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Branch Chair  
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**Authority:** North Yorkshire Council (Hambleton area)

**Type of consultation:** Planning Consultation

**Full details of application/consultation:** ZB24/02455/HYB - Hybrid planning application consisting of: Full planning application for the erection and operation of an energy storage system including associated infrastructure, engineering works, landscaping and formation of vehicular access from highway; and Outline planning application (with all matters reserved) for the erection and operation of a transmission substation with associated infrastructure

**At:** Land North Of Haggitt Hill Lane, East Rounton, Northallerton, North Yorkshire, DL6 2LX

**Type of response:** Objection

**Date of Submission:** 27<sup>th</sup> February 2025

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 a Hybrid planning application consisting of: Full planning application for the erection and operation of an energy storage system including associated infrastructure, engineering works, landscaping and formation of vehicular access from highway; and Outline planning application (with all matters reserved) for the erection and operation of a transmission substation with associated infrastructure. The proposed application site ('the site') is located at Land At Land North Of Haggitt Hill Lane, East Rounton, Northallerton, North Yorkshire, DL6 2LX. The application was submitted to North Yorkshire Council ('the Council') and sits within the former Hambleton district by Lichfield's on behalf of Mowbray Energy Park Ltd ('the Applicant').

*CPRENEY has recently submitted a written representation to the Council for a similar proposal at South Kilvington (Planning Ref: ZB24/02454/HYB) submitted by the same agent. The proposals have been submitted to the same Council and are within the same former district council area of Hambleton, both within the important landscape setting of the North York Moors National Park. Whilst this proposal is of a smaller overall scale than the South Kilvington site, the majority of concerns raised by this charity to the South Kilvington proposal apply to this proposal at East Rounton. The two site locations are approximately 15miles apart. CPRENEY consider that the likelihood of requiring two major Battery Energy Storage System ('BESS') developments of the same type in such close proximity is minimal, especially in the setting of the National Park.*

Our primary focus is to ensure that the countryside is protected from detrimental impacts of inappropriate development and, in line with the National Planning Policy Framework's guidelines on sustainability, is protected, promoted and enhanced for both current and future generations. The value of countryside to people's wellbeing and as a buffer against climate change has never been more obvious and its heritage value, once lost or seriously degraded is virtually impossible to retrieve.

Development proposals in the open countryside or on undeveloped greenfield sites, must be considered holistically in terms of what these places mean to people and how they contribute to communities now and for the future.

CPRENEY is supportive of appropriately sited renewable energy schemes and the principle of carbon capture and energy storage, however, acknowledge that such installations are industrial structures and thus need to be carefully sited and of the right scale, in order to minimise damage to landscape character and amenity.

The site is circa 38.9Ha and predominantly comprises agricultural land. The site lies to the north of Haggitt Hill Lane and Low Lane, which lies east-west. The site extends north across fields bound by field boundaries consisting of hedgerows and drains. The parcels of land making up the site are separated by existing vegetation, primarily hedgerow and scrub planting, with scattered tree planting. Haggitt Hill Lane forms the southern boundary of the site.

The Site and its surroundings comprise arable and grassland, and is essentially flat, bounded on all sides by existing vegetation, particularly around the southern boundary

There are no ecological designations within or in proximity to the boundary of the site. The site lies within Flood Zone 1 ('low' probability of flooding') however, there are patches of low, medium, and high-risk surface water flooding at the north of the site.

There are no historic designations, including listed buildings, within or immediately adjacent to the site, however, Dighton Moat (Scheduled Monument) sits approximately 5km to the south west.

A Public Right of Way ('PROW') footpath runs through the site from the east to the west (Ref: 10.43/1/1).

The A19 is circa 1km to the east of the site. Haggitt Hill Lane leads to the A19 via Green Lane, which is located approximately 1.2 km to the east of the site. Low Lane leads to both East Rounton Village – circa 0.6km directly south of the site, and West Rounton Village – circa 0.6 miles located to the south west of the site. Access to the site is taken via Haggitt Hill and Low Lane.

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

- The significant detrimental impact on the special qualities of the North York Moors National Park and its setting;
- Lack of EIA and consideration of Scope 3 emissions as a result of the proposed development
- The detrimental impact on the users of Public Rights of Way in the immediate vicinity of the proposal;
- Insufficient and inadequate information submitted in support of the proposal;
- The loss of agricultural land and impact on soils;
- The detrimental impact on local businesses and communities;
- The impact on the local highways network and on vulnerable users; 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') (2024) aims to deliver sustainable development through the implementation of its policies.

