

COMMITTEE REPORT

Date: 8 February 2024 **Ward:** Rural West York
Team: West Area **Parish:** Hessay Parish Council
Reference: 23/00626/FULM
Application at: Agricultural Land To The South Of Low Moor Lane Hessay York
For: Installation of a solar farm and associated infrastructure, including control station, DNO substation, access tracks, inverters and other auxiliary infrastructure
By: Mr Neil Foxall
Application Type: Major Full Application
Target Date: 13 February 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for erection of a solar farm covering some 61 hectares to the south of Low Moor Lane Hessay lying between the villages of Hessay and Rufforth and adjoining the western boundary of the former waste site at Harewood Whin. The land is presently in a mix of arable cultivation and pasture on a mix of Grade 3b)(medium quality) and Grade 4(low quality) agricultural land with grazing of cattle predominating. The works also include ancillary structures such as fencing, inverters, a substation and a DNO control station, access tracks and a grid connection. Access to the site would be via a new 3.5-metre-wide track from Tinker Lane to the southeast. The site is largely flat in character and divided up into a regular pattern of fields with mature hedges in native species interspersed with individual mature trees with few longer distance views across the site. No landscape or habitat designations would be affected. The site lies within the general extent of the York Green Belt.

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. Two substations set within a small maintenance compound would be provided to the southeast of the site with inverters to convert the electricity into a form to be transported through the grid associated with each bank of pvs. 2.6-metre-high clear mesh deer fencing would be provided around the outer perimeter of the site. Construction would be over a period of eight months to a year with a construction site compound provided at the eastern edge of the site. The farm is envisaged to be in place for a period of 40 years before de-commissioning.

1.3 The application has been amended since submission to address concerns in respect of landscape impact, drainage and also aviation safety, both in respect of glint and glare impacts and emergency landing from Rufforth airfield, which lies close by to the southeast. The development when fully operational is envisaged to generate some 49.99 MW of electricity which would be the equivalent of 13,000 homes on an annual basis. At the same time using calculations based upon the UK Digest of Energy Statistics it is estimated that it would result in a reduction in carbon footprint of 21,600 tonnes per year of operation.

Relevant Planning History

1.4 Nil

2.0 POLICY CONTEXT

2.1 Draft City of York Local Plan (2018) Policies:

- 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
- ENV5 Sustainable Drainage
- T1 Sustainable Access

2.2 Rufforth with Knapton Neighbourhood Plan (2017) Policies:

- RwK 01 Draft Green Belt

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission be conditioned to secure prior approval of any plant giving rise to noise audible from outside of the site and the remediation of any unexpected land contamination.

Carbon Reduction Team

3.2 Support the proposal as securing the implementation of Policy CC1 of the Draft Local Plan.

Design, Conservation and Sustainable Development (Ecology)

3.3 Raises 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.

Design, Conservation and Sustainable Development (Archaeology)

3.4 Raise no objection to the proposal subject to any permission being conditioned to require the undertaking of a post-determination archaeological evaluation.

Design, Conservation and Sustainable Development (Trees and Landscape)

3.5 Raise concerns in respect of the significant harmful impact the proposal would cause to the open pastoral character of the local landscape particularly in views south from Low Moor Lane although that is not a Public Right of Way for much of its length. It is acknowledged that the proposed deer fencing would be pulled back from the site boundary and that is felt to be an improvement. At the same time, it is felt that the site would benefit from additional landscape planting of native species particularly oak around the wider boundaries of the site and also along the historic field boundaries. That should be undertaken either early in the process before the panels can impact the health of the new planting or as part of de-commissioning. Either way such planting could be conditioned as part of any permission within the context of a revised LEMP. Detailed conditions are also recommended in terms of a

landscape scheme, an arbouricultural method statement and the layout and de-commissioning of the construction site compound.

Public Rights of Way

3.6 Following clarification of any impact upon routes identified upon the “definitive map” no objection is raised to the proposal.

Flood Risk Management

3.7 Raise no objection in principle to the proposal subject to soakaways not being used as the means of securing surface water drainage from the site and a drainage strategy being submitted for prior approval.

