

**Notice of a public meeting of
Planning Committee A**

To: Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft, Moroney and Watson

Date: Thursday, 20 March 2025

Time: 4.30 pm

Venue: West Offices

AGENDA

1. Apologies for Absence

To receive and note apologies for absence.

2. Declarations of Interest (Pages 7 - 8)

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. Minutes (Pages 9 - 24)

To approve and sign the minutes of the Planning Committee A meetings held on 16 January 2025 and 5 February 2025.

4. 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 18 March 2025.

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.

5. Plans List

This item invites Members to determine the following planning application:

a) Yorwaste, Harewood Whin, Tinker Lane, (Pages 25 - 56) Rufforth, York [23/01732/FULM]

Installation of a solar farm with associated infrastructure, access and security fencing [Rural West Ward]

6. Urgent Business

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

Democracy Officer:

Contact details:

Angela Bielby

Contact Details:

Telephone – (01904) 552599

Email – a.bielby@york.gov.uk

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)

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 **(01904) 551550**

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.

City of York Council	Committee Minutes
Meeting	Planning Committee A
Date	16 January 2025
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, J Burton, Clarke, Cullwick, Melly, Steward, Moroney, Watson and B Burton (Substitute for Cllr Whitcroft)
In Attendance	Gareth Arnold – Development Manager Jonathan Kenyon – Principal Planning Officer Sandra Branigan – Senior Lawyer
Apologies	Councillor Whitcroft

142. Apologies for Absence (4.39pm)

Apologies for absence were received and noted for Cllr Whitcroft.

143. Declarations of Interest (4.39pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Cllr Watson noted that he was a Trustee of York Archaeology. There were no further declarations of interest.

144. Minutes (4.40pm)

Resolved: That the minutes of the meetings held on 7 November and 5 December approved as a correct record subject to the following amendments:

- Under item Land to South and East of the Cemetery, New Lane, Huntington, York [23/01016/OUTM] the first bullet point in Cllr Cullwick answers to questions in public speaking to change to ‘the application site was in the zone of influence in Strensall Common.’
- First sentence of final paragraph before the resolution on Land Lying to the North West of Murton Way, York

[23/02030/FULM] to change to 'Following debate, Cllr Ayre proposed the officer recommendation to refuse the application.'

- Final sentence of final paragraph before the resolution on Land Lying to the North West of Murton Way, York [23/02030/FULM] to change to 'Following a vote with six voting in favour, two against and two abstentions, it was:'
- Second bullet point of Steven Gough's answer to answers to questions in public speaking to change to 'The author of the report was not a qualified fire safety engineer and was an expert in safety.'

145. Public Participation (4.42pm)

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

Flick Williams spoke under the general remit of the Committee. She noted that AI stated the Public Sector Equality Duty (PSED) applied to the Planning and Licensing functions and could not be delegated. She explained that the committee had correctly imposed three conditions of access before occupancy on the York Central development. She noted that on 23 December 2024 a planning officer made a delegated decision to allow occupancy of the government hub before the conditions were met. She quoted from the decision notice and asked what guarantees there would be that this would not be followed by a succession of applications all of whom wanted occupancy before access. She added that access delayed was access denied and that there must be no more delay.

146. Plans List (4.46pm)

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

147. Hungate Development Site, Hungate, York [21/00280/FULM] (4.46pm)

Members considered a major full application for the erection of an apartment block to comprise residential units (Use Class C3) together with flexible commercial uses (Use Class E and F2), landscaping and associated works (Block H) at Hungate Development Site, Hungate, York.

The Chair advised that it was a major full application as the time for submission of an application for reserved matters under the outline planning permission had expired. He added that paragraphs 5.52 and 5.53 of the published report set out that the pedestrianisation of Hungate was not part of the application.

The Development Manager outlined the plans and gave a presentation on the application. He noted that it was a build to rent scheme and he explained how this was defined in the NPPF. He noted that the reason for a full application was because the time for submission of reserved matters had run out. He noted the relevant conditions from the outline planning permission were included in the conditions in the application before Members.

The Principal Planning Officer gave an update on the application. He noted that there had been further representation from the applicant for an extended time period of five years to commence the development and it was felt that that the standard 3 year time limit was appropriate. He added that there had been further representation from Hungate residents regarding parking, the delivery of St John's Square and building heights. He detailed the corrections and clarifications to the report, additional conditions and items for the S106 heads of terms.

Public Speakers

Mark Russell spoke in objection to the application. He explained how the development prevented access to the Bellerby Court multi storey car park due to cars queuing to get into the Shambles car park. He requested that access to the multi storey car park should be via Hungate. He believed that St John's Square should be completed at the same time as block H.

Ian Kingham spoke in objection to the application. He noted that he was a committee member of Leetham House Community Group. He explained that renters did not make a contribution to the community. He noted that Dundas Street would become single lane and he did not believe that it would be able to cope with retail units. He was concerned that St John's Square would attract anti social behaviour and he expressed concern regarding noise during the building works. He asked for the pelican crossing to be reinstated.

Cllr Dave Merrett, Guildhall Ward Cllr, spoke in objection to the application. He had been contacted by residents about their concerns regarding St John's Square being delayed. He noted residents' concerns regarding access to the car park and that they would like to see the Hungate route being retained. He expressed concern regarding the S106 funding. He noted that it was difficult for residents to cross opposite the Hiscox building

and noted that residents would also like additional electric vehicle (EV) charging.

Colin Murphy, the applicant, spoke in support of the application. He explained that the scheme would provide professionally managed rental accommodation, including affordable rents. Regarding the St John's Square delay, the applicant was committed to delivering St John's Square. He explained that that part of the site was needed for the building of block H. He noted that the pedestrianisation of Hungate was not part of the application. He noted that the application was important for the completion of the Hungate scheme.

Colin Murphy was joined by Suzanne Yates (agent for the applicant) to answer Member questions. They were asked and explained that:

- The scheme provided two additional EV spaces.
- Affordable rents would include a service charge.
- Their experience was that there would be less demand for car parking space and increased use of public transport. The scheme would provide a cycle space per unit and the cycle spaces were large.
- The intention was for the block to be for rental in the future.
- Regarding making sure the tenants had a voice would be discussed with the operator.
- Block H has sufficient sunlight for grass to grow.
- There was space to store equipment.
- All flats were designed to building regulations and a proportion would be adaptable.
- There was a proposed layby in Dundas Street for deliveries and drop off.
- The pedestrianisation of Hungate was not part of the application.
- Accessibility was explained and there was level access and parking not attached to the block. There was approximately 23m to the car parking.
- Regarding the delay of St John's Square, there were constraints to the site and the area was needed when the block was constructed.
- The remaining blocks would be built sequentially, not concurrently.
- The reason for the request of 5 years was because of the site constraints and the delivery of St John's Square would be after 5 years.

[The meeting adjourned from 5.34pm until 5.42pm)

Members asked officers a number of questions to which they responded that:

The pedestrianisation of Hungate was not part of the application and was part of the 2015 application. For the streets to be pedestrianised it would require a Temporary Restriction Order (TRO) at an Executive Member Decision Session.