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 Hambleton Local Plan Policy ('LP') RM6 deals specifically with renewable and low carbon energy. The Policy offers some support for the proposal setting out that *"Renewable and low-carbon installations, including associated infrastructure, will be encouraged.... When identifying and considering the acceptability of potential adverse planning impacts their significance and level of harm will be weighed against the public benefits of the proposal."* Whilst the policy focusses on schemes for renewable energy it is considered that the reference to 'and associated infrastructure' offers some support for Energy Storage.

The proposed development is a large industrial installation, comprising, for the detailed part of the application, two areas comprising around 828 storage units arranged in rows, with perimeter fencing and gated access, mounted on hard-standing, fire safety apparatus and CCTV on 4m poles; 2.7m high perimeter fencing and gated access, an associated customer substation area, water tanks, internal roads/tracks, landscaping, temporary construction compound and materials storage area, noise mitigation measures e.g acoustic fence, engineering works in association with any level changes and other associated works; and, the formation of a vehicular access from Low Lane and a secondary vehicle access from Haggitt Hill Lane, which would be solely for the use of abnormal load deliveries.

The outline elements of the proposal consists of works related to the transmission substation, including: the apparatus comprising the substation that connects the BESS to the transmission network (overhead power lines). The majority of the apparatus will be no higher than 23m above finished floor level. Cable connections to the 400kv transmission electricity network via the eastern-most overhead powerlines. The maximum height of any structures required as part of that connection would be no higher than 23 metres above finished floor level.

CPRENEY consider that the scale, design and materials proposed are clearly incongruous with the visual amenity and character of this greenfield landscape, with a relatively flat topography.

Section 245 of the Levelling-up and Regeneration Act in (December 2023) (LURA duty) places a much strengthen duty on 'Relevant Authorities' (which includes the Council), when exercising or performing any functions which may affect a National Park, *"to seek to further the statutory purposes of the National Park"*.

Furthermore, the NPPF at paragraph 187, states that *"planning decisions should protect and enhance valued landscapes (in a manner commensurate with their statutory status or identified quality on the development plan)"*. The North York Moors National Park is subject to the highest possible level of protection in planning policy terms in regard to

landscape and related matters. It goes on to set out at paragraph 189, that *“great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, and that development within their setting should be sensitively located and designed to avoid or minimise impact on the designated area.”*

The majority of the physical development (with infrastructure potentially being up to 23m in height) is proposed to be located towards the eastern most part of the site, closest to the National Park boundary which is located at a distance of circa 5km from the site. CPRENE consider that the proposed development site is clearly within the setting of the National Park and as such there is a duty on the Council to ensure that any development furthers the statutory purposes of the National Park in the context of conserving and enhancing the natural beauty of the area. CPRENE consider that the development will detrimentally dominate the views into and out of the National Park especially from various public vantage points and footpaths including from various points along the Cleveland Way National Route between Swainby and Osmotherley. Of further concern is the likelihood of visitors to the area and users of the route to be able to view both this site and the proposed site at South Kilvington, the cumulative impact of which would be hugely detrimental to the landscape and character of the important setting of the National Park. The proposal on its own and cumulatively would also detrimentally impact the dark night skies for which the National Park has become a Dark Sky Reserve and is one of its special qualities – which the strengthened duty in the LURA expects to be enhanced via development.

The hybrid nature of the proposal means that the actual appearance, size and exact siting of the main transmission substation, for which outline permission is sought, is reserved for a later planning application. CPRENE also consider that those elements for which detailed approval is sought via this application- essentially the main battery storage compounds is inadequate to sufficiently determine whether suggested mitigation is sufficient to protect the nationally designated landscape and the Special Areas of Conservation (‘SACs’) and Special Protections Areas (‘SPAs’) within it. The ‘detailed’ application documentation appears to offer significant room for maneuver post-determination often setting out that illustrations are ‘typical’ and may be subject to ‘change’. Furthermore, the submitted Landscape and Visual Assessment scopes out any impacts beyond a distance of 3km from the site boundary and as such cannot provide any basis for assessment of potential impacts on views from the National Park. This is not considered to be acceptable given the strengthened duty in the LURA and the highest possible protection afforded to the National Park landscape and its important setting via the NPPF.

CPRENE are of the opinion that the application should have been subject to a formal Environmental Impact Assessment (‘EIA’) as a result of the large, industrial scale nature of the development – which is substantial compared to most of this type of development in the UK, and its open countryside location and fundamentally the proximity of the site within the setting of the National Park. CPRENE consider that the strengthened NPPF requires that the need to mitigate and adapt to climate change should be considered when preparing and assessing planning applications, taking into account the full range of potential climate change impacts – this therefore includes the potential for scope 3 emissions and does not just apply to EIA applications. This has not been evidenced.

