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Branch Chair
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Authority: Hambleton District Council

Type of consultation: Planning Consultation

Full details of application/consultation: 21/03042/FUL - Application for Installation of solar photovoltaic ('PV') array/solar farm with associated infrastructure

At land: OS Field 2700 Carlton Husthwaite North Yorkshire

Type of response: Objection

Date of Submission: 10th April 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:



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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 agricultural land to north-west and south-west of the village of Hushwaite, approximately 3km north of Easingwold. The site is split across two areas of land with an adjoining underground cable. 'Woolpots North' consists of circa 46Ha and 'Woolpots South' consists of circa 52Ha, totalling approximately 99.7Ha. The application was submitted to Hambleton District Council ('HDC' / 'the Council') on behalf of Woolpots Solar Farm Ltd ('the applicant').

CPRENEY strongly objects to the proposals on the following grounds:

- The significant loss of BMV land and impact on soils;
- The detrimental impact on two nationally protected landscapes (AONB and NP);
- The eventual loss of Biodiversity Net Gain (after 40 years);
- The detrimental impact on Conservation Areas; and
- The proposals are contrary to local and national planning policy.

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.'

The Development Plan relevant to this application consists of:

- The Hambleton Local Plan (February 2022)

Having recently been found sound through independent examination the document can be considered fully up to date and full weight should, therefore, be given to the policies contained within it for the determination of proposals. The new Local Plan ('LP') fully replaces all previous planning policy documents for the Council.

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 split site of circa 100Ha in total of greenfield land currently used for arable farming, therefore, is not in line with the 'brownfield first' policy. The land across the site has been categorised as a mix of Grade 2, 3a and 3b on the Best and Most Versatile ('BMV') Agricultural Land Classification which is described as 'very good' 'good' and 'moderate' quality. 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

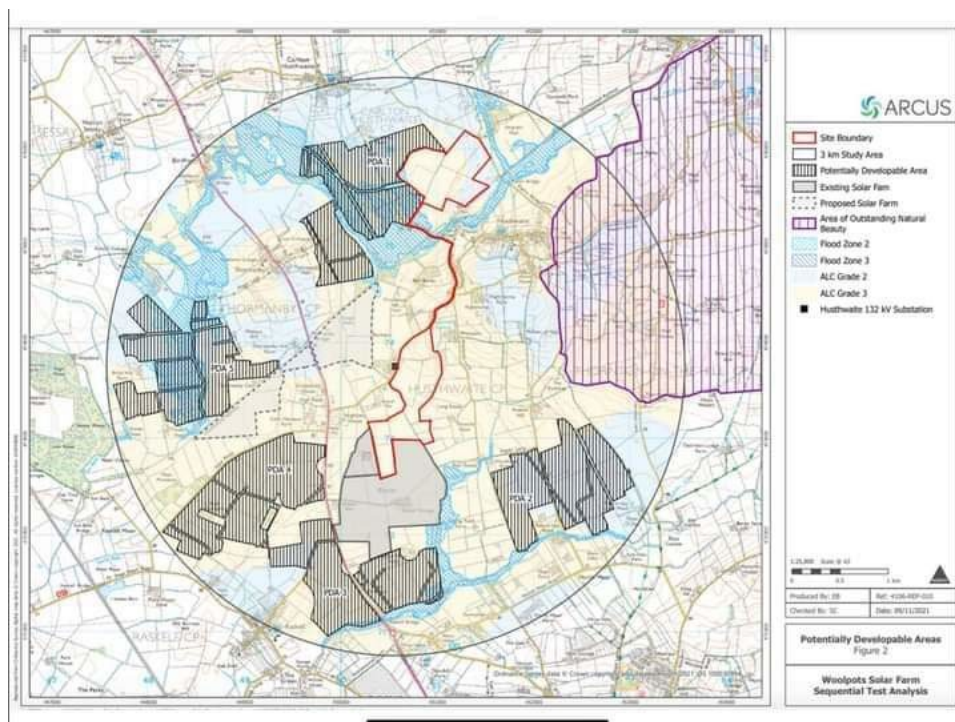
This concept is replicated in the Council's Core Strategy Policy CP3 which only supports development which promotes *'the protection of the best and most versatile agricultural land'*. Further, 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25-year plan to improve 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, BMV of Grade 3 and above is highly regarded and should be protected from development.

Furthermore, whilst information contained within guidance in relation to BMV agricultural land is contained in TAN 6 – Planning for Sustainable Rural Communities (2010), pertains to the Welsh planning system, the evidence is still pertinent in this case. Paragraph 6.2.2 of TAN 6 states *'that once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as BMV land is seldom practicable'*. The Welsh Department for Climate Change recently objected to an appeal for a similar scheme (DNS/3245065 - Wessex solar energy (WSE Pembrokeshire Limited) land at Blackberry Lane, Nash, Pembrokeshire, SA27 4SJ) located on BMV. The inspector set out in his report (para 163) that the DCC objection amounted to [BMV] *'land is a finite and nationally significant resource which needs to be protected in order to secure future food supplies. The Department is concerned that the development could, through matters such as compaction, waterlogging and the mixing of top and sub-soils, cause structural damage to the*

soil and in doing so reduce its flexibility, productivity and efficiency to such an extent that it would no longer be BMV agricultural land.’ The Inspector goes on to conclude on the matter at para 165 that ‘I am nevertheless mindful that the structure of agricultural soil is fragile and easily damaged and that the construction of a development of the scale proposed is likely to result in a substantial amount of ground disturbance across the application site. This disturbance would arise from the engineering operations necessary to construct a solar park of the scale proposed and from the potential for widespread soil compaction caused by the movement and use of heavy vehicles and machinery required for the installation of the supporting posts and the excavation of trenches, access paths and foundations across the site. In my view the impact of these operations and the nature of the vehicles and equipment required are not comparable to agricultural practices and are likely to significantly damage the structure of the soil and result in the loss BMV agricultural land.’