- The area of land being considered was demonstrated using the site location plan. The plans showed a paved footway and if there was two separate planning permissions for the two separate blocks and if there was an overlap the planning permissions should say the same thing. Works to the central section of Hungate were approved under the planning permission for block G.
- Access was shown within the red line on the plan for the proposed hard landscaping and this was demonstrated to Members on the screen in the room.
- The scheme had been brought forward without car parking.
- The starting points for affordable housing was different to build to rent. It was explained how the calculation was made for discounted rent. The percentage of affordable rent should not impact the other blocks coming forward.
- There was the potential that the properties could be sold off after 10 years and there was national guidance on that scenario.
- A clawback could be written into the S106 about the contribution if the properties were sold off after 10 years and there was a formula set of in the NPPF if the scheme ceased to be build to rent.
- Regarding a S106 contribution, the NHS had not made a consultation response to the application. There had been no contributions to the NHS on the other Hungate applications.
- Regarding subletting and Airbnb's the scheme was build to rent and the build to rent management provisions were noted.
- The controls under the S106 agreement were sufficient for longer tenancy agreements.
- The scheme was promoted for a specific purpose for longer term tenancy agreements and it wasn't possible to close off the possibility of a tenant sublet or as a holiday rental. A condition regarding this would not meet the reasonable test.
- The build to rent management conditions were in line with NPPG advice.
- A pedestrian crossing on Stonebow was already included in the local transport plan.
- Regarding the delivery of St Johns Square there were consistent conditions regarding phasing.
- All conditions met the six tests of reasonableness.

During debate a Member put on record that they were disappointed that there at had been no contribution to NHS funding. The Chair asked of it was possible to remove the build to rent conditions from the S106 heads of terms and replace with a condition. Officers felt that it would sit more comfortably with the S106. This view was supported by the Senior Lawyer who noted that the S106 agreement for a build to rent development on another site included a period of tenancy of 3 years and covenant period of

10 years. It was the view of the Senior Lawyer that there were rent management provisions in that S106. A Member expressed concern regarding the planning enforceability of a change of use.

Cllr Steward proposed the officer recommendation to delegate authority be given to the Head of Planning and Development Services to approve the application subject to the completion of the S106 Agreement and final detail of planning conditions. This was seconded by Cllr B Burton. Following a vote with ten voting in favour and one abstention it was:

Resolved: That delegated authority be given to the Head of Planning and Development Services to approve the application subject to:

- The completion of a Section 106 Agreement to secure the following planning obligations:
 - (i) Affordable housing – 9.8% of Build to Rent units (a total of 21.7 rounded up to 22) on-site to be discounted as follows –
1-bed x 15 units with a discount of 38%
2-bed x 7 units with a discount of 50%
 - (ii) Education - a contribution of £132,832 towards expansion at St Oswalds and / or Fishergate Primary school, £78,378 to Fulford School and £170,784 towards pre-school provision.
 - (iii) Off-site sports provision - Financial contribution of £61,983 towards clubhouse and ancillary facility improvements at Heworth Rugby Club, multi-use games area within Heworth Without and / or improvements to Hull Road Park and Glen Gardens or other suitable sports project identified at time of payment, within 15 - 20-minute walking distance or within 20 minutes on public transport of the Development.
 - (iv) Off-site amenity and play space provision - Financial contribution of £80,761 new play equipment for Navigation Road (Rosemary Place), Glen Gardens or St Nicholas Fields with the amenity element of the contribution spent on enhancements to open spaces around the City Walls, Walmgate area or St Nicholas Fields.
 - (v) £200 per dwelling to promote car club use = £44,200
 - (vi) Monitoring fee £1,510.00 per item = £7,550
- The finalisation of the terms and details of the Section 106 Agreement.

- The finalisation of the detail of planning conditions.

Reasons:

1. This application seeks permission for revised proposals for Block H, which until April 2021 benefited from an extant outline approval. The time for submitting the reserved matters (of the extant approval) has expired. This proposal involves an increase of 52 units with other changes to the previously approved design parameters, the key ones being the removal of the basement car park and an increase to the extent of the seventh floor; the scheme under consideration has been submitted as a stand-alone, full application.
2. The building massing for the Stonebow elevation as proposed in this application is within the “maximum heights” parameter granted consent under the original hybrid permission and therefore a similar assessment of the impact on heritage assets has been applied with the same conclusions reached. In terms of the massing for the remaining parts of Block H, the revised scheme is broadly in accordance with the height limits and floor areas of the permitted outline scheme with the difference relating to a minor addition at seventh floor. Whilst this increase in the extent of the seventh floor would be visible, its location towards the centre of the development would ensure that the visual impact is not material.
3. The proposal, by virtue of the width and height of the Stonebow elevation, would result in less than substantial harm (at the lower end) to the setting of the Conservation Area. The excavation of an apron of unexcavated archaeology which remains around the perimeter of the site would result in harm to non-designated heritage assets. The identified harms are consistent with those identified previously under permitted application 15/01709/FULM.
4. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The harm is considered “less than substantial”. The NPPF requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal.

5. It is considered that the identified harm to heritage assets has been mitigated by the measures detailed in the archaeology investigation and is outweighed by the environmental, social and economic benefits associated with the provision of new housing, for which there is identified need, and the sustainable regeneration of previously developed land. The development and consequent increased local population would bring regeneration and economic benefits to the city centre. As set out in section 5, other identified potential harms to flood risk, highway safety, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

Cllr J Crawshaw, Chair

[The meeting started at 4.35 pm and finished at 7.03 pm].

City of York Council	Committee Minutes
Meeting	Planning Committee A
Date	5 February 2025
Present	Councillors Crawshaw (Chair), J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft, Moroney, Watson and Hollyer (Substitute for Cllr Hollyer)
In Attendance	Becky Eades – Head of Planning and Development Lindsay Jenkins - Senior Planning Officer (Large-scale sites) Sandra Branigan – Senior Lawyer Helene Vergereau – Head of Highway Access and Development
Apologies	Councillors Fisher and Ayre

148. Apologies for Absence (4.41pm)

Apologies for absence were received and noted for Cllrs Ayre and Fisher.

149. Declarations of Interest (4.42pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. There were none.

150. Public Participation (4.42pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

151. Plans List (4.43pm)

Members considered a schedule of reports of the Head of Planning and Development, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

Due to the Vice Chair not being present, Cllr Whitcroft proposed and Cllr Melly proposed Cllr Cullwick as Vice Chair for the meeting. Following a unanimous vote, Cllr Cullwick was appointed as Vice Chair for the meeting.

152. Land to the South of Sim Balk Lane, York [24/00129/FULM] (4.43pm)

Members considered a major full application from Gateway Developments/Joseph Rowntree Housing Trust (JRHT) for the erection of 114 dwellings with access, open space, landscaping and sustainable drainage on land to the south of Sim Balk Lane, York.

The Head of Planning and Development Services gave a presentation on the application. She noted that the scheme was 100% affordable housing. In response to Member questions she and officers showed on the screen in room:

- Where the park and ride, cycle route and bus stops were.
- Where the hedgerow on Sim Balk Lane was and confirmed that it was outside the red line boundary.
- The area highlighted by the Police Architectural Liaison Officer on the northwest corner of the site.
- Where the open drainage infrastructure was.

An update on the application was given and it was reported that there had been additional information from the Agent/Applicant regarding grey belt policy, transport and highways technical response note, travel and ecology advice. There had also been additional consultee comments from Highways Network Management, Design and Conservation (Ecology), Open Space and Recreation, and Yorkshire Wildlife Trust. Officer responses to the points raised by the Agent/Applicant were also included in the update.

Public Speakers

Joe Nasson spoke in objection to the application on behalf of Bishopthorpe White Rose Football Club. He explained that 600 players from around the city used the pitches. He noted that there had been damage to the facility from unauthorised access and that maintenance costs was high and the club relied on volunteers. He noted that the scheme would bring a risk to safety from traffic and the significant safety measures needed to mitigate risk. He noted the flood risk and expressed concern that the site could flood. In response to Member questions, he explained that the concern was regarding the fence and the club was not objecting to the housing. Regarding engagement from the applicant, he explained that there was a meeting that the club didn't go to early on in the planning stage about potential parking for the club.