Highway Network Management

3.8 Raise concerns in respect of the proposed access arrangements and parking for vehicles during construction and subsequently in respect of service vehicles.

Strategic Planning Policy

3.9 The position in respect of the weight to be afforded the principle relevant policies is as follows:

- DP2 Sustainable Development – No unresolved objections policy can be afforded moderate weight
- SS2 The Role of York’s Green Belt- The policy is consistent with the Framework and may be afforded moderate weight.
- EC5 Rural Economy -No unresolved objections and may be afforded moderate weight.
- D2 Landscape and Setting – The policy is consistent with the Framework and may be afforded moderate weight.
- GI2 Biodiversity and Access to Nature – Minor unresolved objections policy may be afforded moderate weight.
- GI4 Trees and Hedgerows- The policy is consistent with the Framework and may be afforded moderate weight.
- GB1 Development in Green Belt- The policy is consistent with the Framework and may be afforded moderate weight.

- CC1 Renewable and Low Carbon Energy Generation and Storage- Objections partially resolved- The policy may be afforded limited weight.
- ENV2 Managing Environmental Quality – Subject to minor modifications and consistent with the Framework- The policy may be afforded moderate weight.
- ENV5 Sustainable Drainage – The Policy is consistent with the Framework and may be afforded moderate weight.
- T1 Sustainable Access – The Policy is subject to unresolved objections and so may be afforded limited weight.

EXTERNAL

Natural England

3.10 Raise no objection to the proposal.

Environment Agency

3.11 Raise no objection to the proposal.

Ainsty(2008) Internal Drainage Board

3.12 Raise no objection to the proposal as amended subject to a series of conditions in respect of drainage strategy, landscaping and construction of internal access routes being attached to any planning permission.

Rufforth Parish Council

3.13 Object to the proposal on the grounds of loss of productive grade 3b) agricultural land, impact upon the open character of the Green Belt with harm to important views of Rufforth village from the east, absence of detail in respect of provision for construction traffic and potential harm to the open character and purposes of designation of the Green Belt arising from the grid connection to the north.

Hessay Parish Council

3.14 Object to the proposal on the following grounds:

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- Loss of residential amenity due to noise pollution both during the construction of the development and from the panels and ancillary apparatus subsequently.
- Potential use of Low Moor Lane as an access point to the site notwithstanding that its width and alignment are not suitable for heavy vehicles and there is a weight restriction preventing access by HGVs through Hessay village.
- Harm to the open character of the Green Belt
- Harm to the character of the local landscape
- Harm to aviation safety from Rufforth Airfield
- Lack of benefit to the wider community
- Harm to local businesses including a harness racing track to the north of the proposed site.
- Harm to local wildlife, notably bird life present in the area.
- Harm to the amenity of the area north of the site arising from the installation of the grid connection.

3.15 York Gliding Centre raise no objection to the proposal as amended subject to any permission being conditioned to ensure compliance with the revised glint and glare assessment and emergency landing area.

3.16 North and East Yorkshire CPRE object to the proposal on the grounds that:

- Harm to the Open Character of the Green Belt
- Harm to users of the adjoining (PROW) rights of way network
- Harm to the landscape setting of Rufforth
- Incompatibility with Local and National Planning Policy
- Harm to the character of the soil and to future agricultural husbandry of the site

4.0 REPRESENTATIONS

4.1 The proposal was publicised by Site Notice on 25th April 2023 and by press notice and neighbour notification at the same time. 28 Letters of objection have been received raising the following issues: -

- Objection to the loss of land currently in food production
- Objection to the harm to residential amenity of neighbouring properties due to glint and glare from the panels

- Objection to loss of residential amenity to neighbouring properties from noise from the panels and associated apparatus
- Objection to harm to aviation safety through glint and glare and obstruction of the safe emergency landing area for Rufforth Airfield
- Objection to harm to the openness of the Green Belt
- Objection to harm to local wildlife particularly birdlife
- Objection to landscape harm caused by the proposed deer fencing.
- Concern in respect of the future of the site following de-commissioning of the apparatus.
- Concern in respect of the potential grid capacity to absorb the output from the apparatus.
- Objection to construction and service traffic travelling through Hessay village.
- Lack of consideration of alternative sites
- Objection to the constraining of wildlife caused by the proposed deer fencing.

