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Branch Chair
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Authority: Hambleton District Council

Type of consultation: Planning Consultation

Full details of application/consultation: ZB23/02461/FUL - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years

At land: Land To The South Of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF

Type of response: Objection

Date of Submission: 10th 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 comment on an application for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years, on land to the south of Pilmoor Grange, Pilmoor, nr York. The application was submitted to North Yorkshire Council ('the Council') and sits within the former Hambleton district, on behalf of Pilmoor Solar Limited ('the applicant').

The 94.43 Ha site is located within a large agricultural field to the south of Pilmoor Grange, between Brafferton and Raskelf. The site comprises agricultural land including long largely rectangular agricultural enclosures, each separated and contained by established hedgerows and existing trees, with Brafferton Spring Wood and Ellekers Wood the west of the site. To the north of the site, a mature hedgerow bounds the area, separating it from an adjacent agricultural field. An existing railway track makes up the eastern boundary of the site whilst the southern part of the site is bounded by a holding known as 'Bishop House' and West Moor Road. The site access is proposed from West Moor Road. This includes all construction and operation traffic.

Having considered the submitted documents, CPRENEY objects to the principle of development at this location on the following grounds:

- The significant loss of BMV land and impact on soils;
- The detrimental impact on the Ancient Woodland (Brafferton Spring Wood) and SINC; 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:*
 - 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 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.

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 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 94.43Ha of greenfield land currently used for arable farming, therefore, is not in line with the 'brownfield first' policy. The applicants commissioned an Agricultural Land Quality Assessment which concluded that 100% of land across the site has been categorised as 3b on the Best and Most Versatile ('BMV') Agricultural Land Classification which is described as 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.

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 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. Indeed the applicant sets out in the planning statement that part of the site is used for growing miscanthus (an energy crop). 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.

CPRENEY are also concerned with the lack of up to date and adequate information relating to the mitigation of the proposed scheme on the adjacent parcel of land which is classified as Ancient Woodland and a Site of Importance for Nature Conservation (‘SINC’) – Brafferton Spring Woods. There appears to be a significant amount of information missing in the application documents to adequately assess the proposed mitigation in line with the relevant information. The Preliminary Environmental Assessment submitted by the applicant is an advice for their client report setting out the need for a variety of surveys (including a number of protected species surveys) no evidence of which has been submitted to show these have been undertaken. The Council should not condition these surveys given the location adjacent to the SINC and Ancient Woodland as it may be that the proposed mitigation may not be suitable or sufficient and as such may be a reason to refuse the proposal in its own right. The NPPF seeks to protect habitats of environmental importance including irreplaceable Ancient Woodland.

The application includes the proposal to create wildflower grassland across the site which, although welcomed, as the lifespan of the anticipated site is circa 50 years, will result in a loss of ecological habitats once the site is restored to agricultural usage. Further, as the site has been in agricultural usage for some time, it is suggested that the nutrients may be present in soils which may not be conducive to various species of meadow flowers which should be monitored to ensure BNG does not fail in the first place.

Conclusion

CPRENEY welcomes the opportunity to comment on an application for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years at land to the south of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF.

CPRENEY object to the proposals as set out above. The proposed development is contrary to several local and national planning policies 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, in general, CPRENEY do not consider that large-scale solar farms are appropriate in the open countryside on greenfield sites, especially on BMV land. CPRE considers that sufficient south facing rooftops and brownfield sites exist to produce renewable energy from solar without the need for encroaching onto agricultural land which is essential for food security.

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