Stephen White, a resident in Bishopthorpe, spoke in objection to application. He explained that the applicant was not the owner of the site and expressed concern regarding the signage erected by developer on application site. He noted that affordable housing should be in a sustainable location and he noted the council brownfield register. He expressed concern that the scheme would cause congestion from the average of two cars per dwelling. In response to a question from a Member, the Chair noted that the signage was not part of the application.

Cllr Fenton, Ward Cllr for Dringhouses and Woodthorpe spoke in objection to the application. He supported the officer recommendation to refuse the application. He thanked the applicant for their engagement. He noted his support for affordable housing and the drawbacks of the scheme. The drawbacks included cycle parking not being LTN compliant, no alternative access points for emergency vehicles, the bus stop being 500m from the furthest point of the site, the scheme not being inclusive, the concerns of Yorkshire Wildlife Trust and the White Rose Football Club and there being no contribution to primary healthcare. He noted that the harm to the Green Belt was not clearly outweighed by the benefits of the scheme.

Robert Waite, Agent for the Applicant, spoke in favour of the application. He explained that the scheme would deliver 114 affordable units and brought a significant contribution to the housing needs of families. He noted that the scheme provided 1.3 hectares of open space. He noted the support from Bishopthorpe Parish Council regarding the site of the development. He explained that consultation responses were still coming in in December and that the report had been drafted before the end of the consultation. He asked that the applicant have more time to establish common ground and asked that the application be deferred.

In response to questions from Members he explained that:

- The traffic survey was redone in April when the college was open and showed that the overall effect of traffic was neutral.
- National Highways accepted that there was drainage that connected to National Highways drainage and that would be a condition.
- There was an agreement in principle with National Highways. He added that it was possible to go into the drain on the A64.
- The run off rates were controlled by the water attenuation system.
- National Highways would like to have further discussions with the applicant's drainage consultant.
- The run off rate onto the National Highways network would need to be calculated.

- There wasn't an agreement in place with National Highways and there was a property right to connect into an existing part of the connection.
- There would be no hydrological harm to Askham Bog.
- The applicant had had initial discussions with the authority and had carried out a degree of consultation.
- Recent changes to the development were not as a result of public consultation, they were as a result of technical consultation.
- 14 wheelchair accessible bungalows had parking.
- Because the scheme was affordable, residents would have less cars.
- The pedestrian route from the site was explained.
- Natural England were not concerned regarding visitor pressure to Askham Bog.
- Within the design there was a play area, kick about area and 1.3 hectares of public open space.
- He was not aware of conversations with Yorkshire Water.
- Regarding the reasons for a deferral, given more time the applicant would address concerns. When the grey belt test was applied to the application there would be a different outcome. The Chair advised that the application was in Green Belt.
- Regarding highways, there was a travel plan. There had not been a conversation between the highway consultant and the council as they were waiting for the new NPPF in December.

[The meeting adjourned from 5.55pm until 6.01pm]

Members asked officers further questions to which officers responded that:

- There had been no consultation responses from the Environment Agency, Clinical Commissioning Group or Integrated Care Board.
- Regarding the period of non-determination, the holding date was 13 December and officers had not had anything through from the applicant.
- Consent was needed from Highways England. to use their drains. Consent from Highways England had not been seen.
- The site was not considered to be in grey belt.
- In the balance of housing need as very special circumstances and the balance of harms identified, officers felt that the application should be refused. The Senior Lawyer advised that in the planning balance, substantial weight was given to the harm to the Green Belt.
- There was no indication that seeking a S106 contribution could condition further mitigation regarding information on walking routes
- The loss of agricultural land was not significant. The NPPF gave weight to the loss of agricultural land and 5 acres was not significant.
- Cycle parking would be negotiated with the applicant. If officers thought that the application was in a situation to be approved, they would have

negotiated cycle parking with the applicant as it was not believed that there was enough cycle parking.

- The acoustic report set out the requirement for acoustic fencing.

Cllr Cullwick moved the officer recommendation to refuse the application. Following debate this was seconded by Cllr Steward. Following a vote with nine Members voting in favour and one abstention, it was:

Resolved: That the application be refused.

Reason:

1. The proposed development has been assessed as causing harm to the York Green Belt. There would be a considerable adverse impact on openness, which would be permanent; so, a detrimental impact on the essential characteristics of Green Belts; their openness and permanence. Conflict with three of the five Green Belt purposes has been identified. There would be a permanent change in land use across the site; the site is considered to contribute significantly to the separation between the city's urban edge, the ring road (A64) and outlying settlements including Copmanthorpe and Bishopthorpe and the development would be harmful to the current open approaches along the transport corridors into the city that are currently viewed and experienced, which as outlined in DLP policy 2018, are key elements of contributing to the special character and setting of the historic city.
2. There is also other harm identified, which extends to the following issues. The proposed uncontrolled crossing point on Sim Balk Lane does not accommodate both pedestrians and cyclists to enable all users (such as people with mobility impairments, children), to link to existing footpath and cycleway networks (particularly the National Cycle Network), facilitate access to high quality public transport and to access the social, recreational and community including education (primary and secondary) facilities and services the community may need access too. The lack of a representative traffic survey relating to Sim Balk Lane means that the uncontrolled crossing point is not accompanied by any other measures, including speed reduction and/or signalisation, which may be required to mitigate the impacts of speed and level of traffic. The lack of suitable connection to pedestrian, cycle and public transport networks and along with other measures and alternatives, such as car club parking space(s) and membership means that the Travel

Plan is unlikely to facilitate measures to encourage a modal shift. The proposed development does not therefore comply with the requirements set out in para. 115 of the NPPF.

3. Within the site, and in respect to the application details, the impact of the length and height of acoustic fencing in two areas adjacent to Sim Balk Lane, along with the layout and orientation of the bungalow plots identified as no's 96 and 108, the boundary treatment in this location will be visually prominent and out of character with the proposed residential development. Further concern is highlighted in respect to the curtilage boundaries to the cluster of dwellings in the far western corner of the site, which has been designed with a separate parking courtyard. The properties have not been orientated so that habitable rooms overlook it, meaning that the parking courtyard would be vulnerable to crime. The proposed development fails to demonstrate that street-lined trees cannot be accommodated within the site given that the sustainability of trees within front gardens cannot be guaranteed.
4. Officers do not consider that these matters could be dealt with by condition, given the area and number of dwellings concerned and the potential extent of changes include but not limited to design and orientation of dwellings, boundary treatments and landscaping arrangements and associated parking and access. As such, the development fails to achieve the requirements set out by NPPF para. 135 sub section (b) development are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
5. The LLFA has also raised an objection, that the drainage strategy shows a connection to the Highways England open watercourse at the bottom of the embankment of the A64. Officers are unable to grant consent for such a connection unless the Applicant has consent from Highways England, which does not appear to have been secured. The application does not demonstrate that an acceptable means of surface water drainage can be achieved in this location.

6. The Draft Local Plan 2018 and its evidence base regarding the proposed Green Belt boundaries and housing need are advanced and in the process of examination. Alternative sites to the application site have been identified as preferable for development, considering the special character of the city and other purposes of the York Green Belt and sustainable development principles, to meeting development needs over the emerging plan period.
7. The scheme is inappropriate development in the Green Belt. The identified harms to the Green Belt must be given substantial weight in the planning balance. York does not have a 5-year housing land supply and therefore the proposed housing, and particularly the affordable housing provision, are benefits that carry significant weight in decision-making. These benefits do not though, individually or cumulatively, clearly outweigh the substantial harm to the Green Belt and the other identified harms.
8. The NPPF establishes inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Overall, the benefits of the scheme are considered not to clearly outweigh the totality of the harm to the Green Belt, and any other harm resulting from the proposal in the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Cllr J Crawshaw, Chair

[The meeting started at 4.36 pm and finished at 6.27 pm].

