



The countryside charity
North and East Yorkshire

PO Box 189
York
YO7 9BL

www.cpreney.org.uk

Tel: 07983 088120
Email: info@cpreney.org.uk

Branch Chair
Mrs Jan Arger

Authority: Richmondshire District Council

Type of consultation: Planning Consultation

Full details of application/consultation: 22/00041/FULL - Full Planning Permission for Ground Mounted Solar Photovoltaic (PV) Panels and Associated Infrastructure

At land: South of Broken Scar Water Treatment Works, Cleasby, North Yorkshire

Type of response: Objection

Date of Submission: 3rd March 2022

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
Katie Atkinson, BA (Hons), Dip TP, MA
MRTPI
www.kvapanning.co.uk

Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this application for Ground Mounted Solar Photovoltaic (PV) Panels and Associated Infrastructure. The site is located on 16.46Ha of agricultural land to the south of Broken Scar Water Treatment Works, Cleasby. The application was submitted to Richmondshire District Council ('RDC' / 'the Council') on behalf of Northumbrian Water Limited ('the applicant').

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2021) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Paragraph 219 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

The Development Plan relevant to this application consists of:

- The Richmondshire Local Plan 2012-28 Core Strategy (2014); and
- Saved Policy 23 of the Richmondshire Local Plan 1999-2006.

The Council have recently commenced a review of the Local Plan to update policies for new development. The Issues and Options Consultation was undertaken in 2018 and CPRENEY commented at that time. The Preferred Options Consultation was published in July 2021 to which CPRENEY responded in full. However, due to the early stages of plan preparation, no weight can be attached to this document as yet and as such full weight should be given to the saved Local Plan policies and other material considerations as necessary including the NPPF.

CPRENEY do not object to the generation of renewable energy by solar arrays and consider that the generation and supply of low carbon energy will be core to achieving the UK goal of net zero carbon emissions by 2050 or earlier. This will require a transformation of our energy system over the next 20–30 years. The scale and immediacy of the threat to the climate and our countryside means that change is necessary.

The current model of renewable energy development has resulted in some poor outcomes for landscapes, the environment, and rural communities. CPRENEY wants to change this and believes it is possible to achieve the net-zero transition, including the introduction of new solar developments, in harmony with our wider

environmental and social objectives.

This means taking a strategic planning approach to development of renewable energy assets at the local level and ensuring that local communities are empowered to help shape their local energy response. CPRENEY will, therefore, only support solar developments which:

- minimise impacts on landscapes, tranquility and heritage, through appropriately scaled development;
- minimise the impacts on the Best and Most Versatile agricultural land;
- bring net benefits to biodiversity;
- benefit the rural economy; and
- are supported or owned by local communities.

Furthermore, CPRENEY consider that renewable energy generation and climate change mitigation must be maximised within urban areas, including the retrofitting of existing stock, on land and rooftops of industrial and commercial estates and priority given to using previously developed land in line with CPREs 'brownfield first' policy. All new buildings (of any type) should have solar and / or other appropriate energy generation and efficiency measures incorporated into their design and build as standard.

The proposal subject to this application is on a large (16.46Ha) greenfield site currently used for arable farming therefore is not in line with the 'brownfield first' policy. The land is categorised as Grade 2 on the Best and Most Versatile ('BMV') Agricultural Land Classification which is described as 'very good'. The NPPF clearly directs Local Planning Authorities making decisions about the natural and local environment to:

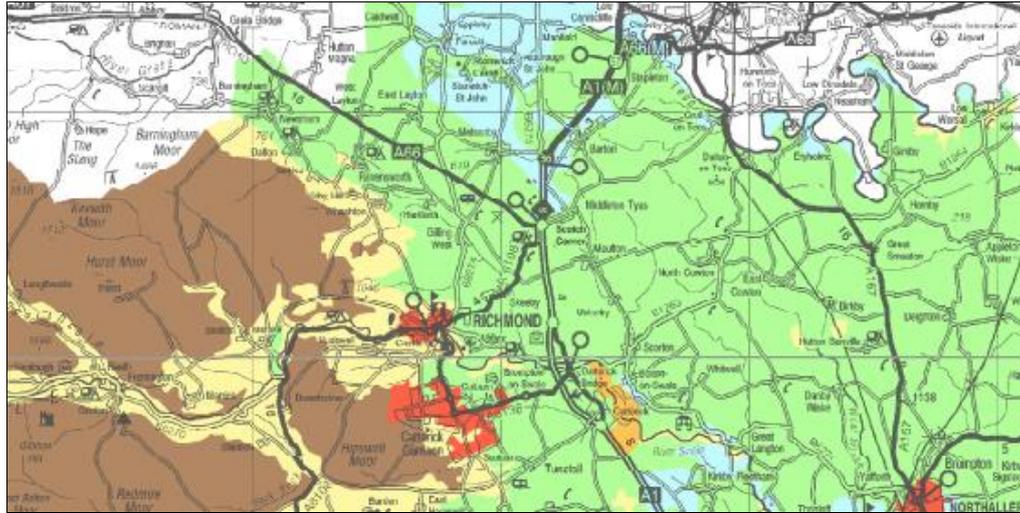
- protect and enhance landscapes, biodiversity, geology and soils
- recognise soils as a natural capital asset that provide important ecosystem services
- consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land
- prevent soil, air, water, or noise pollution, or land instability from new and existing development

This concept is replicated in the Council's Core Strategy Policy CP3 which only supports development which promotes '*the protection of the best and most versatile agricultural land*'. Further, 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to: protect the best agricultural land; put a value on soils as part of our natural capital; and manage soils in a sustainable way by 2030 amongst other things. As such, Grade 2 BMV is highly regarded and should be protected from development.