CPRENEY are aware that this split site scheme is only one such proposed scheme in the vicinity located on BMV land. Boscar Grange Farm – on the southern boundary of the site; and, Land South East of Highfield House – adjacent to the west of Woolpots South, are both already operational and a further screening request has been submitted off Carr Lane, Thormanby (21/00821/SCR) – 320m to the northwest of Woolpots South. The removal of BMV to such an extent in a traditional agricultural environment is concerning especially considering the increased need for self-sufficiency.

Similarly, CPRENEY are aware of the potential for further schemes in the immediate vicinity as presented by the applicant to a public meeting in the Parish (see below). Whilst these are not all within the planning system at present, CPRENEY are concerned that the cumulative impact of such schemes would be unacceptable to the communities within the immediate location and also on the nationally designated landscapes of the Howardian Hills Area of Outstanding Natural Beauty (AONB) and the North York Moors National Park (NP).



The applicants have proposed significant landscape mitigation for the split sites, however, CPRENEY does not consider that the proposed planting and landscape schemes are sufficient to mitigate the detrimental impact on the NP and the AONB, particularly from public footpaths and bridleways surrounding the site and the high land to the east of the village of Husthwaite, from the Beacon Banks footpath, where the proposed solar arrays would be highly visible in the landscape between the two protected areas impacting enjoyment of users.

CPRENEY consider that the landscape between the A19 and the NP is important to the setting of both the nationally protected landscapes of the AONB and the NP and as such represent an important landscape character and contiguous boundary affect. The views from PROWs to the east and north of Husthwaite looking towards the White Horse and the NP are iconic parts of the landscape and often photographed and enjoyed by the public. The Woolpots North site would be clearly visible in this landscape and would be entirely incongruous within the setting of the protected landscapes.

The Woolpots South site is within close proximity to the small unclassified rural lane between Husthwaite and the A19 and forms an important gateway to the AONB, therefore, CPRENEY consider the proposed solar array would have a significant visible detrimental impact to the setting, especially in combination with those already in operation.

Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in NPs and AONBs – *‘which have the highest status of protection in relation to these issues.’* It goes on to state *‘while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.’*

Hambleton LP Policy E6 seeks to conserve and enhance the nationally protected landscapes and their settings in line with national policy setting out at point C that this will be achieved by *‘resisting other proposals that would have a harmful impact on the AONBs and their settings or the setting of the North York Moors National Park.’*

Furthermore, LP Policy RM6 (Renewable and Low Carbon Energy) has regard to *‘the potential impact on Hambleton’s landscapes.’* Supporting text to the policy explains that *‘proposals for larger-scale renewable energy development could be detrimental to the character of Hambleton, particularly where they are located within a sensitive landscape or within the context of an historic environment. It is therefore essential that any potential adverse impacts are addressed and mitigated where possible.’* This echoes the ‘UK Solar PV Strategy’ (Oct 2013) which sets out 4 guiding principles for the development of solar arrays including *‘Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity.’*

The landscape setting of the two designated nationally protected landscapes is recognised in policy terms within the Joint Minerals and Waste Plan for North Yorkshire which defines a 3.5km ‘visually sensitive zone’ where development is restricted – whilst this is associated with minerals or waste surface development, it demonstrates the sensitivity and importance of the landscape setting.

CPRENEY believe that the proposal for the substantial split site scheme within the setting of the two nationally protected landscapes is wholly inappropriate and contrary to both local and national planning policies, as an individual proposal and cumulatively with those schemes already in existence and operational.

The settlements of Husthwaite and Carlton Husthwaite have both been designated as Conservation Areas, in accordance with the Hambleton LP Policy E5 and NPPF, great weight should be given to their conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the NPPF sets out clearly that *‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification.’* The settlements and Conservation Areas are located in a tranquil rural landscape surrounded by arable and pastoral fields dating back to the medieval period which contribute to the historic setting of the Conservation Areas. As such, the large-scale solar arrays would introduce a man-made ‘industrialised’ effect which would result in a significant and demonstrable harm to the

significance of the Conservation Areas.

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 ('PDAS'), that there will be no public access to the sites, which will be surrounded by a 2.5m perimeter fence and multiple 3m high CCTV poles, as several public footpaths and bridleways surround the site but none pass through the site, 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. The applicant has confirmed an overall net gain of 208.71% across the sites using the DEFRA Biodiversity Metric 3.0. This is welcomed by CPRENEY; however, it is noted in section 3.1 of the PDAS that the applicants consider the site will be operational for 40 years before being fully decommissioned and restored.

As such, CPRENEY would be concerned that the potential for increased biodiversity on the site would actually be removed and lost on return to agricultural usage so therefore consider that this should not be heavily weighted in the planning balance. Further, the mention of sheep grazing between and under panels in the PDAS should not be given any weight. The applicant has not shown any further intention of allowing this to happen and in reality, across the UK, this rarely happens although is often mentioned in the planning phases.

Conclusion

CPRENEY welcomes the opportunity to comment on this detailed planning application for a solar farm at Hushwaite. 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.

Of particular importance to the determination of this application is the hugely significant detrimental impact of the proposals on the setting of the two nationally protected landscapes of the AONB and the NP. The Council has a duty to consider developments in the setting of nationally protected landscape and the impact it may have on those designations.

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