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COMMITTEE REPORT

Date: 12 March 2025 **Ward:** Rural West York
Team: West Area **Parish:** Parish Of Rufforth With Knapton

Reference: 23/01732/FULM
Application at: Yorwaste Harewood Whin Tinker Lane Rufforth York
For: Installation of a solar farm with associated infrastructure, access and security fencing.
By: Mr K Smith
Application Type: Major Full Application
Target Date: 20 March 2025
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 16.5 MW solar farm covering some 16.5 hectares of the former landfill site at Harewood Whin. The site is accessed from the B1224 Wetherby Road via Tinker Lane and comprises a long term reclaimed section of the site towards its north and west. The proposed works include a range of ancillary structures including fencing, a transformer, a site compound, access tracks and a grid connection. The site is partially elevated in character and visible in shorter distance views from the west and longer distance views from the north and east. There are some small blocks of woodland adjoining the site boundaries. No landscape or habitat designations would be affected. Following the Adoption of the City of York Local Plan the site lies within the Adopted Green Belt boundary. The site has been divided up into three zones Areas A, B and C. The proposal has been amended since submission to address landscape and aviation safety concerns.

1.2 The pv arrays would be fixed to a lightweight frame in rows spaced between 3.2 and 4.8 metres apart with the frame sitting on foundations 1.5 metres into the ground which would sit in the upper levels of the clay capping. 2-metre-high deer proof mesh fencing would be provided around the exterior of the site. The arrays would feed into the existing transformer infrastructure associated with a former operation to generate electricity from landfill gas, towards the southeast of the site which would be upgraded. The site would be covered by externally monitored cctv. Construction would be over a period of five months to a year with a construction site compound provided at the southeastern edge of the site. The farm is envisaged to be in place for a period of 40 years before de-commissioning.

1.3 Harewood Whin was given planning permission in 1984 for disposal of waste by controlled landfill methods with restoration to a low intensity agricultural use with light industrial use in the central area ref:06/137/90/PA with a subsequent extension ref: 00/0268/FUL in 2001.

1.4 The development when complete would provide sufficient energy to power approximately 11,000 houses on an annual basis and would make a substantial contribution to atmospheric carbon reduction in the wider area.

Relevant Planning History

- 06/137/90/PA Disposal of waste by controlled landfill methods. Permitted 27/01/1984
- 00/02689/FUL Extension to existing waste treatment facility including area for treatment of liquid waste. Permitted 01/02/2001.

2.0 POLICY CONTEXT

2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

Development Plan

The City of York Local Plan Adopted February 2025

The below policies are considered most relevant to this application.

- DP2 Sustainable Development
- SS2 The Role of York's Green Belt
- EC5 Rural Economy
- D2 Landscape and Setting
- GI2 Biodiversity and Access to Nature
- GI4 Trees and Hedgerows
- GB1 Development in 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

The Rufforth with Knapton Neighbourhood Plan (adopted 2017)

2. 2 At Policy RwK 01 Draft Green Belt the general extent of the Green Belt within and around the settlement is highlighted on the Policies Map. It indicates that within the Green Belt inappropriate development would not be supported except in very special circumstances. It goes on to indicate that proposed developments for uses including engineering operations will be supported providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy RwK 17-CA Harewood Whin it is indicated that changes to the management and/or operation of the Harewood Whin site should first be brought forward through the Harewood Whin Liaison Committee.

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection in principle to the proposal to any planning permission being conditioned to restrict noise audible from outside of the site, to secure the remediation of land contamination and to secure the submission and approval of a Construction Environmental Management Plan (CEMP).

Highway Network Management

3.2 No response has been received at the time of writing.

Local Plan

3.3 Raise no objection to the proposal.

Design and Conservation (Trees and Landscape)

3.4 Raise no objection to the proposal as amended and supports the inclusion of additional amenity areas including a permissive footpath and viewing area subject to any permission being conditioned to require the submission and prior approval of a detailed landscape scheme.

Design and Conservation (Ecology)

3.5 Raise no objection in principle to the proposal but seeks further clarification as to the lifespan of the project to that potential impact upon ecology through the demobilisation of the plant can be considered. Otherwise, detailed conditions covering a Construction Environmental Management Plan (CEMP) are sought for the period of commissioning and a Landscape Environmental Management Plan (LEMP) for the duration of the development as part of any permission.

Front Line Flood Risk Management

3.6 Raise no objection to the proposal subject to any permission being conditioned to require strict adherence to the submitted Flood Risk Assessment and drainage strategy.

EXTERNAL

Hessay Parish Council

3.7 Raise no objection to the proposal.

Rufforth with Knapton Parish Council

3.8 Raise no objection to the proposal.

Environment Agency

3.9 Raise no objection to the proposal.

Yorkshire Water Services

3.10 Raise no objection to the proposal subject to there being no alteration to the public foul sewer passing close to the north of the site.

Ainsty (2008) Internal Drainage Board

3.11 Raise no objection to the proposal subject to any permission being conditioned to require strict adherence to the submitted Flood Risk Assessment and drainage strategy.

York Gliding Centre

3.12 Raise no objection to the proposal as amended.

4.0 REPRESENTATIONS

4.1 A total of 23 letters of support have been received in respect of the proposal.

4.2 The operator of Rufforth East Airfield (powered aviation) initially objected to the proposal on the grounds of the relationship of a section of panels relative to the flight path into and out of the site. Following amendment of the scheme the objection has subsequently been withdrawn.

5.0 APPRAISAL

Key Issues

5.1 The key issues are as follows:

- Green Belt
- Landscape Character
- Biodiversity
- Efficient Use of Land
- Access and Transportation
- Aviation Safety
- Drainage & Flood Risk

PRINCIPAL

5.2 The application site was developed in the 1980s and subsequently by North Yorkshire County Council and then by Yorwaste as a waste disposal site primarily by means of landfill. Since the opening of the Allerton Park in 2018 landfill activity at the site has progressively ceased with restoration of tipped areas on-going. The tipped areas have previously had an agricultural end use with recreational footpaths envisaged, with the central valley area developed for light industry. The central valley area remains in operational use with the waste bulking and transfer operation for Allerton Park, a materials recycling facility and a green waste to compost facility.

5.3 The proposed agricultural end use would only ever be very low intensity with the grassland suitable for grazing of a lower quality. The proposal which retains a network of recreational paths, and a viewing area and would provide a significant contribution towards renewable energy generation and carbon reduction within the wider area.

5.4 Policy CC1 of the Draft Local Plan indicates that the Council will work with developers to ensure that suitable sites are identified, and projects delivered. Proposals for renewable and low carbon energy development will be supported where impacts upon the following considerations can be demonstrated to be acceptable:

- Local Communities and residential amenity resulting from the development construction and operation
- The location in terms of scale of the proposal and associated grid connection lines
- Nature Conservation sites and features
- The road network, capacity and highway safety
- agriculture and other land-based industries.

5.5 Central Government Planning Policy as outlined in paragraph 165b) of the NPPF indicates that when determining planning applications for renewable and low carbon development local planning authorities should approve the application if its impacts are or could be made acceptable.

GREEN BELT

5.3 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

5.4 The relevant Local Plan Policy is GB1. This states that inappropriate development will not be permitted except in very special circumstances which will not exist unless any potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. New buildings and a range of other development not coming within a range of categories are defined as being inappropriate.

