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Branch Chair  
Mrs Jan Arger

**Authority:** North Yorkshire Council (former area of Selby District Council)

**Type of consultation:** Planning Application

**Full details of application/consultation** 2023/0128/EIA - Development of a ground-mounted solar farm including associated infrastructure

**At land at:** South Of A645, Wade House Lane, Drax, Selby, North Yorkshire

**Type of response:** Objection

**Date of Submission:** 30<sup>th</sup> March 2023

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 the installation and operation of a ground mounted solar farm with associated infrastructure (including inverters, transformers, a DNO substation, battery storage and grid connection), for a period of 40 years. The site is located on of agricultural land south of Wade House Lane, Drax, and was submitted to Selby District Council ('The Council') on behalf of Carlton Solar Farm Ltd ('the applicants'). The proposed development has been subject to an Environmental Impact Assessment ('EIA').

The site extends to 166Ha and would seek to generate up to 50MW of low carbon electricity. The Site consists of and is surrounded by agricultural fields, with field boundaries, hedgerows, farm access roads and ditches forming the majority of its boundaries. The site is located south of the A645 between Camblesforth and the A614. Wade House Lane forms the main site access from the A645 to the north of the site. The railway line to Drax Power Station forms the boundary of the site area to the northwest, although the substation position is on the northwest side of the rail line. There is well established natural vegetation around the site, with the boundaries being made up of a mix of hedgerows with scattered trees. The boundaries between the fields are also made up of hedgerows and ditches.

The Site is crossed by a small number of farm access tracks, Public Rights of Way ('PRoWs') and footpaths. There are also a number of existing field accesses within the Site. The site access is from Wade House Lane.

The site is considered to be greenfield by virtue of the fact it is undeveloped and in the open countryside. It is not within the designated Selby Green Belt.

The site is predominantly Grade 2, 3a and 3b in the agricultural land in the Best and Most Versatile Land Classification system.

At the end of the 40-year life-span, the equipment would be removed and the site returned to its original state – to agricultural land, with the exception of the substations north of the railway line.

The site is not located in a national landscape designation.

There are no listed buildings or Scheduled Monuments ('SAM') within the site boundaries or listed buildings within 500m of the Site. The Church of St Mary at Carlton is Grade II\* listed and is located 1.2km east of the Site. The nearest SAM is located circa 560m northwest of the Site and is 'Castle Hill Moated site'. 'Scurff Hall Moated Site' SAM is located 1.7km northeast of the Site. There are no local conservation areas within 2km of the Site. The nearest conservation area is within the village of Rawcliffe which is 3.5km to the southwest of the Site and is within the jurisdiction of the neighbouring local planning authority - East Riding of Yorkshire Council.

Eskamhorn Meadows Site of Special Scientific Interest ('SSSI') located approximately 700m to the southeast of the Site. The SSSI is designated on the basis of its species-rich unimproved neutral grassland. The River Derwent Special Area of Conservation ('SAC') and SSSI is located approximately 3km to the north-east of the Site. The SAC/SSSI is designated for its unpolluted nutrient-rich lowland river system, which supports diverse communities of aquatic flora and fauna.

Furthermore, the Environment Agency's Flood Mapping for Planning shows that the Site lies within Flood Zone 3a for flooding from rivers and the sea, however, it is acknowledged that the site benefits from flood defences.

The site is split between the parishes of Carlton, Camblesforth and Drax, and is in the former Selby district area boundary of the new North Yorkshire Council.

The Site lies 450m to the south of Drax Power Station. The Site is roughly surrounded by three villages to the west, north and east of the Site. The village of Carlton lies 1.3km to the southwest of the Site whilst Camblesforth lies 1.2km to the northwest of the Site with the village of Drax being located 700m to the northeast of the Site.

The emerging Selby Local Plan has identified a range of preferred site allocations for residential development. There is currently only one approved allocation across the villages of Carlton, Camblesforth and Drax. The approved allocation is within the village of Carlton (reference: CARL-G). The allocation lies 750m to the southwest of the Site and is 9.56ha in size.

The applicants propose to mount the solar panels on a metal tracking system aligned in North-South rows with panels rotating East-West (+/- 120°). The central axis is proposed to be 2.64 m high and each panel when rotated to the maximum angle reaches 4.5 m high. The horizontal rows are to be positioned 7.2m apart.

The applicants propose 13 conversion units to be positioned across the site. The conversion units accommodate the inverters, transformer and associated equipment to convert DC energy produced by the arrays, into AC energy as required by the national grid. The cabinets measure 2.9m high, 2.44m wide and 6.06m long. They are of metal panel construction and sit upon a concrete base.

