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Branch Chair
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Authority: City of York Council

Type of consultation: Planning Application

Full details of application/consultation 23/02254/FUL- Installation of a solar farm with associated infrastructure, access, security fencing and landscaping

At land at: Land To The South Of New Farm, Lords Lane, Nether Poppleton, York

Type of response: Objection

Date of Submission: 12th April 2024

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 provide comments to the City of York Council ('the Council') on this application for the installation of a solar farm and associated infrastructure, including access, security fencing and landscaping at land to the south of New Farm, Lords Lane, Nether Poppleton, York submitted on behalf of Poppleton Solar Ltd ('the applicant').

The split-site is an irregular shape, extending to 55.9Ha located on land at Nether Poppleton, approximately 600m west of the village of Upper Poppleton, 7.9km from Overton to the north-east and circa 5km north west of the city of York, and is wholly within the Council's jurisdiction. The part of the site referred to as Area A consists of 22Ha, whilst Area B consists of 29Ha. The remainder of the site area consists of access roads and cable routes equates to circa 4.9Ha. The applicants would seek to generate up to 32MW of low carbon electricity and anticipate an operational period of 30 years.

The site boundaries are generally low hedgerows and sporadic trees which the applicant seeks to preserve for mitigating screening purposes and an agricultural field sits between the two Areas which does not form part of the proposal.

The applicant proposes to underground the cables from both sites to the Poppleton Substation.

The site is largely arable land which has been assessed by the applicant as being Grade 3b in the Agricultural Land Classification, with a low topography as is typical within the Vale of York.

The site lays completely within the York Green Belt. There are no environmental designations within the site boundary or in the immediate vicinity.

Access to both Area A and B is proposed from Lords Lane which runs to the south-west of Area B and along the northern border of Area A. There will also be an access at Junction 47 of the A1/A59 at Newlands Lane and Common Croft Lane. There is a Public Right of Way ('PROW') immediately adjacent to the southern boundary of Area B which the applicant proposes to permanently divert.

The solar farm will broadly comprise a series of linear rows of photovoltaic ('PV') solar modules, mounted onto a pilled tracking system allowing rotation to follow the sun in an east to west movement. The average panel height will be approximately 3m above ground level. There will be 6 inverters/transformer stations across the two sites and a substation building located in Area B.

The internal site access tracks are proposed to be made from compacted crushed stone, rolled into layers.

A 2m high security steel fence will be installed around the perimeter of the solar farm at the start of the construction phase and remain in situ during the lifespan of the solar farm. The substation and office compound will be enclosed by palisade fencing up to 2.5m in height. Both Areas A and B will have a 5m wide double leaf access gate to allow vehicles to safely enter and egress the site. CCTV cameras pointing into the solar farm will be installed within and adjacent to the security fencing. The CCTV cameras will be mounted on poles up to 3m high at approximate intervals of 50m.

The applicant also proposes landscape planting, biodiversity enhancements and surface water attenuation measures as part of the application.

At the end of the 30-year life-span, the equipment would be removed and the site returned to its original state – agricultural land.

The applicant has commissioned a flood risk assessment ('FRA') of the site to be undertaken. The site is located within Flood Zones 1, 2 and 3a and concludes a medium-high potential risk of flooding from fluvial sources.

The proposed development has been submitted with various technical documents forming an Environmental Statement.

CPRENEY strongly objects to the proposals on the following grounds:

- Impact on the openness of the York Green Belt;
- The potential detrimental impact on soils;
- Loss of productive agricultural land for food production purposes;
- Detrimental impact on users of the PROW network; and thus
- 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') (Dec 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:*
 - 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 council are developing a new Local Plan in line with the publication of the NPPF – however, the Council has never had an adopted Local Plan. The Council has a statutory duty to produce a Local Plan and its emerging Local Plan is currently in the process of Examination by Independent Planning Inspectors following Submission of the Local Plan to the Secretary of State for Housing, Communities and Local Government on 25 May 2018. The Plan is at a late stage in the plan-making process and has been the subject of various modifications following various topic hearing sessions. However, Inspectors have asked for further information from the Council so has not yet been found sound and adopted.

The 'City of York Draft Local Plan Incorporating the 4th Set of Changes' (April 2005) ('current LP') and the associated appendices and proposals maps, were approved by the council for development management purposes, but not formally adopted. Due to the late stage in plan making for the emerging Local Plan and the requirement for policies to be in conformity with the NPPF, the 2005 Draft Local Plan now carries very little relative weight in decision-making and therefore due weight should be afforded to the NPPF and the current Local Plan in the decision making process.

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 site is located within the York Green Belt in both the current LP and the emerging LP. Solar installations are not considered to be 'appropriate development' within Green Belt locations in accordance with paragraph 154-156 of the NPPF. As such the applicant is required to justify 'Very Special Circumstances' exist which may include the wider environmental benefits associated with increased production of energy from renewable sources. As such weight some beneficial weight must be given to the scheme in relation to the production of circa 32MW of renewable energy production. In the submitted documents, the applicant appears to have relied heavily on the clean energy benefits of the proposed development.

CPRENEY are of the considered opinion that this proposal will cause inherent harm to the openness to the Greenbelt by virtue of its scale and positioning, resulting in an appearance of a mass of glass and metal which is not what is expected in the countryside. The adverse visual impact is enhanced by the fact that the proposed development would be visually prominent from a number of locations and surrounding public footpaths, especially from the interconnected footpaths and lanes to the north-west of Poppleton where a the scale and extent of the split sites can be viewed simultaneously.