5.5 Paragraph 143 of the NPPF states that the Green Belt serves 5 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.

5.6 The site is located within the defined York Green Belt within the Local Plan (2018) It is also within the area of the made Rufforth with Knapton Neighbourhood Plan (2017) and covered by Policies RwK 01 and RwK 17-CA.

5.7 Additionally, when the site is assessed on its merits it is concluded that it serves two Green Belt purposes as set out in paragraphs 143(c) and (d) of the NPPF, namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York. As such, the application and should be assessed against policies GB1 and SS2 of the Local Plan as well as policies RwK 01 and RwK 17-CA of the Rufforth with Knapton Neighbourhood Plan.

5.8 Paragraph 160 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.

5.9 The relevant local policy is GB1 together with Policy RwK 01 of the Rufforth with Knapton Neighbourhood Plan. In terms of Policy GB1 of the Local Plan the outlined exceptions are not met.

5.10 Paragraph 155 of the NPPF indicates that development of land which is defined as “grey belt” for the purposes of housing or other forms of commercial or other development would not necessarily be inappropriate providing it does not undermine the purposes of Green Belt taken across the remaining area of the Plan. Grey Belt is defined as previously developed land or other land which does not strongly contribute to Green Belt purposes. As a landfill site subject to a formal restoration scheme the site does not fall within the definition of previously developed land and its landscape character presents it with a function in defining the setting of the Historic City thereby complying with a Green Belt purpose.

5.11 The development is considered inappropriate development in the Green Belt, which 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. Whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development is considered in paragraphs below.

5.12 Turning to the impact on the Green Belt and openness, Planning Policy Guidance refers to a number of matters that the courts have identified can be taken into account in assessing openness, which include spatial and visual aspects, duration of development and remediability and the degree of activity generated.

5.13 The proposal envisages the erection of a solar farm consisting of ground mounted tilted panels to a maximum height of 2.9 metres sitting within a lightweight frame together with a range of ancillary development including fencing, cctv and an upgraded transformer enabling the electricity to be generated to be circulated through the grid. The site comprises the capped and reclaimed slopes of the earlier phases of the landfill site which consists of three areas with a central valley centred on the line of the Foss Dyke watercourse. The surrounding landscape is largely flat with the partially landscaped slopes of the reclaimed landfill site highly prominent within the surrounding landscape. The proposal as amended envisages the location of the solar arrays along the western and northwestern slopes facing Tinker Lane and within the northern section of the central valley which is not readily visible in longer distance views. In both areas the landscape impact of the reclaimed site is softened by individual mature trees and wider blocks of planting.

5.14 In terms of openness the proposal would significantly alter the character of the surrounding landscape. The site is presently an informal open landscape with an approved agricultural after use but with no agricultural activity presently taking place. The site would take on a physically regimented, engineered character which would be visible in respect of short and medium distance views of Area A to the west and northwest from Tinker Lane and the surrounding landscape. They are also visible in a longer distance albeit glimpsed view from Rufforth village in the vicinity of the Church. The panels within Area B which would face into the internal valley within the site would be less visible and the removal of panels from Area C would also significantly reduce impact upon openness. The openness of the Green Belt would therefore clearly be harmed in both visual and spatial senses. The nature of the site boundary fencing would at least for the time that the landscape mitigation takes to mature appear alien and would itself give rise to some harm to openness.

5.15 Paragraph 143 of the NPPF identifies five Green Belt purposes which include safeguarding the open countryside from encroachment. Notwithstanding the purpose of the development, it would represent a clear encroachment of engineered built development into what is presently open countryside in terms of its physical form combined with associated fencing.

LANDSCAPE CHARACTER

5.16 Policy D2 of the Local Plan states 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. Central Government Planning Policy as outlined in paragraph 187 b) of the NPPF indicates 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.

5.17 The application site does not lie within any special landscape designations. However, as an artificial hill and partially reclaimed landfill site it is highly prominent in views over the short and middle distance across the surrounding landscape particularly from the north and east. Consideration is given to the visibility of Area A from Rufforth village in a glimpsed view above the existing tree canopy and the need to strengthen landscape planting along the west and southwest of the site. It would have a quite limited impact upon local landscape character although there is potential for cumulative impacts with other permitted developments in the wider area notably the previously approved Solar 2 proposal a short distance away at Hessay (23/00626/FULM). Impact is also heightened by the function of the site within the wider flat landscape to provide a degree of orientation and a sense of place. The degree of effect will also vary significantly by time of day, time of year and weather conditions.

5.18 The design of the development has been amended since submission to create a greater margin around the fringes of the development particularly to the north and northwest providing permissive footpaths as originally envisaged within the earlier restoration scheme for the site and also a viewing area across the wider landscape to the north and northwest. Existing planting along the southern and western edge of the site provides a significant degree of filtering of views into the site and with the enhancement of the landscaping proposed in that area would provide a high degree of screening particularly in the winter months.

5.19 Area C was the most prominent area in terms of potential landscape impact giving rise to particular concerns from the Landscape Architect and the removal of panels to address aviation safety concerns would at the same time significantly lessen visual harm.

5.20 Even with the proposed replacement planting there would be some moderate landscape harm arising from the change to the landscape character of the artificial hill at its western and north western section. Any visual harm from fencing can to an extent be mitigated by means of a detailed condition as part of any permission. Landscape harm from the proposal needs to be weighed within the planning balance against the positive benefits of the scheme. Further mitigation may be achieved by means of a detailed landscape scheme which may be conditioned as part of any permission.

BIODIVERSITY

5.21 Policy GI2 of the Local Plan states that any development should ensure the retention, enhancement and appropriate management of features of biological interest. Central Government Planning Policy as outlined in paragraph 193a) of the NPPF indicates that when determining planning applications local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated or as a last resort compensated for then planning permission should be refused.

5.22 The application site does not impact upon any specific protected habitats and the submitted application was supported by a series of detailed surveys contained within an overall ecological impact assessment. The survey work has identified the presence of ground nesting bird species over areas of the site principally skylark, who are present within the wider area, and meadow pipit. The scheme has been amended to allow for the safeguarding of existing nesting site and to allow them to forage. There was also some evidence of wetland species such as snipe and reed bunting within Area B and areas have been left clear of panels to enable them to continue to nest and to forage. Similarly, panels have been located to avoid known bat nesting and foraging areas.

5.23 Construction and subsequent maintenance of the site has been designed to safeguard and enhance the habitat of a range of species notably bats and tree nesting birds known to be present within the wider area with the site lighting designed to minimise harm to known foraging routes. Mature trees within the site will be fitted with nesting boxes suitable for tree nesting birds and bats. The proposed landscape planting will be designed to incorporate plants bearing flowers, fruits and nectar which would encourage invertebrate life. The presence of Himalayan Balsam an invasive species will be strictly controlled, and the existing wildflower grassland would be enhanced to increase species diversity. Hibernicula or habitat piles would be provided at strategic locations to encourage settlement of hedgehogs and amphibian species.

5.24 The proposal would be able to provide a 20% Biodiversity Net Gain (although the statutory minimum 10% is not mandatory in respect of the proposal due to when it was submitted). In order to secure the proposed improvements in accordance with Local Plan policy, it is recommended that any permission be conditioned to require the submission and prior approval of a Construction Environmental Management Plan (Biodiversity) to secure the protection of the habitat during construction and to mitigate any potential harms and a Landscape and Ecological Management Plan (LEMP) to secure the long-term biodiversity improvements to the site. The longer-

term future of the site may also be secured by means of a de-commissioning management plan secured by condition as part of any permission. The proposal therefore complies with the requirements of Policy GI2 of the Local Plan and paragraph 193a) of the NPPF.

