result in the solar panels forming a relatively thin visual strip.

6.4 On-site habitat enhancements for BNG would be achieved and this would be secured via condition (habitat management and monitoring plan) and a S106 (to secure the monitoring requirements). The applicant will be advised of their requirements to secure the onsite habitat enhancements for 30years through the Biodiversity Gain Plan via an informative. Additionally, despite the close proximity of the site to statutory nature conservation sites of international and national importance, there are no concerns in respect to significant impacts arising from the proposed development, specifically during the operation phases. Conditions are recommended to ensure that the ecological habitats are protected during de-commissioning, when the requirements of BNG remain a requirement.

7.0 RECOMMENDATION:

i. That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to –

a) The referral of the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021, and subject to the application not being called-in by the Secretary of State for their own determination:

b) The completion of a Section 106 Agreement to secure the following planning obligations:

- On-site Biodiversity Net Gain – to secure a monitoring contribution in respect of biodiversity net gain monitoring where a development will deliver some biodiversity net gain on-site and the maintenance and monitoring of any biodiversity is secured by a condition imposed on the development.

ii. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii. The Head of Planning and Development Services be given delegated authority to determine the final detail of the following planning conditions:

Recommended Conditions

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 and other submitted details:-

- Figure 1.2 Site Layout Plan
- DOWN-YW-001 Rev D Figure 2.2 Generic Typical Equipment and Materials Details
- 0671709-DR-LAN-101 Rev B Landscape and Biodiversity Restoration Plan

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

3 Within 6 months following the 25th anniversary of the date of first export, or within 6 months of the cessation of the export of electricity, whichever is the sooner, all solar panels, associated equipment, fencing and other infrastructure shall be removed from the site and the ground re-instated in accordance with the decommissioning and site restoration scheme pursuant to condition 5.

Reason: To ensure that the site is appropriately restored.

4 Within one month of the date of first export of electricity from the solar photovoltaic array hereby permitted, the local planning authority shall be notified in writing of that date.

Reason: To establish a date of commencement for the development and to assist in the effective monitoring of the site.

5 No decommissioning of the development or site restoration shall take place until a decommissioning and land restoration scheme, including detailed plans, shall be submitted to and approved in writing by the local planning authority. The scheme shall

include:

- a) the timescale by which decommissioning, removal and reinstatement of the land shall be fully completed;
- b) the method of the removal and disposal of all equipment including solar panels, mounting frames, buildings, fencing and all other associated structures;
- c) the management of traffic during the decommissioning process;
- d) details of the method of restoring the land to its former condition and any on-going aftercare required.
- e) Risk assessment of potentially damaging construction activities.
- f) Identification of "biodiversity protection zones".
- g) Identification of water management measures to control surface water run-off during construction and operation of the development.
- h) Pollution Prevention Plan including Incident Plan (to control surface water run-off and should include drainage ditches, silt fencing, designated material storage areas and compacting, overburden stockpile matting, interception bunds and cut-off drainage ditches, swales and perimeter drains around the construction compound.)
- i) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- j) The location and timing of sensitive works to avoid harm to biodiversity features.
- k) The times during construction when specialist ecologists need to be present on site to oversee works.
- l) Responsible persons and lines of communication.
- m) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- n) Use of protective fences, exclusion barriers and warning signs.

The development shall thenceforth be decommissioned and the land restored to its former condition 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: So that the Local Planning Authority can be satisfied with the means and method for site restoration once the solar array has ceased electricity export, in order to control the surface water run-off, pollution and protection of biodiversity and habitats during the decommissioning works.

6 Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved BGP and include;

- (a) a non-technical summary;

- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the timescales for implementation of the HMMP
- (e) the timescales for completion of the habitat creation and enhancement works
- (f) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (g) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Development shall then be carried out in strict accordance with the approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 185 of the NPPF (2023) and policy GI2 of the Draft Local Plan (2018).