The proposal also requires the construction of a new substation, to be located to the northwest of the panels, approximately 250m from the nearest residential dwelling in Camblesforth village. The Substation would be located within a compound measuring 50m long by 25m wide. The compound would comprise a 2.4m high galvanised security palisade fence and enclose the substation gear which would extend to approximately 3.85m above ground level.

The Battery Energy Storage System ('BESS') is to be located within a specific compound. The BESS is to be located centrally within the Site with relevant BESS infrastructure being placed within storage cabinets. The 'Battery Storage Compound' adjoins the 'Substation – Customer Compound'.

The Site's perimeter will be surrounded by a timber post and wire mesh 2-metre-high deer fence, and from a security point of view CCTV will be mounted around and across the site on a series of 3m poles.

The applicant has proposed various landscaping matters which are detailed in various technical appendices submitted alongside the application and within a Landscape and Visual Assessment.

CPRENEY strongly objects to the proposals on the following grounds:

- The significant loss of BMV land and impact on soils;
- Detrimental impact on users of the PROW network;
- The detrimental impact on the residents of the adjacent villages from this proposal and the cumulative impact of other such developments in a very localised area; 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 Selby District Core Strategy (2013) ('CS'); and
- The Selby District Local Plan (2005) ('LP').

It is understood that the Council are in the process of preparing a new Local Plan to cover the Selby area of the new North Yorkshire Council which will replace the existing adopted planning policy documents. However, at this time, the publication version of the Local Plan whilst having been consulted upon, has not yet been submitted to the Secretary of State for examination so little weight can be attributed to it in accordance with the NPPF. Therefore, the proposal should be determined against the Development Plan in force.

For clarity, 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 for circa 166Ha in total of greenfield land currently used for arable farming, therefore, is not in line with the 'brownfield first' policy. According to the applicants detailed assessment, 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 ranging from 'very good' 'good' to 'moderate' quality. The report sets out that 57% of the site is considered to be best and most versatile agricultural land and would be sited on Grade 2-3a.

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 CS Policy SP18 which seeks to protect and enhance the environment by '*steering development to areas of least environmental and agricultural quality*'. 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 3a and above is highly regarded and should be protected from development.

The applicants land assessment sets out that 38% of the site is Grade 3B and 5% of the site is non-agricultural land (pockets of woodland, PRoWs, access tracks etc.). Therefore, 57% of the site (which equates to 85.1Ha) is considered BMV which is not suitable for development and as such contrary to local and national planning policy.

Furthermore, information in relation to BMV agricultural land is contained in TAN 6 – Planning for Sustainable Rural Communities (2010), pertaining to the Welsh planning system, is relevant to 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.'*

The applicant has set out in their planning statement that to the northeast of the site is the existing P3P Food Technology Park which includes circa 14.5ha of glasshouses, a 10MW CHP Energy Centre (which provides power for the glasshouses) and associated development. Furthermore, Drax Power Station is situated 450m to the south of the site. CPRENEY consider that both of these sites would be suitable (subject to landowner negotiation and agreement) for an element of the scheme and as such be considered to be more suitable. From reading the applicant's submitted 'site section assessment document, the applicant has only considered sites which are capable of delivering 50MW of energy and therefore circa 75Ha of land. CPRENEY contest that the amount of energy to be delivered through this scheme could easily be delivered through a number of smaller schemes which have not been considered. For example, the developer could have proposed a scheme which incorporated roof top solar delivery through the delivery of mandatory rooftop solar to all new properties in the new allocated site in the emerging local plan at Carlton village and /or considered allocating an area of land within the site, alongside, rooftop retrofitting at other commercial properties in the area, and existing sites at Drax or the P3P Food Technology Park alongside a smaller site on lower quality land (3b or lower). It is entirely incorrect for the applicant to set out that there are no brownfield or other suitable sites in the area which would be suitable for grid connection and thus appropriate for solar development of this scale – the applicant has only considered one set of parameters for the search. The applicant's report sets out that *'There are only very small areas of lower grade agricultural land within the search area. These comprise Grade 4. There is no Grade 5 land within search area, nor within 10km of the site. The two areas of Grade 4 land within the search area have been assessed as not suitable for the Development.'* In such cases, CPRENEY therefore, assert that the proposal should be refused in its current guise – simply because there are limited areas considered suitable for development by the applicant, does not mean that the Council should automatically weigh this in its favour in the planning balance. Indeed, the proposal remains contrary to planning policy so should be refused on those grounds and it is unfortunate that the applicant has not considered different parameters as set out above.