ACCESS AND TRANSPORTATION

5.25 Policy T1 of the Local Plan indicates that development will be supported where it minimises the need to travel and provides safe, suitable and convenient access for all transport users to and within it. Development proposals will be required to demonstrate that there is safe and appropriate access to the adjacent adopted highway. Central Government planning policy as outlined in paragraph 116 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impact upon the road network would be severe.

5.26 The proposal would be constructed over a period of five months with traffic accessing the site from the A1237 York Outer Ring Road and then the B1224 Wetherby Road giving onto Heightlands Lane and Tinker Lane to access the site. The existing access from the adopted highway has been designed previously to accommodate the types of vehicles used through the previous waste disposal use. Construction activities would take place between 08:00am and 17:00pm Monday to Friday with 08:00 to 13:00 on Saturdays with no working on Sundays or Bank Holidays. It is estimated that there would be 6 to 8 HGV movements per day with a construction site compound located within the operational valley area within the site. Once operational the site would only be visited on an occasional basis for the purposes of maintenance. Overall traffic generation would be low and subject to the imposition of appropriate conditions within any planning permission the proposed highways and access provisions are felt to be acceptable. The requirements of Policy T1 of the Local Plan and paragraph 116 of the NPPF would therefore be complied with.

5.27 There are no established Public Rights of Way crossing the site although one passes the site boundary to the north /northwest. Subject to any permission being conditioned to safeguard the amenity of users during the period of construction then the impact of the proposal is felt to be acceptable.

AVIATION SAFETY

5.28 The application site lies a short distance away from the operational runways to both Rufforth North (operated by York Gliding Club) and Rufforth East airfields involving small scale powered aviation including helicopters and microlights. A

detailed Glint and Glare Assessment has been prepared to accompany the proposal which was accepted in respect of the operation of Rufforth North Airfield with the inward and outward flight path running to the southwest of the application site directly to the West of Tinker Lane.

5.29 In terms of the flight path into and out of Rufforth East the operator objected to the potential impact of Glint and Glare from the panels proposed to be mounted on Area C and which would be aligned on a sloping surface in the direction of aircraft ascending from and descending into the airfield. Following detailed negotiations with the applicant it was decided to remove the area of panels from Area C. Expansion into that area would be subject to further detailed design and specialist modelling and would be subject to a separate planning application. The proposal as amended is therefore felt to be acceptable in aviation safety terms.

DRAINAGE AND FLOOD RISK

5.30 Policy ENV4 of the Local Plan indicates that new development should not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flooding events. At the same time Policy ENV5 of the Local Plan indicates that surface water drainage should be restricted to 70% of the existing rate. The application site lies predominantly within Flood Zone 1 which signifies the lowest risk in terms of flooding from riparian sources however, the eastern boundary of Area B and a small area of Area C lie within Flood Zone 3 with the highest risk of flooding from riparian sources, in this case the Foss Dyke watercourse. The Ainsty (2008) Internal Drainage Board initially expressed concerns in terms of the impact of placing panels within Area C in respect of the network of surface water drainage channels crossing the site and feeding into the Foss Dyke.

5.31 The proposal has been accompanied by a detailed Site-Specific Flood Risk Assessment and Surface Water Drainage Strategy. This was prepared to include the erection of panels within Area C, that is however severable from the remainder of the Strategy and the applicant has confirmed an intention to implement the Strategy in respect of the remainder of the site with an identical surface water discharge rate. Earlier concerns in respect of the erection of panels within Area C would also be addressed. This may be secured by condition as part of any planning permission and would secure compliance with Policy ENV5 of the Local Plan.

5.32 The proposal envisages the layout of a site compound within the operational area to the south of the site to allow for construction and to prepare for future site maintenance. In terms of the submitted detail it is unclear how that would impact

upon existing surface water drainage arrangements in that area and the degree to which it would take up existing permeable areas. It is therefore recommended that any planning permission be conditioned to require the submission and prior approval of the surface water drainage arrangements for the proposed site compound. The proposal is therefore felt to secure compliance with the requirements of Policies ENV4 and ENV5 of the Local Plan.

CONTAMINATED LAND

5.33 Local Plan Policy ENV3 indicates that where there is evidence that land is contaminated, or a proposed use is vulnerable to previous contamination then development will not be permitted unless the contamination is remediated. Public Protection have raised concerns and requested conditions as part of any planning permission in respect of the remediation of contaminated land. However, the application site lies within the reclaimed area of the former landfill and the applicant has confirmed that the panels and associated infrastructure would sit at or a short distance below the ground surface and above the substantial clay capping layer to the landfilled material. A requirement for remediation of contaminated land would therefore be unnecessary. Within the more recently restored areas of the site there are areas where the landfill gas is vented to the surface and the site since the early 2000s has hosted a small operation to harvest landfill gas for the purposes of energy generation. The proposed layout avoids siting panels around where the gas is vented to air.

5.34 The energy from landfill gas operation has an infrastructure of inverters and a transformer associated with that. The applicant has confirmed that that infrastructure would be upgraded to facilitate transmission of the solar generated electricity to the national grid.

PLANNING BALANCE AND CASE FOR VERY SPECIAL CIRCUMSTANCES

5.35 The proposed development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. There is also harm to its openness both in the visual and spatial senses and to one of the purposes of including land within the Green Belt in respect of encroachment into open countryside. Policy GB1 of the Local Plan indicates that inappropriate development should only be approved in very special circumstances. Very special circumstances will only apply where the potential harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations.

5.36 Policy GB1 of the Local Plan alongside the NPPF indicates that substantial weight should be afforded all harms to the Green Belt in the planning balance. In terms of other harms, the proposal would give rise to moderate landscape harm during its lifetime particularly in terms of views across what is presently a prominent agricultural landscape from the direction of Rufforth village to the west and northwest. This harm would to an extent be increased by virtue of cumulative impact with the previously approved Solar 2 Scheme at Hessay which lies a short distance to the west beyond Tinker Lane. This harm should be afforded significant weight.

5.37 Paragraph 160 of the NPPF acknowledges that when located in the Green Belt elements of many renewable energy projects will comprise inappropriate development. In such cases the required case for very special circumstances may include the environmental benefits of the production of energy from renewable sources. National Energy emphasises the need to substantially reduce carbon emissions through energy generation in order to address Climate Change. This commenced with the 2008 Climate Change Act which sought a reduction of 80% in carbon emissions by 2050 which was amended by means of secondary legislation in 2019 to 100% by 2050. To achieve this the December 2020 Energy White Paper indicated an acceleration of deployment of clean energy generation through the 2020s in the face of growing demand for electricity of 40 to 60%. A target of all electricity generation coming from low carbon sources by 2035 was established and reinforced through the UK Net Zero Strategy (October 2021) and the British Energy Security Strategy (April 2022).

5.38 The proposed development would make a significant contribution in the local area to meeting these national energy provision imperatives, as such it should be afforded substantial weight in the planning balance.

5.39 The City itself declared a Climate Emergency in 2019 with the overall goal of being carbon neutral by 2030. An important element of the aspiration contained within the Draft Climate Change Strategy 2022-2032 has been the adoption of electricity as the preferred source of energy as that can be produced without resort to sources which release carbon emissions. This can be afforded moderate weight in the planning balance. Solar forms a very important element of the mix of potential renewable sources with large scale wind being less appropriate due to the potential impact upon the Historic City skyline. Suitable sites for solar need to be brought forward which have a lesser impact upon food production, highway and access conditions and local amenity.