5.0 APPRAISAL

5.1 KEY ISSUES: -

- Principle and Green Belt
- Impact upon Openness
- Landscape Character
- Biodiversity
- Loss of Agricultural Land
- Residential Amenity
- Access and Transportation
- Aviation Safety
- Surface Water Drainage

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

DEVELOPMENT PLAN

5.3 The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and the Rufforth with Knapton Neighbour Plan (2017) in part.

LOCAL PLAN

5.4 The Draft City of York Local Plan 2018 was submitted for examination on 25th May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be in 2024. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

PRINCIPLE AND GREEN BELT:

Policy

5.5 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.

5.6 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.

5.7 In line with the decision of the Court in *Wedgewood v City of York Council* [2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes may take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF

and should have regard to site specific features in deciding whether land should be regarded as Green Belt.

5.8 The site is located within the general extent of the York Green Belt as described in the RSS. In addition to the saved policies YH9(C) and Y1 (C1 and C2) of the Regional Spatial Strategy which relate to York's Green Belt, the site is identified as falling within greenbelt in the proposals maps of the Development Control Local Plan (2005) and Draft Local Plan (2018) It is also partially within the area of the “made” Rufforth with Knapton Neighbourhood Plan (2017) and covered by Policy RwK01 Draft Green Belt.

5.9 The site is identified in the City of York Local Plan - The Approach to the Green Belt Appraisal which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open as being of importance in securing the openness of the Green Belt.

5.10 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), namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF and within policy GB1 of the Draft Local Plan (2018).

Assessment

5.11 The relevant local policy is GB1 together with Policy RwK 01 of the Rufforth with Knapton Neighbourhood Plan. The relevant paragraphs of the NPPF are 152 and 155. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the exceptions set out in paragraph 154 of the NPPF. The proposal does not meet any exceptions set out in paragraph 154 of the Framework.

5.12 Certain other forms of development are not inappropriate in the Green Belt including engineering operations provided they preserve its openness and do not conflict with the purposes of including land within it as set out in paragraph 155 of the NPPF . The proposal does not meet any exception set out in paragraph 155.

5.13 The development is classed as 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 very special circumstances exist is assessed at paragraphs 5.42-5.46 below.

5.14 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 generate.

5.15 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 inverters and a sub-station enabling the electricity to be generated to be circulated through the grid. The site is middle grade agricultural land presently predominantly in pasture use for grazing of cattle with some in use for growing root crops. The surrounding landscape is predominantly flat with a mix of small and medium sized fields surrounded by the predominant boundary treatment characteristic of the wider locality comprising mature trees and lengths of hedgerow. In terms of the principle of the development its appropriateness or otherwise in Green Belt terms is fundamental to its acceptability.

IMPACT UPON OPENNESS

5.16 In terms of impact upon openness the proposal would fundamentally alter the character of the surrounding landscape albeit over a period of forty years. From being an area predominantly in informal pasture use; the site would take on a physically regimented, engineered character which would be clear over a wide area. The openness of the Green Belt would therefore clearly be harmed in both visual and spatial senses with the area of the farm largely filling the undeveloped gap between Hessay and Rufforth villages. That is notwithstanding the proposals for reinforcing landscape planting at the proposed boundaries and around historic field boundaries and the retention of grazing involving sheep between the panels. The nature of the deer fencing with its wire bow top would also harm the openness of the Green Belt notwithstanding its re-alignment since the proposal was first submitted. The character of the current traditional informal boundary treatment would be largely lost.

5.17 Paragraph 143 of the Framework 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 both in terms of its physical form and the associated fencing.

LANDSCAPE CHARACTER

5.18 Central Government Planning Policy as outlined in paragraph 180 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. At the same time Policy D2 of the Draft Local Plan indicates that development proposals will be encouraged and supported where they conserve and enhance landscape quality and character and the public's experience of it and make a positive contribution to York's special qualities.