The proposed site impacts on the existing PROW network adjoining the site. The applicants LVIA has identified some moderate-adverse impacts on visual amenity and to landscape character from various viewpoints particularly from within the site from the various PROWs. CPRENEY acknowledge that the applicant has proposed a series of landscaping and screening measures to mitigate the impact as well as along the southern edge of the array and connecting north - south through the centre of the array proposing a new permissive footpath. The applicants state that this would *'provide walkers a new route*

*through the Site that is away from the Solar Infrastructure. Along the southern edge of the array the route would be bordered by a new native hedgerow, wildflower, grasslands and tree planting providing screening of the array whilst providing an attractive and exciting green link through the Site. These areas of planting also provide green infrastructure benefits and bringing additional biodiversity and amenity benefits.'* Furthermore *'Through the Site, new permissive footpaths will connect to the existing PRoW network to the north, west and east, and create a circular path by creating connection links with PRoW footpath 35.17/6/2 and PRoW footpath 35.17/7/1'*. In theory this is welcomed by CPRENEY, however, in reality, planting – providing it is successful, can take upwards of 10 years to mature and provide the intended screening effects and as such CPRENEY believe that this will deter existing users from utilising the PRoW network at this location. Further, having commented on a number of solar arrays around the county and beyond, CPRENEY are not aware of any members or Parish Councils who have reported that they have actively sought to access either existing or new permissive routes that actively take the user through or adjacent to a site, regardless of the increased planting in the vicinity therefore whilst the new network sounds like a benefit, in reality it is not considered one.

CPRENEY are well aware that access to the countryside for both mental and physical health provides many benefits to our members and to visitors to the area alike, especially since the start of the COVID pandemic. As such, these benefits to health and wellbeing are material factors in the determination of planning applications. CPRENEY are concerned that users of the PROWs will be discouraged from using these routes at this location as a result of the proposal. It is acknowledged that mitigation planting has been proposed, however, 10 years is a long time to wait for growth and then, as can be seen from the applicants LVIA, the effects of the development, will not necessarily be made better at that location, where some areas considered to still have an adverse effect. The topography (flat) is such at this location that users are able to access the countryside easily including those with mobility impairment, from the surrounding villages and as such the Council's existing PRoW network should be protected and enhanced in line with planning policy including CS Policy SP18.

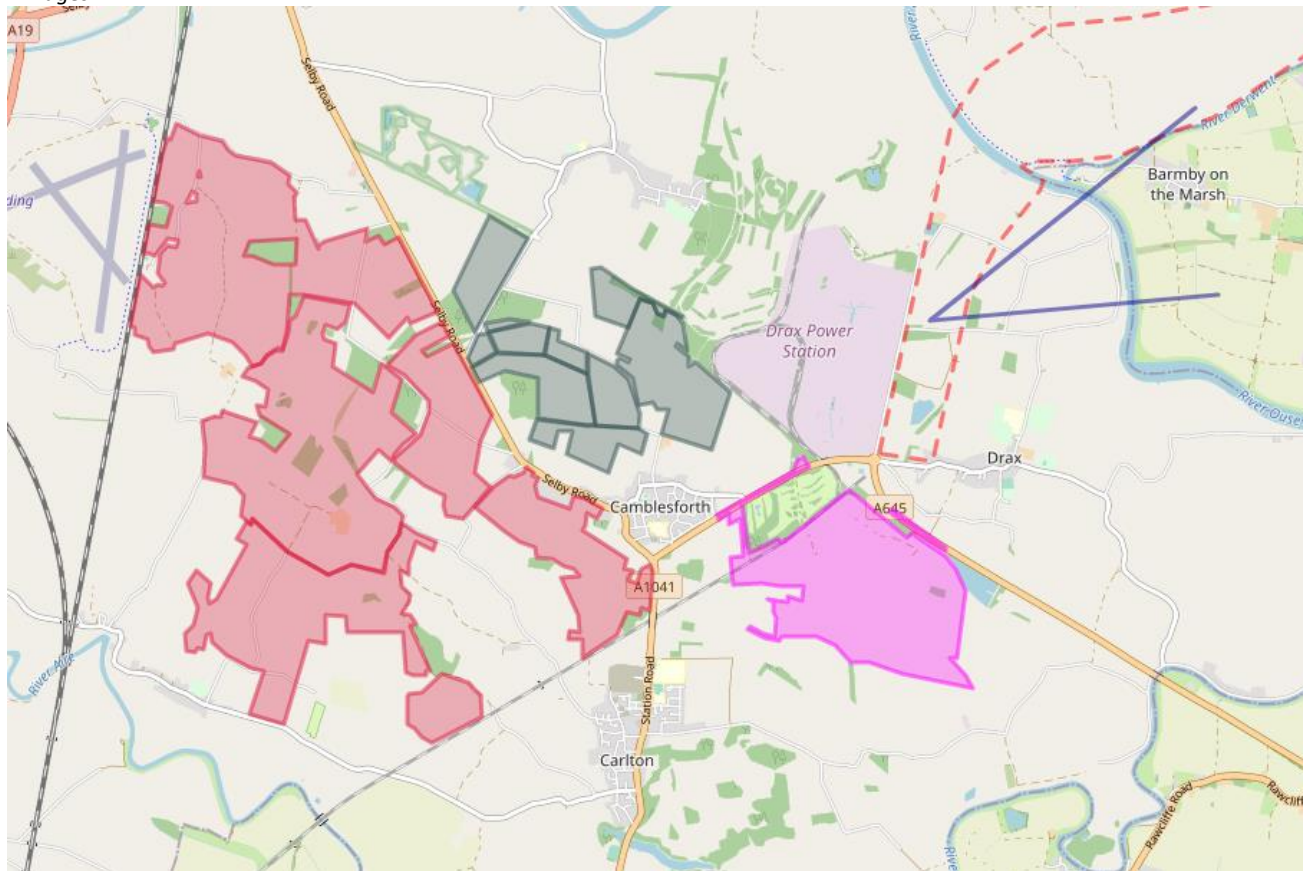
CPRENEY has been contacted by many of its members and residents in the locality who are very concerned about the impact of this proposal on residential amenity but also with concerns regarding the number of proposed and approved solar arrays in the immediate vicinity and the cumulative impact this will have on residential amenity.