5.40 The proposal further seeks to bring a greater degree of management to the site to enhance biodiversity with specific provision for both ground nesting and aquatic

birds with encouragement to other species associated with species rich grassland. This would give rise to a BNG figure of 20%, significantly above that required by national and local planning policy. That should also be given weight in the planning balance.

5.41 In considering the application substantial weight is given to harm to the Green Belt. The application is otherwise acceptable in planning terms. The accumulation of considerations outlined above namely the significantly improved range of biodiversity providing a 20% net gain and the provision of a significant increase in renewable energy generation capacity of 16.5 MW, clearly outweigh the identified harm to the Green Belt and landscape harm. Consequently, it is felt that the proposal when fully operational would fulfil the test of “very special circumstances” justifying inappropriate development.

PUBLIC SECTOR EQUALITIES DUTY

5.42 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.

5.43 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.

5.44 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.

5.45 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.

6.0 CONCLUSION

6.1 The proposal for the construction of a solar farm is acknowledged to be inappropriate development within the Green Belt and to give rise to landscape harm. However, subject to appropriate conditions the proposal is felt to be acceptable in terms of flood risk and drainage, biodiversity, loss of agricultural land, and transportation and access. It is felt that the clear environmental benefits when put in the context of the declared climate emergency, of generation of a significant quantity of renewable energy clearly outweighs the harm to the Green Belt and the localised harm to the adjoining landscape character. The proposal is therefore considered to be acceptable in planning terms and approval is recommended subject to referral to the Secretary of State, on the basis that it falls within the thresholds in respect of development in the Green Belt contained within the 2024 Town and Country Planning (Consultation) England Direction.

7.0 RECOMMENDATION: Approve subject to referral to Sec. of State and it not being called in

1 TIME2 Development start within three years

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

0004116-1150 Solar Panels Typical Details
 0000 P02 Location Plan
 Landscape and Visual Appraisal Rev B
 1435_150 Rev B Landscape Strategy
 0004116-1100-P07 Indicative Site 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 No development shall take place (including enabling works) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

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

a) Risk assessment of potentially damaging construction activities.

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

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area and to secure compliance with Policy GI2 of the City of York Local Plan.

4 A landscape and ecological management plan (LEMP) with supporting biodiversity enhancement plan/drawing(s), shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

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

- a) Description and evaluation of features to be managed, including all newly created habitat and enhancement features (i.e. bat and bird boxes, invertebrate, amphibian and reptile hibernacula).
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.

- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions, including reinstatement/enhancement of work areas, haulage/access roads and site compounds.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward for a minimum of a 30-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Establish BNG monitoring and reporting programme - to be submitted to the LPA. As a minimum, the monitoring programme should include:
 - Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the target units.
 - Where target conditions for habitats/units are not yet met provide an assessment of time to target condition for each habitat and any changes to management that are required.

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

The approved plan will be implemented in accordance with the approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Policy GI2 of the City of York Local Plan to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately

5 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority.

The plan shall:

- i) Specify lighting in-line with current guidance - Bat Conservation Trust (2023) Bats and Artificial Lighting at Night: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>
- ii) 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, both within and outside the site boundary.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external

lighting be installed without prior consent from the local planning authority.

Reason: To maintain the favourable conservation status of bats and protect the habitats used by European Protected Species where there might be changes on site in accordance with Policy GI2 of the City of York Local Plan.

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

- i) Details of phasing
- ii) Landscape planting and habitat protection measures
- iii) Details of the method for decommissioning, dismantling and removal of all plant, machinery, fencing and associated apparatus
- iv) Details of the point of access to be used.
- v) Details of aftercare for the site and the method for restoring it to landscape use. Management of traffic during the decommissioning process]
- vii) Timescales by which decommissioning, removal and reinstatement of the land shall be fully completed if the solar farm ceases to be operational.

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

Reason: To safeguard the biodiversity value of the site and to secure compliance with Policy GI2 of the City of York Local Plan.

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

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

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

Reason: To safeguard the amenity of neighbouring properties, to secure the safety and convenience of highway users and to secure compliance with Policy T1 of the 2018 City of York Local Plan

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

Reason: To safeguard the safety and amenity of users of the PROW network and to secure compliance with Policy T1 of the 2018 City of York Local Plan.

9 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area and to secure compliance with Policy ENV2 of the City of York Local Plan.

10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme in accordance with Landscape Strategy 1435_150 Rev B Dated 28/02/2025. The landscape scheme shall include the species, stock size, density(spacing) and position of trees, shrubs and other plants and seeding mixes and sowing rate where

applicable. It will also include details of tree pits and ground preparation. The scheme shall be implemented within a period of six months of the completion of the development. Any tree or plants which within the lifetime of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species across the site since the landscape scheme is integral to the landscape and visual mitigation for the development and to secure compliance with Policy D2 of the York Local Plan.

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

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

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

12 No development approved by this permission shall be commenced until the Local Planning Authority, has approved a scheme for the disposal of surface water from the Site Compound Area. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

- a) The discharge rate shall not exceed 1 litre per second, and
- b) Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100-year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

Reason: To ensure that the site compound is safely and securely drained.

13 Unless otherwise agreed in writing by the Local Planning Authority the surface water drainage of the solar panel development shall be undertaken in accordance with Drawing 248/01/04 "Indicative Contour Drainage Arrangement"-Revision 1

within the SM Foster Ltd Flood Risk Assessment and Surface Water Drainage Strategy and Surface Water Drainage Strategy Addendum 1 dated November 2023 in respect of operational areas A and B identified on Indicative Site Plan 1100 Rev PO7.

Reason: To ensure that the site is safely and satisfactorily drained and to secure compliance with Policy ENV4 of the City of York Local Plan.

14 Precise details of the deer and security fencing to be used within the development including design, finish and location shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond site clearance and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties and to secure compliance with Policy D2 of City of York Local Plan.

15 LC4 Land contamination - unexpected contamination

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

- i) Sought amendment of the submitted Landscape Strategy to address the visual impact of the proposal from the north and east
- ii) Sought amendment of the proposal to address the relationship of the proposal to the flight path into and out of Rufforth (East) Airfield

2. HEDGEHOGS

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehogs.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing, and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles. <https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

3. NESTING BIRDS:

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

4. CONSENT TO DISCHARGE TO A WATER COURSE:

The written consent of the Ainsty(2008) Internal Drainage Board is required prior to any discharge or increase in the rate of discharge into any watercourse(directly or indirectly within the Board's District.

5. WORKS CLOSE TO A WATERCOURSE:

The prior written consent of the Ainsty(2008) Internal Drainage Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse within the Board's district.