5.19 The application site does not lie within any special landscape designations and is not readily visible from anywhere in any longer distance views. Concerns have however been expressed in respect of the visual impact of the southern area of the farm which includes a section of the ancillary sub-station and other development on the views of Rufforth village including the Church from the public bridle way skirting the northern edge of the former Harewood Whin Landfill Site to the east of Rufforth village. The view is presently of the pastoral setting of the village with the traditional boundary treatment of short lengths of mature hedge row and individual trees appearing highly prominent. The proposal would transform the presently semi-natural landscape into one much more highly regimented and engineered in appearance which would give rise to some significant harm to landscape character. Since the proposal was submitted the scheme has been amended to make it appear less dense to secure retention of a section of emergency landing area associated with the northern runway of Rufforth Airfield. Some significant harm to local landscape character does however remain.

5.20 Concerns have also been expressed by the Council's Landscape Architect in terms of the landscape harm at the northern edge of the site in views from Low Moor Lane Hessay. The boundary of the site in that location whilst physically flat is more open running parallel to Low Moor Lane, a by-way open to all traffic. Quite important and lengthy middle-distance views of the pastoral landscape exist into the site to the south and southeast of the Lane with some sections of the traditional boundary treatment potentially compromised by the work. The design and location of the proposed deer fencing relative to the boundary is also a concern in view of the degree of erosion it would cause to the traditional landscape character. Since the scheme was submitted it has been amended to relocate and vary the design of the

fencing and the applicant has agreed to supplement the planting within the existing hedgerow field boundaries which would be retained within the site. The design of the fencing can be further mitigated by further detail of its precise appearance and location which may be secured by condition along with any reinforcement planting as part of any permission. Landscape harm from the proposal is still though felt to be significant and needs to be weighed within the planning balance against the positive benefits of the scheme. At the same time a significant degree of mitigation may be achieved, through a linked landscape scheme together with an arbouricultural method statement which may be secured by condition as part of any permission.

BIODIVERSITY

5.21 Central Government Planning Policy as outlined in paragraph 186a) 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. At the same time Policy GI2 of the Draft Local Plan indicates that any development should ensure the retention, enhancement and appropriate management of features of biological interest.

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 assessment indicates a number of measures to secure the habitat of species making use of the area including designing and locating lighting to minimise harm to foraging bats, designing and locating fencing to allow hedgehogs, voles and other small native mammals to pass freely through the area. Drainage of the access routes and working areas would also be designed to minimise pollution of the surrounding area. The proposed reinforcement planting of the areas of hedge and mature trees would improve conditions for ground nesting birds such as skylark which are known to be present in the area and also for tree roosting bats. The surroundings of the pond present within the site towards its eastern edge would be enhanced with the placement of logs and appropriate planting to encourage use by amphibians. At the same time those areas of the site presently in arable cultivation would be re-seeded with an appropriate native grass and wildflower mix. The removal of arable cultivation would encourage colonisation of the site by badgers and work would be halted and re-configured in the event of any unexpected badger activity being found to take place during the construction process.

5.23 The submitted Ecological Assessment indicates that it is possible for the site to comply with the emerging requirement for Biodiversity Net Gain subject to the standard means of assessment. In order to safeguard habitat and biodiversity within the site during the course of development and to provide for the emerging requirement for Biodiversity Net Gain it is recommended that any permission be conditioned to require the submission and prior approval of a detailed Landscape and Ecological Management Plan which outlines the proposed measures in detail together with providing an appropriate timescale. At the same time the prior approval of a detailed Construction Environmental Management (Biodiversity) to regulate the construction process and mitigate any associated potential harms is also recommended as part of any decision.

5.24 Concern has been expressed in respect of the future of the site after the expiry of the 40-year design life of the proposal and the potential for physical harm to planting and biodiversity which had grown up in the meantime through the decommissioning process together with the possibility that the land could be taken as being “previously developed” or brownfield land and therefore suitable for a more intensive and more urban onward use. The applicant has indicated that it would be returned as far as is practicable to its pre-existing condition and that to secure that a decommissioning management plan to address such issues would be acceptable secured by condition as part of any permission. Subject to the three conditions being in place as part of any permission the proposal is felt to be acceptable in ecological terms.