CPRENEY are aware that the landscape character area ('LCA') 24 (River Floodplain) is a sensitive LCA as a result of the unusual 'Ings Landscape' and concentration of historic settlements. When considered cumulatively with other approved solar farms and those currently within the planning process (including the Low Moor Lane proposal, Hessay), the impact from the proposed 55.9Ha development would be increased and the proliferation of such development would be significantly detrimental to the landscape character. As such, it would significantly harm 4 of the 5 Greenbelt purposes set out in paragraph 143 of the NPPF (to check the unrestricted sprawl of large built up areas; prevent neighbouring towns merging

together, to assist in safeguarding the countryside from encroachment; and preserve the setting and special character of historic towns).

The applicant has detailed a number of recent decisions where the delivery of renewable energy was afforded significant weight to balance the considerations of appropriateness of development in the Greenbelt. However, a more recent decision relates to a proposal at Little Heath, Berkamstead (November 23) (APP/A1910/W/23/3317818) which upheld a Council's refusal of permission for a solar power station in the Green Belt setting out that a site (of 32Ha) was inappropriate development in the Greenbelt impacting on the openness of the Green Belt but also on 'permanence' setting out that 40 years is not 'temporary' simply because the infrastructure is 'removeable', stating at paragraph 19 that: *"I do not find this argument to be persuasive in terms of reducing the effect on Green Belt openness. Although the proposal is for a limited period, the length of that period is very substantial. But even more importantly, the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. With that well established policy background it cannot be right that the fact that approval is sought for 40 year period is accorded more than very limited weight in favour of the scheme in relation to the loss of openness, To do so would go against the concern of permanence."*

As such the appeal decision demonstrates that location is key.

Having considered the evidence presented in support of this proposal including the applicants case that 'Very Special Circumstances ('VSC') exist for the development CPRENEY fundamentally disagree. CPRENEY conclude, therefore, that the proposal is inappropriate development in the Greenbelt. This is, by definition, harmful to the Greenbelt as per paragraph 152 of the NPPF. In addition the proposal would result in moderate harm to the openness of countryside area and conflict with 4 of the purposes of Greenbelts. The harm to the Greenbelt arising from these matters attracts substantial weight against the proposal in line with paragraph 153. The proposal therefore conflicts with national policy. The Inspector in the aforementioned appeal set out at his paragraph 20 that *"both visually and spatially, the proposed development would result in moderate harm to the openness of the Greenbelt. This adds to the harm already caused by reason of inappropriateness."* CPRENEY assert that the increased harm reported on during that appeal, is the same for this much larger site at Nether Poppleton.

The proposal subject to this application is for circa 55.9Ha in total of greenfield land currently used for arable farming, therefore, is not in line with the 'brownfield first' policy which CPRENEY supports. According to the applicants detailed assessment, the land across the site has been categorised as predominantly 3b on the Best and Most Versatile ('BMV') Agricultural Land Classification which is described as '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

It is understood that at present the Government consider Grade 3b land to be suitable for solar farm development subject to other policies in the development plan and material considerations. This does not mean that all 3b land is suitable for such development, it is clear in this instance that this land is still suitable for producing crops as has been the case historically. 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.

The Government has provided additional guidance to planning authorities which calls for a "strong presumption" against solar farms on the best and most versatile (BMV) land – land that is classified in law as Grade 1, Grade 2 or Grade 3a. However, where a planning authority is considering a development on 3b land, there is also a need for them to consider whether there is any land that is classified as grade 4 or below as an alternative as grade 3b remains of good quality for arable purposes. The need for production of clean energy and food security is a vital component of current political thinking as a result of the climate emergency and current unfortunate conflicts. The current Conservative Government, have also pledged to take further action to strengthen protections for agricultural land as such, CPRENEY consider that large scale solar farms on greenfield sites are not appropriate.

Maintaining agricultural capacity to deliver significant levels of domestic food production is critical. This must be achieved in the context of addressing and adapting to climate change, reversing the loss of nature and meeting increasing demands on land for other social goods — not least affordable housing and renewable energy. CPRENEY believe that with enough previously developed 'brownfield' land to provide 1.2 million homes, and south-facing rooftops that could meet much of our energy needs, we have a chance to tackle the climate, housing and cost-of-living crises without sacrificing our farmland.

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.'*

As set out above, the proposed site impacts on the existing PROW network. CPRENEY are aware from members that the network of interconnected footpaths within the area are frequently used by members of the public for leisure activities and are important 'local' gateways to the countryside for those who cannot

or do not wish to travel far to access fresh air and green space. The visual impact on the character of the open rural landscape and the experience of quiet rural noise levels in the vicinity of the proposed sites (particularly during construction) would be significantly impacted altering the users experience detrimentally.

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.

Conclusion

CPRENEY welcomes the opportunity to comment on the installation of a solar farm and associated infrastructure, including access, security fencing and landscaping at land to the south of New Farm, Lords Lane, Nether Poppleton, York submitted on behalf of Poppleton Solar Ltd.

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.

CPRENEY strongly object to the proposal at this location. It is considered that there would be a significant detrimental impact on the openness of the Greenbelt which does not constitute the required 'Very Special Circumstances' in national policy when balanced against the amount of energy to be produced from the proposed 55.9Ha site. Further, the loss of productive grade 3 BMV arable land important to food security and impact on soils, alongside the detrimental impact on users of the surrounding PROW network do not outweigh the benefits of the scheme and as such should be refused. 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.