7 No development shall take place until a biodiversity enhancement plan/drawing has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan/drawing shall include (but not be limited to) ecological enhancements for bats, birds and barn owls within the site. The biodiversity enhancement measures shall be fully installed/undertaken in accordance with the approved details prior to the solar array becoming operational.

Reason: To contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity in accordance with paragraph 180 d) of the NPPF.

8 Prior to works commencing, pre-construction surveys for protected species will be undertaken within the working areas and appropriate buffers to identify changes in the distribution and abundance of protected species from baseline conditions. Updated ecological information gathered from these surveys will inform the scope of any supporting Species Protection Plans, or Precautionary Methods of Working that will form part of a Construction and Environment Management Plan (CEMP: Biodiversity) (as defined in the CEMP: Biodiversity approved pursuant to Condition 9), and/or mitigation licencing. Details of these surveys will be submitted to and approved in writing by the local planning authority prior to works commencing on site.

Reason: To contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity and protecting notable/sensitive habitats and species within the local area in accordance with

paragraph 180 d) of the NPPF.

9 No development shall take place (including ground and enabling works, and vegetation removal) 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 limited to the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features and receptors, such as nesting.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) The water management measures to control surface water runoff during construction including drainage ditches, silt fencing, designated material storage areas and compacting, temporary interception bunds and cut-off drainage ditches and perimeter drains.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity and protecting notable/sensitive habitats and species within the local area and to control the surface water run-off in accordance with paragraph 180 d) of the NPPF.

10 A programme of post-determination archaeological evaluation is required.

Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be discharged/approved.

A) No archaeological evaluation or development of any kind shall take place until a written scheme of investigation (WSI) for 4% trenching evaluation has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards and guidance set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part A) of this condition and the 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.

C) 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 of the post investigation assessment or such other period as may be agreed in advance in writing with the Local Planning Authority.

D) 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.

E) No development shall take place until:

- details in part D of this condition have been approved and implemented on site
- 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 D should be deposited with City of York Historic Environment Record within 3 months of fieldwork completion or such other period as may be agreed in advance in writing with the Local Planning Authority.

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. This is to comply with Section 16 of the National Planning Policy Framework.

11 Protection of existing trees shown to be retained on the approved plans shall be carried out in strict accordance with the content of the approved Arboricultural Method Statement AWA5550AMS. A copy of the document shall be available for reference and inspection on site at all times.

Reason: To protect existing trees that are shown to be retained in the environmental statement and make an important contribution to the character and quality of the area and to comply with paragraph 136 of the NPPF.

12 The approved Landscape and Biodiversity Restoration Plan 61709-DR-LAN-191 Rev B shall be implemented within the first available planting season (end October- March) following a start of development operations on site. Any trees or shrubs which within the lifetime of development die, are removed or become seriously damaged or defective 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.

Reason: The landscape scheme is integral to the landscape and biodiversity mitigation for the development which will contribute to and enhance the natural and local environment in accordance with paragraph 180 d) of the NPPF.

13 LC1 Land contamination - Site investigation

14 LC2 Land contamination - remediation scheme

15 LC3 Land contamination - remedial works

16 LC4 Land contamination - unexpected contam

8.0 INFORMATIVES:

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 (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:

- discussions surrounding Flood Risk Assessment, construction details and drainage matters, landscape and ecological enhancements as well as agreeing to enter into S016 planning obligations in order to monitor biodiversity enhancements on-site.

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being

taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

3. Biodiversity Gain Plan

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended by The Environment Act 2021 Schedule 14 - Biodiversity Gain as condition of planning permission) is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that **development may not begin unless:**

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be City of York Council.

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development

is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant.