LOSS OF AGRICULTURAL LAND

5.25 Central Government Planning Policy as outlined in paragraph 180b) of the NPPF indicates that planning decisions should contribute to and enhance the local and natural environment by recognising the intrinsic character of the countryside including the economic benefits of best and most versatile agricultural land. The Agricultural Land Survey indicates the application site to be variable in quality with significant areas of Grade 4 land which is in use for pasture to the north and west. Within the central section there are however some areas classified as Grade 3b) which are in arable cultivation most recently for root crops. Some concern has been expressed by objectors in respect of the loss of the area of arable cultivation with potential impacts upon UK food security.

5.26 Agricultural land classified as being Grade 3b) is not however included anymore as being within the accepted definition of being best and most versatile. It

is instead taken as being more general-purpose agricultural land with arable cultivation more suitable and favoured on the higher grades. Furthermore, the removal of arable cultivation would act to enhance biodiversity by encouraging the re-settlement of the area by small mammals such as badgers currently known to be present within the wider area. The layout of the solar farm has also been designed to enable grazing of the area between the panels by sheep throughout the design life of the development and so agricultural activity would not cease. The CPRE has suggested using planning advice current in Wales that the proposed development may lead to harm to the character of the soil and inhibit future husbandry activities at the site. The site is however not high grade agricultural land most suitable for growing crops in any case although it has in part done so previously. The proposal would also not inhibit the use of appropriate methods to return the site to cultivation when it is decommissioned. Any potential harm is not therefore felt to be material.

RESIDENTIAL AMENITY

5.27 Central Government Planning Policy as outlined in paragraph 135f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future users. At the same time Policy ENV2 of the Draft Local Plan indicates that development proposal for uses that are likely to have an environmental impact upon the amenity of the surrounding area including residential amenity, open countryside, local character and distinctiveness must be accompanied by evidence that the impacts have been evaluated and that the proposal would not result in any loss of character or amenity.

5.28 There are no residential properties in the direct vicinity of the application site other than Mullingar Farm on Low Moor Lane which directly backs on to a section of the deer proof fencing although there is a further five metre distance from the nearest row of panels themselves and the boundary of the site is heavily landscaped with a mature hedge with a curtilage in excess of 10 metres in width. There are two other properties also on Low Moor Lane a little further away, Moor Villa Farm to the northwest and Oakview directly to the northeast which is associated with a sand track harness racing with horses. Concern has been expressed by the occupier of Oakview in respect of the potential for disturbance for the horse training activities from the operation of the plant. The landscaped buffer surrounding the site is however at its broadest at that point being in excess of 10 metres with the panels directed to the southeast away from the boundary. The panels are also fixed not giving rise to any noise from movement or other activity associated with their operation. The submitted noise survey has identified the possibility of a slightly elevated noise level from the sub-stations in respect of Mullingar Farm particularly at

night when levels of background noise are otherwise lower. It is recommended that this be addressed by condition in respect of the prior approval of audible plant in respect of any permission.

5.29 Concerns have also been expressed by objectors living further to the north on Shirbutt Lane in respect of noise from the panels together with the potential for infra (very low frequency) noise nuisance from their operation. The panels are however of a fixed design which does not pivot with the direction of the sun. The operation of the panels themselves also does not give rise to a risk of infra-noise with the inverters and sub-station which carry a small, localised risk located towards the centre of the site a significant distance away from neighbouring properties. At the same time if the proposal is successful the grid connection would be undertaken underground to the northeast of the site without any risk from noise to adjoining properties. Impact of the proposal upon the amenity of neighbouring properties is therefore felt to be acceptable.

ACCESS AND TRANSPORTATION

5.30 Central Government planning policy as outlined in paragraph 115 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. At the same time Policy T1 of the Draft 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.

5.31 It is proposed that access for construction of the solar farm together with subsequent maintenance visits would be via a crushed stone track leading from Tinker Lane, a private road linking the access to Harewood Whin with the premises of the York Gun Club. No access other than in the event of an emergency would be via the northern edge of the site and Low Moor Lane. Hessay village itself carries a 7.5 Tonne weight limit due to poor tracking and visibility at a junction in the centre of the village.