The Planning, Design and Access Statement submitted in support of the proposals sets out how the land itself has been damaged by previous works at an adjacent disused quarry. Whilst this may in fact be the case, it is unsubstantiated by an expert via any of the supporting information.

When considering the Natural England plan below, it is very evident that Richmondshire has very little land categorised as 'very good' (light blue) and none as 'excellent' BMV across the district, as such the little that is present should be protected in line with national and local policy. CPRENEY, therefore, consider that this is entirely the wrong location for this proposed development.

Fig 1: BMV Land classification for Richmondshire (and neighbouring districts)



Natural England

The applicant has submitted an ecological impact assessment in support of the proposals, however, whilst several ‘reversible’ opportunities for biodiversity have been proposed across the site, once taken out of arable production, no attempt at calculating the potential ‘net gain’ has been demonstrated via the use of a metric. The NPPF (para 180c) requires all developments to contribute to sustainable development by improving ‘*biodiversity in and around developments by integrating it as part of their design, especially where this can secure net gains for biodiversity or enhance public access to nature where this is appropriate.*’ The applicant has clearly set out in their Planning Design and Access Statement, that ‘*pedestrian access to the site will be restricted at all times*’, therefore, in line with the policy, net gains for biodiversity should be demonstrated and secured. This is in line with the Environment Act (21) which sets out a requirement for all proposals to achieve a minimum net gain of 10% in biodiversity. This should be provided prior to the determination of the proposal.

The proposed site lies entirely within Flood Zone 3b, presenting a high risk of flooding from rivers or surface water. Generally, developments are directed away from such areas with only essential infrastructure or water compatible development being allowed. Solar farms can be considered essential infrastructure in some circumstances by the Environment Agency, although not specifically stated on the Government’s list, it is acknowledged a few have been constructed in these areas elsewhere in the UK.

CPRENEY are concerned that certain aspects of the proposal appear to have not been considered by the applicant, specifically in terms of the proposed directional drilling to enable energy to be transferred under the River Tees to the Broken Scar Waterworks plant. Whilst understood that an environmental permit would be required for this work, CPRENEY are also of the opinion that elements of this work are relevant to the Council in terms of the specific land use impact of the construction of the pipeline and use of the potential drill rig. There are several risks associated with this lack of information which are relevant to the determination of the application.

The potential risk to groundwater in the Magnesian Limestone Principal Aquifer as a result of directional drilling has not been assessed, the aquifer is located in a Ground Water Protection Zone (SPZ2) which the Environment Agency must protect from pollution as these ground water sources are used to supply drinking water.

It is thought that the applicant’s should have considered the impacts of drilling noise on nearby receptors, (ie nearest residents in Cleasby and Low Coniscliffe, users of adjacent PROWS, children’s playground and picnic

areas) in line with the NPPF which requires noise to be 'reduced to a minimum'. Therefore, even for temporary periods, acoustic mitigation may be required to protect amenity, health, and wellbeing. Directional drilling can produce a different type of noise than vertical drilling, as such mitigation is often built into the design of the drill. Certain tonal noises associated with directional drilling are within the control of the local planning authority although other types of noise are considered through environmental permits by the Environment Agency.

The applicant's landscape and visual impact assessment ('LVIA') does not consider the impact from the drill rig or drilling equipment to be used when undertaking directional drilling across the River Tees. Acknowledging that this would be for a time limited period during construction, it is nevertheless considered that this should still be assessed to ascertain whether specific mitigation measures are required, especially as the proposed screening planting will take several years to mature. Policy CP2 of the Local Plan (LP) supports renewable energy developments stating that they '*must address landscape and visual impact on the local community.*' Policy CP3 takes this approach further requiring development to '*promote the character and quality of the local landscape [...] and the distinctive character of townscape and setting of settlements.*' Policy CP4 sets out that development should be of '*an appropriate scale and nature and not impact adversely on the character of a settlement or landscape*' and Policy CP8 sets out that development must not conflict with '*landscape character, amenity and development.*'

CPRENEY are further concerned about the impact on residents at Low Coniscliffe to the north of the river, looking across to the site. The site is currently partially screened by sparse planting and the woodland to the north of the river is mainly deciduous. Whilst no one is entitled to a 'view' the current agricultural land is typical of the rural area and as such affords a level of tranquillity away from the more urbanised areas to the east. The introduction of the array (once complete) will take many years to be completely screened by proposed vegetation and will introduce an industrial character to the location which could impact on residential amenity.

Paragraph 17b of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside. It goes on at paragraph 174e to set out that new development should not contribute to unacceptable levels of soil, air, water, or noise pollution. The insufficient information submitted in relation to the drilling works renders the Council in a position where they cannot state that there would *not* be a significant environmental impact because of the proposed development and as such the proposal should be refused.

Conclusion

CPRENEY welcomes the opportunity to comment on this detailed planning application for a solar farm at Cleasby. The proposed development is contrary to several local and national planning policies as set out above and therefore, CPRENEY respectfully ask that this proposal be refused.

CPRENEY recognise the need to transition away from fossil fuels towards a renewable and clean energy generation mix, including solar, to achieve net-zero emissions by 2050 or earlier. In some circumstances it is recognised that ground mounted solar arrays can be well screened and mitigated appropriately. However, CPRENEY do not consider that large-scale solar farms are appropriate in the open countryside on greenfield sites, especially on very good BMV land.

In this case, CPRENEY object to the substantial solar array promoted by the applicant at this location and believe that there are far more suitable alternatives, particularly on the site already owned by the applicant north of the river, including the retrofitting of existing buildings to incorporate roof mounted solar. This would be in line with the policy position of CPRENEY and the NPPF and would avoid the need for directional drilling.

CPRENEY reserves the right to comment further should any additional information be submitted in support of the proposal.