The biodiversity gain plan shall include -

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- the pre-development biodiversity value of the onsite habitat;
- the post-development biodiversity value of the onsite habitat;
- any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- any biodiversity credits purchased for the development.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575

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24/01238/FULM

Elvington Water Treatment Works, Kexby Lane, Elvington



Scale : 1:2988

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Organisation	City of York Council
Department	Env, Transport & Planning
Comments	Site Location Plan
Date	29 October 2024
SLA Number	Not Set

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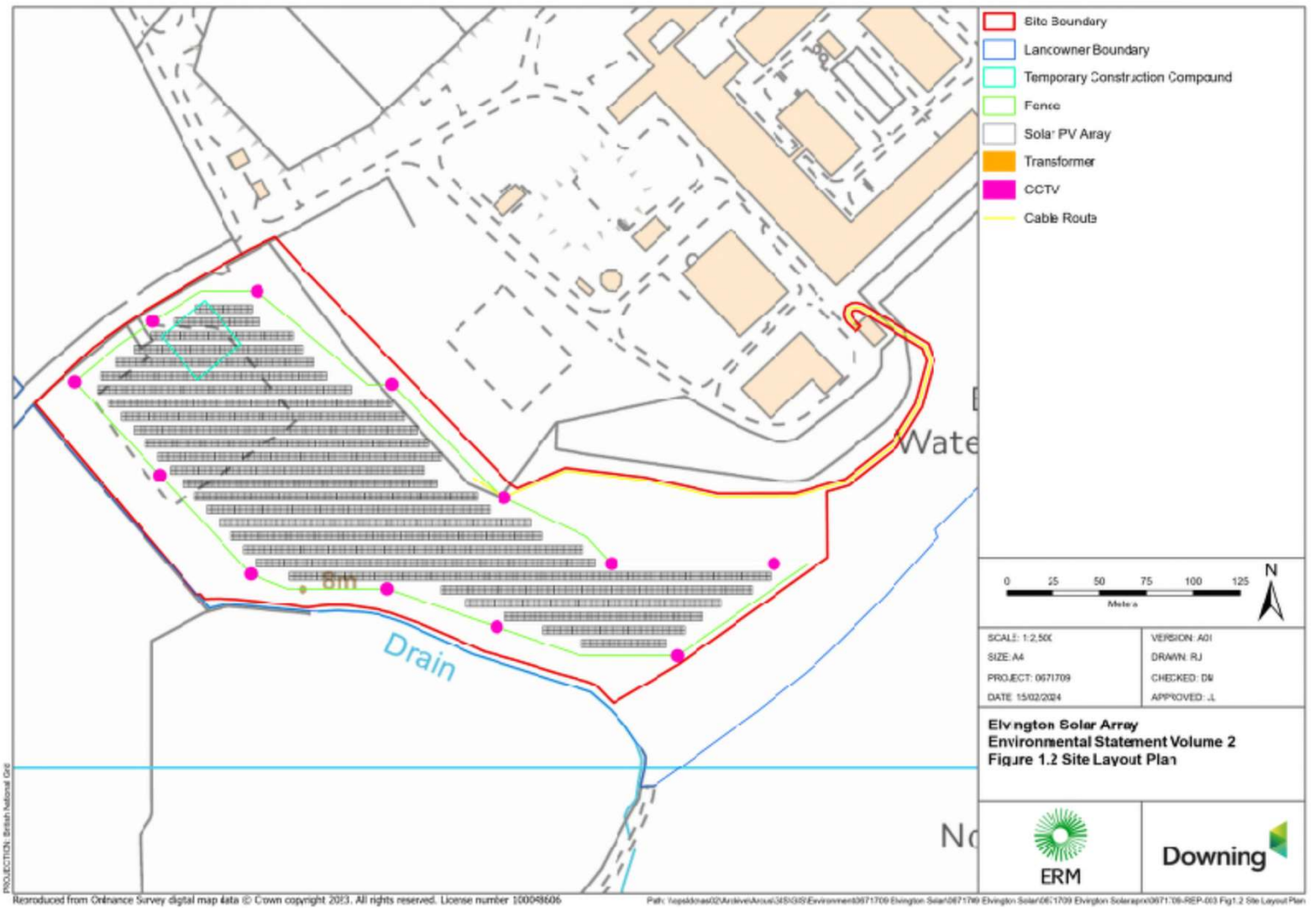