5.32 A series of narrow tracks would be created to enable maintenance access through the site with space for informal parking for maintenance vehicles to the southeast of the grid substation. During the construction process a temporary construction site compound is envisaged at the southeastern edge of the site which

will enable the plant to be assembled and distributed through the site. Concern has been expressed in respect of the layout of the compound and its relationship to the proposed access from Tinker Lane. Volumes of traffic on Tinker Lane are minimal with the only other premises accessed being the York Gun Club. It gives on to the access to the Harewood Whin landfill site to the southwest which has been designed to accommodate HGVs of similar configuration to those accessing the site during construction. The applicant has confirmed that once on the adopted highway delivery, construction and staff vehicles would access the wider network via the B1224 Wetherby Road and the City outer ring road and wouldn't travel via Rufforth village. Impact upon the safety and convenience of highway users arising from traffic accessing the site during construction and subsequent operation would be minimal and can be conditioned by a requirement for a Construction Traffic Management Plan as part of any permission.

5.33 Low Moor Lane to the north of the site has a status of by way open to all traffic with restrictions on use by heavier vehicle. Extremely poor visibility at the junction in the centre of Hessay village also precludes use by heavy vehicles. The applicant has confirmed that access into the site from the north would be solely by smaller maintenance vehicles in the event of an emergency occurring in the vicinity or if the southern access came to be out of use. This is felt to be acceptable.

5.34 Some concern has been expressed by Highway Network Management in respect of impact from glare from the panels on road users on the adjoining highway. However, the degree of distance with intervening landscaping combined with the location and orientation of the panels ensures that this would not propose a material risk.

AVIATION SAFETY

5.35 The application site lies a short distance to the northwest from the northern runway supporting both microlight and glider aviation at the nearby Rufforth Airfield. Objection was initially raised by the operator of the airfield York Gliding Club in respect of the impact of glint and glare arising from the panels on aircraft ascending from and descending towards the airfield. At the same time a section of the southeastern quadrant of the proposal sits within the emergency landing area for the northern runway where aircraft and associated gliders can safely land in the event of mechanical failure or a failure of the associated tow ropes.

5.36 Detailed negotiations between the applicant and the Gliding Club have resulted in the submission of a revised glint and glare assessment with the re-alignment of

the panels to minimise impact upon over flying aircraft. The southeastern section of the development has also been partially re-designed to allow for an area to continue to be used for emergency landing. The revised measures may be secured by planning condition as part of any permission.

SURFACE WATER DRAINAGE

5.37 Central Government Planning Policy as outlined in paragraph 173 of the NPPF indicates that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. The application site lies within Flood Zone 1 and is therefore felt to be at the lowest risk of flooding from riparian sources. It currently contains several feeder drains and other water courses feeding into the IDB maintained Oak Nursery Dyke. The Rufforth North and Smatwith Dykes also cross the site but would not receive direct flows. All are known to take high flows in the event of heavy rainfall events.

5.38 It is envisaged that all hard surfaced areas would be formed from a Type 3 permeable hard core covering the tracks to access the panels, the base for the inverter stations and the substations. The area of the substations would cover some 529 square metres in area with an attenuated drainage system giving a discharge rate of 1 litre per second. In terms of the impact of the panels themselves on the surface water drainage detailed research suggests that it would be as little as 0.35%. Subject to the standard 9 metre offset being provided clear of physical structures and planting to the water courses across the site to allow for maintenance then the proposal is felt to be acceptable in terms of surface water drainage and flood risk.

OTHER ISSUES:

5.39 Objection has been made to the design of the deer fencing on the basis that it would obstruct historic hunting rights across the northern section of the site. That is however a landownership issue and not a material planning consideration in respect of the current application.

5.40 Concern has been expressed in terms of the lack of grid connection capacity together with the amenity implications of the grid connection if successful. The access of the development to the power grid is undertaken through a separate consent process involving the grid operator and the developer has indicated that in the event of success it would be via connection to an underground cable off site with minimal impact upon amenity. Details of the proposed grid connection which would

largely follow the existing highway network have been submitted although it may vary in terms of its detailed route and is not a material consideration in respect of the current planning application.