Contact details:

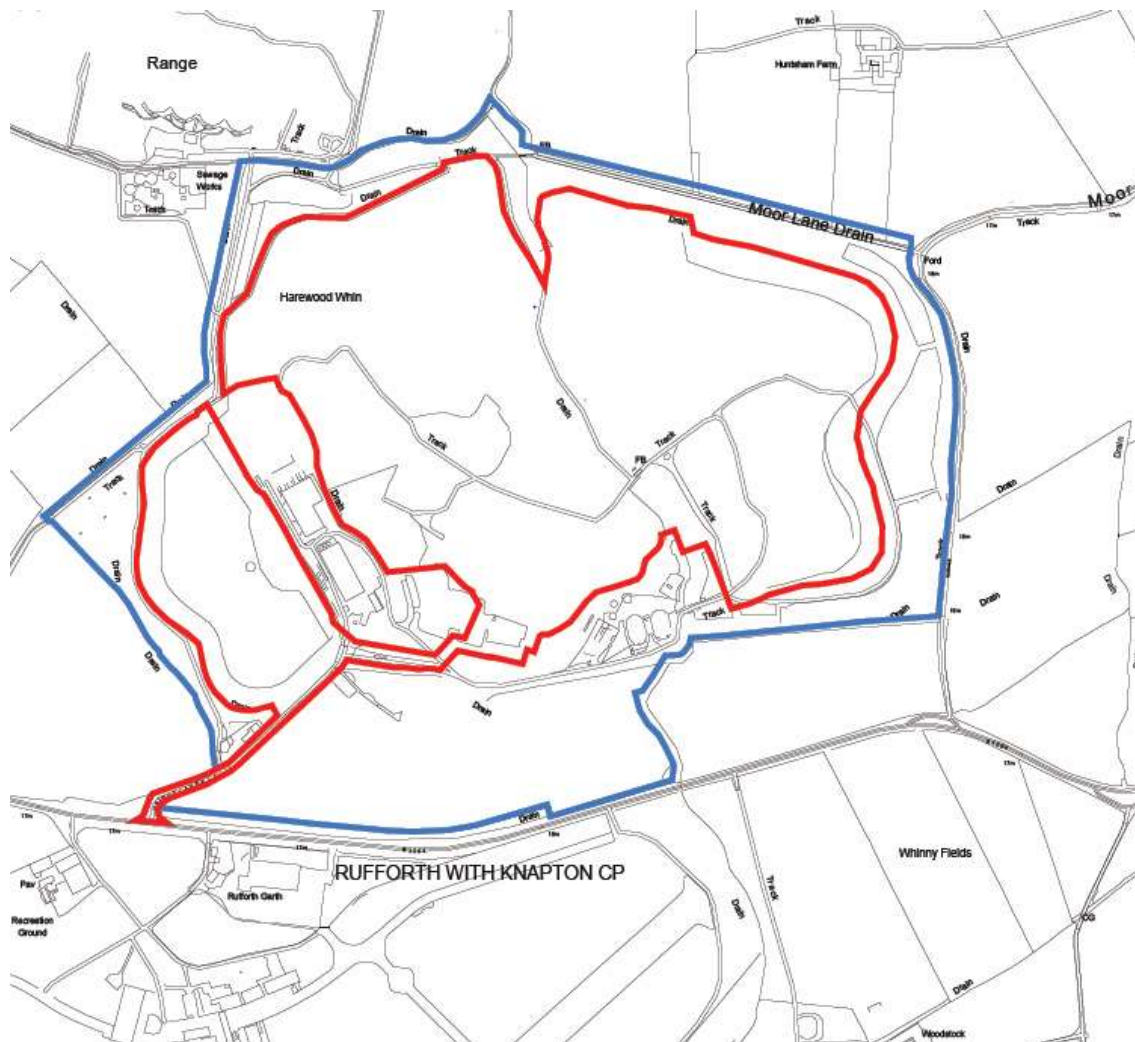
Case Officer: Erik Matthews

Tel No: 01904 551416

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Proposed Solar Farm, Harewood Whin

23/01732/ FULM



City of York Council
Environment, Transport & Planning
Site Location Plan
12 March 2025

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Planning Committee A

23/01732/FULM

Yorwaste Harewood Whin Tinker Lane Rufforth York



PROPOSED SOLAR FARM, HAREWOOD WHIN



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BUFFORTH

Members

1. This drawing is subject to copyright laws and the use of this drawing is licensed by GPR for use on this project only.
2. In the event of any discrepancies being found there are to be brought to the attention of GPR architecture team.
3. This drawing is to be used for the information filed.
4. Construction staff and operators must ensure the main contractor has provided accurate information on all relevant aspects relating to the designs identified on the drawing, including review of designers / contractors risk assessments, method statements, permits to work and construction information.
5. The proposed layouts are subject to the following, although not exhaustive:
 - Structural and Storage Engineering requirements.
 - Mechanical and Electrical Engineers requirements.
 - Physical / Linear Rail and other constraints as appropriate.
6. Use only written directions for constructional purposes. Any discrepancies to be referred to the architect / project manager prior to commencement of works.
7. Where the layout is based on a preliminary or partial survey information, the accuracy is not underwritten by GPR.

[illegible]

KEY

- | | | | |
|---|----------------------------------|---|--|
|  | Site boundary |  | Existing Roads |
|  | Solar panel land parcel boundary |  | Existing Development Entrance to be Utilised |
| | Solar P/Vs | | Existing Footpath |
| | Fencing | | Existing Brideway |
|  | Paths |  | Existing Watercourse - The Foss |
|  | OCTV position | | |

-  Existing Green Corridors
-  Existing Woodland Areas to be Enhanced
-  Proposed Woodland/ Scrub Areas
-  Proposed Native Hedgerows
-  Potential public walking route

SCHEDULE

	Size (HA)	PV Arrays
Area A	4.2	248
Area B	12.29	703
	<u>16.49</u>	<u>951</u>

This system page is illustrative only and is to be read in conjunction with the detailed specification sheet.

Yorwaste Ltd	Client
Proposed Solar Farm, Harewood Whin	Project

Client	Planning			Sta
Project	Indicative Site Plan			Drawing 1
	Date	Drawn/Chkd	Sc	
	AUG 2023	AP/HW	1 2000	

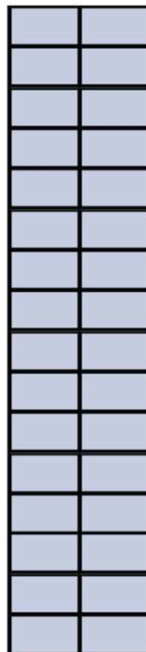
Solar Panels Typical Details

PROPOSED SOLAR FARM, HAREWOOD WHIN

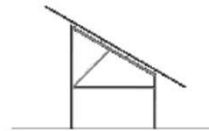
Scale 1:100 1m 2 3 4 5

A3

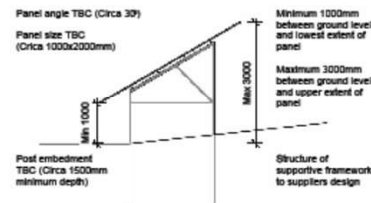
Notes:
 1. This drawing is for information only and is not to be used for construction purposes.
 2. In the event of any discrepancy between this drawing and the information provided by the client, the information provided by the client shall prevail.
 3. This drawing is for information only and is not to be used for construction purposes.
 4. Construction and installation shall be in accordance with the relevant standards and specifications.
 5. The client shall be responsible for obtaining all necessary permissions and consents.
 6. The client shall be responsible for ensuring that the site is suitable for the proposed solar farm.
 7. The client shall be responsible for ensuring that the proposed solar farm does not interfere with any existing or proposed infrastructure.
 8. The client shall be responsible for ensuring that the proposed solar farm does not cause any adverse impacts on the environment or the local community.
 9. The client shall be responsible for ensuring that the proposed solar farm is designed and installed in accordance with the relevant standards and specifications.
 10. The client shall be responsible for ensuring that the proposed solar farm is maintained in accordance with the relevant standards and specifications.



Aerial Plan
1 : 100



Side Elevation
1 : 100



Typical Section
1 : 100



Front Elevation
1 : 100



Rear Elevation
1 : 100

Date	Rev	Description	Drawn

PLANNING

Yorwaste Ltd

Harewood Whin Waste Transfer Station

Solar Panels Typical Details

Date	Drawn/Check	Scale
04/09/23	RS AP	1:100

GEORGE F WHITE

PROJECT MANAGER
 AND SITE SUPERVISOR

Project Number	Draw No.	Revisions
0004116	1150	

Google
Satellite Image



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