Planning Committee A

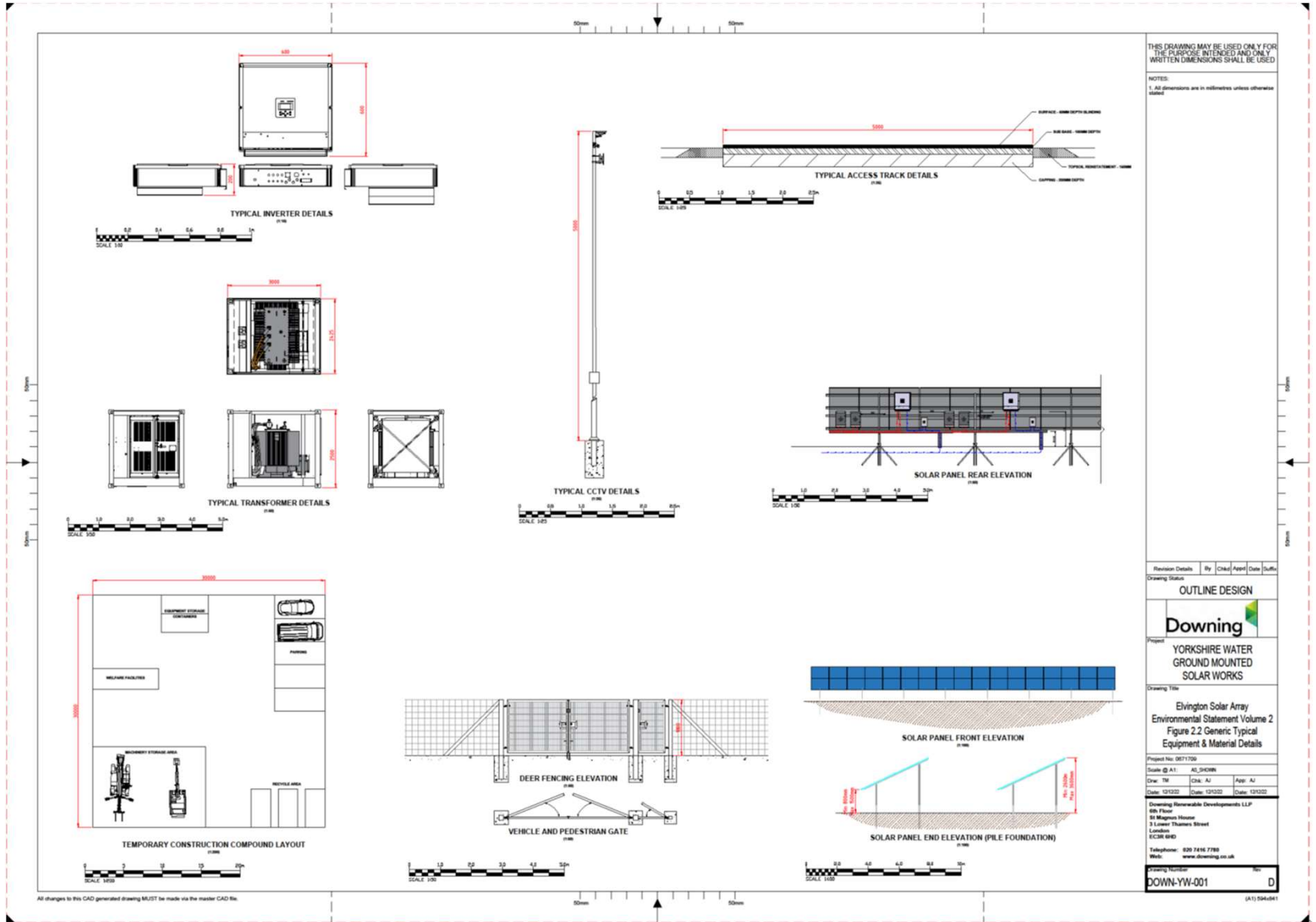
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Elvington Water Treatment Works Kexby Lane Elvington

Site layout plan



Solar panel and ancillary equipment detail





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