5.41 Objection has been made to a lack of consideration of alternative sites for the proposal. In the context of a critical need for renewable energy and the lack of any specific landscape or amenity designation or overriding amenity harm the suitability of the site needs to be assessed on its own merits.

PLANNING BALANCE AND CASE FOR VERY SPECIAL CIRCUMSTANCES

5.42 The proposed development is inappropriate in the Green Belt by virtue of harm to its openness both in the visual and spatial senses. Paragraphs 152 and 153 of the Framework indicate that inappropriate development is by definition harmful to the Green Belt and 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 outweighed by other considerations.

5.43 The Framework indicates that substantial weight should be afforded harm to the openness of the Green Belt in the planning balance. In terms of other harms, the proposal would as outlined above give rise to significant landscape harm during its lifetime particularly in terms of views across what is presently a traditional pasture landscape when viewed from the north across Low Moor Lane and in terms of its impact upon the setting of Rufforth village from the east and southeast with the notable views of the Church. That should also be afforded substantial weight.

5.44 Central Government Planning Policy as outlined in paragraph 163b) of the NPPF indicates that when determining applications for renewable and low carbon development local planning authorities should approve the application if its impacts are or could be made acceptable. At the same time Policy CC1 of the Draft Local Plan in its modified form 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.

5.45 Paragraph 156 of the Framework 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. The City 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. 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.

5.46 Notwithstanding the landscape harm caused by the current proposal in two specific areas it is felt that it is otherwise acceptable in planning terms and that substantial weight should therefore be afforded the contribution it would give to the decarbonisation of the City's energy supply. It is felt that the provision of "clean" electricity to power in the region of 13,000 homes per annum when fully operational would fulfil the test of "very special circumstances" whilst securing compliance with Policy CC1 of the Draft Local Plan as well as paragraph 163b) of the NPPF

6.0 CONCLUSION

6.1 The proposal for the construction of a solar farm to produce 49.9 MW of electricity per annum over a 61-hectare site lying between Hessay and Rufforth is acknowledged to be inappropriate development within the Green Belt. However, subject to appropriate conditions the proposal is felt to be acceptable in terms of flood risk and drainage, aviation safety, biodiversity, residential amenity 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 outweighs the harm to the openness of the Green Belt and the localised harm to the adjoining landscape character. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

7.0 RECOMMENDATION: Approve

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

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

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

Drawing Refs:	105-029A-231218	LOCATION PLAN
	105-030A-231220	INDICATIVE COMPOUND LAYOUT
	105-004A-230213	INVERTER STATION ELEVATIONS
	105-005A-230214	CABLE TRENCH CROSS SECTION
	105-006A-230214	CUSTOMER SUBSTATION ELEVATIONS
	105-007A-230214	ROAD CROSS SECTION
	105-008A-230214	METEO STATION DETAILS
	105-009B-230214	FENCE & GATE DETAILS
	105-010A-230214	CCTV POLE DETAILS
	105-013F-230323	PROPOSED SITE LAYOUT PLAN
	105-020A-230323	DNO SUBSTATION ELEVATIONS
	105-230214-011A	SPARE PARTS BUILDING DETAILS
	105-230216-012A	PANEL ELEVATIONS

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

3 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.

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

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

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

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

6 No development shall take place until details of the proposed means of surface water drainage from the proposed, the compound and access roads, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- i) cross sectional detail of the inverter stations, and access roads,
- ii) the means by which the surface water discharge rate (from the compound area) shall be restricted to a maximum rate of 1.0 (one point zero) litres per second,
- iii) the means by which the surface water attenuation (from the compound area) up to the 1 in 100-year event with a 30% climate change allowance shall be achieved,
- iv) a topographical survey showing the existing and proposed surface water drainage invert and cover levels, ground and finished floor levels to ordnance datum for the compound area and. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties, and
- v) the future management and maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied

7 A strip of land 9 metres wide adjacent to the top of the embankment of any watercourse which is maintained by Ainsty (2008) Internal Drainage Board under the Land Drainage Act 1991 shall be kept clear of all new buildings, structures, walls,

fencing, hard paving and planting unless agreed otherwise in writing with the Drainage Board on the basis:

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

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

8 A programme of post-determination archaeological evaluation (trial trenching 3%) and recording of ridge and furrow (field 7) is required on this site.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) for evaluation by trial trenching and recording of ridge and furrow in field 7 has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

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

E) No development shall take place until:

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

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

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

9 LC4 Land contamination - unexpected contam

10 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.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

11 Notwithstanding the submitted application documents, no development shall take place (including enabling works, ground works and vegetation removal) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include (but not be limited to) the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) Details of how the site will be remediated and built without affecting surrounding habitats.