Having considered the documents in support of the proposal, CPRENE object to the stopping up (even temporarily) of established and well frequented PROW which crosses the site. Furthermore, it is considered that the noise emissions from the site and the incongruous acoustic barrier will deter visitors to the area. The noise from the operation of this facility would be highly noticeable to residents and walkers in the area and the proposed barrier would be completely alien in this typically flat rural area and lead to a sense of enclosure within an otherwise open landscape.

The applicants propose the BESS will have a 40-year life span. CPRENE does not consider that the barrier nor the proposed landscape planting will in fact mitigate any visual impact of the site from the National Park, given the current far reaching views and visibility of sites far beyond this location.

Furthermore, the applicant does not appear to have undertaken ecological surveys at the optimal time and further works should be undertaken prior to determination. The applicant has not submitted a shadow Habitat Regulations Assessment (‘HRA’) or scoping report to assess potential impacts on the North York Moors SPAs and SACs and has thus not satisfactorily considered the ecological environment.

The CPRE, nationally and locally, supports appropriate development first and foremost on brownfield land. Recycling

brownfield sites is the most sustainable option and is especially suitable for developments of an industrial nature such as this.

NPPF section 15 para 187(b) states that “*planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...*” amongst other matters.

The proposal subject to this application is situated on circa 38.9Ha 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 much of the 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, which in effect still remains viable agricultural land. It is not clear why the applicant has not analysed the whole site.

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.

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. The BESS facility should therefore be located on existing industrial land or a brownfield location.

CPRENEY members have made it clear to us that they are concerned about the potential detrimental impact of this proposal on the established local businesses within the immediate vicinity of the proposal who rely on the aesthetic quality and tranquil landscape to attract visitors, including (but not limited to) garden centres, farm shops, coffee roasteries and various stables. The impact of such a major development which will inevitably cause visual, noise and potentially odour and dust disturbance to the businesses should be considered carefully by the Council prior to determination.

Furthermore, the proposed access route forms part of the popular National Cycle Network Route 165. Alongside cyclists, the route is regularly used by walkers and dog walkers for leisure activities as well as allowing residents and visitors easy access the countryside which is vital for health and wellbeing. There are also a number of stables and liverys within the immediate vicinity of the site, all of whom would be impacted by the increased usage of the route, particularly by HGVs and especially during the construction period. It is also understood that the popular Coast to Coast National Trail is to be diverted to allow safe passage over the A19 to the North York Moors through East Rounton and along part of the proposed access route. It is therefore considered that there will inevitably be even more highway safety concerns.

The proposed route is well used by local traffic, with no footpath adjacent to the road, other than a limited section in the centre of East Rounton, CPRENEY are therefore concerned about the ability for two HGVs to pass safely and with limited passing places, will be intimidating for local users. However, with vulnerable road users also frequenting the route, highway safety is a huge concern to the extent that it is considered that the proposed development does not prioritize

vulnerable road users nor provides safe and suitable access to the site for all users and as such does not meet the required tests of paragraph 115 in the NPPF.

## **Conclusion**

CPRENEY welcomes the opportunity to comment on an a hybrid planning application consisting of, full planning application for the erection and operation of an energy storage system including associated infrastructure, engineering works, landscaping and formation of vehicular access from highway; and Outline planning application (with all matters reserved) for the erection and operation of a transmission substation with associated infrastructure, at Land North Of Haggitt Hill Lane, East Rounton, Northallerton, North Yorkshire, DL6 2LX.

CPRENEY object to the proposals on the grounds 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.

It is considered that the industrial-scaled development would be incongruous within the open rural location within the important setting of the National Park. Furthermore, the applicant has provided insufficient and inadequate information to fully determine the proposal. CPRENEY consider that a full Landscape and Visual Impact Assessment, HRA and EIA – to include potential for scope 3 emissions - should be undertaken and relevant Environmental Statement submitted prior to any determination to allow the Council to adequately determine the impacts of the proposal, especially in consideration of the strengthened LURA duty.

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CPRENEY recognise the need to transition away from fossil fuels towards a renewable and clean energy generation mix, to achieve net-zero emissions by 2050 or earlier. CPRE is a passionate advocate for climate action and supports schemes that minimise landscape impacts, secure real nature recovery opportunities and enjoy the support of local communities. Schemes like this one, that fail to meet these expectations, should be refused.

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