This proposal sits alongside two other large solar schemes for the area. The Council recently approved (2021/0788/EIA) Camblesforth Solar Farm (140Ha – 50MW) and a further scheme has been through various pre-submission consultation exercises and is expected to be submitted via the NSIP scheme due to its size of 757.46Ha – 250MW. It is understood that the Council will be a consultee for this proposal.

It is clear that the residents of the parishes will be surrounded by renewable energy schemes and within close proximity to Drax Power Station as illustrated by figure 1 below. Whilst it could be considered that solar (and renewable) schemes can be considered to be more favourable to a fossil fuel using power generation plant, for the residents, they will truly be surrounded. The Soar Arrays are all of such vase size in their own right and when considered to be at a height of some 4.5m above ground level are not low-laying by any means. Residential amenity is understandably a concern. Should they wish to use the PRoW network, they will be faced with construction noise and dust and highways concerns, further a detrimental visual impact. Once in the operational stage, residents, if feeling that they wish to attempt the PRoW network will have to contend with a feeling of being enclosed throughout the considerable site by the large scale solar arrays. For those with mobility concerns, the new network of paths are located at the furthest point away from the existing dwellings making it much more difficult for them to access the open

countryside and views beyond the site.

Fig. 1 – colour blocks denote extent of approved (grey), current proposal (purple) and forthcoming DCO scheme (red) surrounding local villages



Whilst it is acknowledged the Council can only consider applications based on their own merits, the cumulative impact of other such proposals in the local vicinity should also be taken into consideration in the planning balance when determining a proposal as directed by the NPPF.

Further, CPRENEY are aware that in rural locations, background noise levels tend to be typically low. The noise associated with the substation transformer can typically generate noise levels ranging from 70 to 80 dBA which can be audible at distances of 305 m (1000 ft) or more (according to the [Electrical Engineering Portal](#)). As such it is considered that events held at the existing adjacent business may be detrimentally impacted by such noise. The decibel chart below sets out the equivalent noise for 80dBA.

Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 hour exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 feet.	60	Half as loud as 70 dB. Fairly quiet.



[https://decibelpro.app/blog/how-loud-is-80%\\_decibels/#:~:text=80%20decibels%20is%20fairly%20loud,take%20examples%20from%20everyday%20life.](https://decibelpro.app/blog/how-loud-is-80%_decibels/#:~:text=80%20decibels%20is%20fairly%20loud,take%20examples%20from%20everyday%20life.)

Paragraph 174 of the NPPF sets out that existing development should not be put at unacceptable risks from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution which is reinforced through the Councils CS Policy SP18.

### **Conclusion**

CPRENEY welcomes the opportunity to comment on the proposal for the installation and operation of a ground mounted solar farm with associated infrastructure (including inverters, transformers, a DNO substation, battery storage and grid connection), for a period of 40 years. The site is located on of agricultural land south of Wade House Lane, Drax, North Yorkshire.

For the reasons set out above CPRENEY strongly object to the proposal at this location. 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. However, at this location, it is considered that the significant loss of BMV arable land, the detrimental impact on users of the surrounding PROW network and, the detrimental impact of this and other associated schemes in the immediate vicinity on the residential amenity of residents of the surrounding villages, is such that the harm does not outweigh the benefits of the scheme in the planning balance. As proposed, the development would not be in conformity with local or national planning policies.

CPRENEY reserve the right to comment further should additional information be submitted in support of the proposal and respectfully request that this proposal is refused.