- e) Use of directional/sensitive lighting during construction, to limit light spill on to wildlife corridors.
- f) The location and timing of sensitive works to avoid harm to biodiversity features.
- g) Programme of pre-commencement checking surveys, including nesting birds, Badgers, etc.
- h) Measures to protect common amphibians, reptiles, and nesting birds. Measures should also include protection for badgers and hedgehogs who may access the site for foraging and commuting purposes including and not limited to, precautionary working methods to prevent accidental harm or injury to badgers, removal of tree or shrub cuttings from the site and the covering of trenches and capping of any open pipes.
- i) Details of pollution prevention measures required to reduce sediment and other pollutants impacting associated water courses.
- j) Responsible persons and lines of communication.
- k) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- l) Use of protective fences, exclusion barriers and warning signs.

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

12 The construction process for the development hereby authorised shall be undertaken in strict accordance with the requirements of the details to be submitted in respect of the discharge of condition 11 together with the provisions of the Outline Construction Environmental Management Plan (CEMP) Dated 27th March 2023.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with paragraph 135f) of the NPPF

13 Notwithstanding the submitted application documents, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed, including all newly created habitat.
- 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:
- j) 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.
- k) 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.
- l) Detail of additional landscape planting including native species and locations with a programme of implementation

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.

Reason: To ensure wildlife mitigation, compensation and enhancement measures are managed and maintained appropriately. To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) 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.

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

- i) Details of phasing
- ii) Landscape planting and habitat protection measures
- iii) Details of the point of access to be used
- iv) Details of aftercare for the site and the manner in which it would be restored to agricultural use.

The development shall thenceforth be undertaken in accordance with the details thereby approved at the point of decommissioning.

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

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

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

16 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.

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

17 Other than in the event of an emergency access for all traffic to the development hereby authorised shall be via Tinker Lane Rufforth and no other point of access shall be used.

Reason: To secure the safety and convenience of road users and to secure compliance with Policy T1 of the 2018 Draft City of York Local Plan and paragraph 115 of the NPPF.

18 No development shall commence on site until details of windsock and emergency landing provision and maintenance have been submitted to and approved in writing by the Planning Authority. Emergency landing areas must be retained and maintained for the lifetime of the proposed development in the agreed dimensions and conditions with suitable centre line markings and windsocks provided.

Reason: To secure the safety of aviation crossing the development area.

19 Before the commencement of development, a scheme for the protection of the retained trees shall be submitted to and approved in writing by the Local Planning Authority. This shall include any recommendations for tree surgery, and the appropriate working methods in accordance with paragraphs 5.5 (tree protection plan) and chapter 6 (arboricultural method statement) of British Standard BS 5837: 'Trees in relation to design, demolition and construction – Recommendations'. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the quality of the landscape character and landscape resource, and the amenity and setting of the development.

20 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority the construction details and methodology for the following:

- preparation and erection of the site compound and its removal,
- the reinstatement of the grassland to an equal or better standard across the areas allocated for the site compound.

Amongst other details, the methodology shall include types of machinery to be used, permitting weather and ground conditions, depth to which soil will be stripped, height of top soil bund, method of de-compacting the ground, reinstatement of soil and grass sward of a quality at least equivalent to the quality of the pasture land before the construction compound was erected. The grassland shall be reinstated within the first full planting season following removal of the construction compound.

Reason: To ensure the site is restored to the original landscape character and is reinstated to a condition that is fit for purpose.

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Sought submission of a revised aviation impact assessment/glint and glare study
- ii) Sought submission of a revised landscape assessment including relocated deer fencing
- iii) Sought clarification in terms of the point of access for construction and service vehicles

2. DRAINAGE INFORMATIVE

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

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