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Branch Chair
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Authority: Hambleton District Council

Type of consultation: Planning Consultation

Full details of application/consultation: ZB23/02015/FUL - Installation of solar photovoltaic (PV) array/solar farm with associated infrastructure

At land: OS Fields 7456 And 6163, Amplecarr, Husthwaite, North Yorkshire

Type of response: Objection

Date of Submission: 29th November 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 ground mounted solar photovoltaic ('PV') panels and associated infrastructure. The proposal is an amended scheme to that previously refused by the former Hambleton District Council in January 2023 (ref no: 21/03042/FUL) in conformity with their Officer recommendation. CPRENEY commented fully at that time in response to both the original proposed scheme and amended details submitted as part of the planning process. The revised application was submitted to North Yorkshire Council ('the Council') on behalf of Woolpots Solar Farm Ltd ('the applicant').

The site is located on of agricultural land to the south-west of the village of Husthwaite, approximately 3km north of Easingwold. The site which forms this revised application, covers one area of land with the former 'Woolpots North' site having been removed from the current proposal. 'Woolpots South' remains but has had further land added to it making the overall site larger than previously proposed at this location. Furthermore, the applicant proposes additional areas of screening planting to the northern and eastern boundaries and centrally and has replaced the angle of the tracking panels with backtracking panels limited to an angle of 6 degrees. It is noted that the whilst the output of the revised scheme has been reduced from 45MW to 32MW, the proposal retains the 74MWh Battery Storage System ('BESS') including 32 large battery containers adjacent to the main vehicular access although the layout has been redesigned.

Previously, CPRENEY strongly objected to the scheme 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.

Having considered the revised scheme and noting the considerable changes from the previous scheme, CPRENEY maintains its objection to the principle of development at this location on the following grounds:

- The significant loss of BMV land and impact on soils;
- The detrimental cumulative impact on two nationally protected landscapes, but predominantly the Howardian Hills National Landscape (formerly AONB) and its important setting;
- The detrimental impact on Heritage Assets; 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') (2023) 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:*

1. 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 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.

As previously set out in the charity's response to the previous application, 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 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 situated on circa 51.79Ha of (larger than the site previously refused at this location) greenfield land currently used for arable farming, therefore, is not in line with the 'brownfield first' policy. 70% of land across the site has been categorised as a mix of Grade 2, 3a on the Best and Most Versatile ('BMV') Agricultural Land Classification which is described as 'very good' and 'good' quality. The remaining 30% is categorised as 3b – moderate land. 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 3a and above is highly regarded and should be protected from development.

Furthermore, and as discussed in our previous response, 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.'*

CPRENEY remain concerned about the cumulative detrimental impact that this scheme along with those already operational within the vicinity will have on the BMV land. Boscar Grange Farm – on the southern boundary of the site; and the scheme at Pete Hill– adjacent to the west of the site, are both already operational. With the addition of the proposed site, this would total circa 370 acres of PV arrays, BESS, fencing, CCTV and lighting poles and internal access roads. The removal of such a large extent of BMV in a traditionally agricultural environment is concerning especially considering the increased need for food security.

It is the opinion of the charity that the cumulative impact of such schemes would be unacceptable to the communities within the immediate location who have vociferously objected to both the previous scheme and to this revised application on various grounds but including to the detrimental impact on the setting of the nationally designated landscapes of the Howardian Hills Area National Landscape ('NL') (formerly Area of Outstanding Natural Beauty and the North York Moors National Park ('NP')).

The site is immediately adjacent to the western boundary of the NL and therefore within its important setting, for which there is protection in the NPPF via paragraph 176 and the Council has a statutory duty to carefully consider development within the setting of the protected landscape which could impact the designation. Within the NL there are numerous views into the site from public rights of way ('PROWs') and roads to the higher land to the east of the village of Husthwaite (including from the Beacon Banks PROW) and to the west of the village of Oulston, where the proposed solar farm would be highly visible in the landscape between the two protected areas impacting enjoyment of users. Furthermore, the unnamed road from the A19 to Husthwaite is an important gateway to the NL from which there would be key views across the site within its wider landscape setting.

CPRENEY consider that the landscape between the A19 and the NP is important to the setting of both the nationally protected landscapes of the NL and the NP and as such represent an important landscape character and contiguous boundary affect. The views from PROWs to the east of Husthwaite are iconic parts

of the landscape and often enjoyed by the public. The site would be clearly visible in this landscape and would be entirely incongruous within the setting of the protected landscapes. CPRENEY, therefore, 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 scheme within the setting of the two nationally protected landscapes but predominantly the Howardian Hills NL, 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 historic arable and pastoral field patterns 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.

Furthermore, CPRENEY are aware that Historic England has concerns relating to the proposed planting to the north of the site setting out in their consultation response to the Council that it *“does not relate well to the character of the historic landscape”*. It goes on to set out that *“ this agrarian landscape of undulating arable and pastoral fields makes a significant contribution to the setting of Husthwaite Conservation Area.”* CPRENEY consider this to also be true for the setting of the medieval Grade II Listed property that is Highborne.

Conclusion

CPRENEY welcomes the opportunity to comment on this detailed revised planning application for a solar farm at Husthwaite. 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 quality BMV land.

Of particular importance to the determination of this application is the hugely significant detrimental impact of the proposals on the setting of two nationally protected, designated landscapes, particularly the Howardian Hills NL. The Council has a duty to consider developments in the setting of nationally protected landscape and the impact it may have on those designations which are awarded the highest protection in planning policy.

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