



The countryside charity
North and East Yorkshire

PO Box 189
York
YO7 9BL

www.cpreney.org.uk

Tel: 07983 088120
Email: info@cpreney.org.uk

Branch Chair
Mrs Jan Arger

Authority: Hambleton District Council

Type of consultation: Planning Consultation

Full details of application/consultation: ZB24/02454/HYB - Hybrid planning application consisting of, full planning application for the erection and operation of an energy storage system including associated infrastructure, engineering works, and formation of vehicular access from highway; change of use of single dwellinghouse (Hag House) from residential use (Use Class C3) to business use; and outline planning application (with all matters reserved) for the erection and operation of a transmission substation with associated infrastructure, engineering works, landscaping and internal access arrangements, including public parking and access routes.

At: OS Fields Land At Hag Lane, South Kilvington, North Yorkshire

Type of response: Objection

Date of Submission: 20th 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:



KVA Planning Consultancy
Katie Atkinson, BA (Hons), Dip TP, MA
MRTPI
www.kvaplaning.co.uk

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, and formation of vehicular access from highway; change of use of single dwellinghouse (Hag House) from residential use (Use Class C3) to business use; and outline planning application (with all matters reserved) for the erection and operation of a transmission substation with associated infrastructure, engineering works, landscaping and internal access arrangements, including public parking and access routes. The proposed application site ('the site') is located at Land At Hag Lane, South Kilvington, North Yorkshire. The application was submitted to North Yorkshire Council ('the Council') and sits within the former Hambleton district by Lichfield's on behalf of Bellmoor Energy Park Limited ('the Applicant').

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 77Ha and predominantly comprises agricultural land, measuring 700m at its widest point. The site lies to the immediate south of Hag Lane - a single track unclassified road running east-west. The site extends south across agricultural fields and is bound by a mix of hedgerows of trees, with a woodland plantation marking the south eastern corner of the site. Whitelass Beck runs along the western extent of the woodland plantation and cuts through the south east of the site in an east-west direction.

The site boundary includes sections of Hag Lane, mainly at its western end where it forms a junction with Upsall Lane immediately east of its underpass beneath the A19 trunk road. Travelling east from the Upsall Lane junction along Hag Lane for around 2km, Hag House is situated within the application site boundary.

Two overhead power lines, forming part of the national 400KV electricity transmission network, run through the site, broadly in a north-south direction. The western most line crosses Hag Lane some 1.2km from the Upsall Lane junction whilst the second line crosses Hag Lane a further 1km to the east.

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').

There are no historic designations, including listed buildings, within or immediately adjacent to the site, however, Pasture Farmhouse (Grade II Listed), sits approximately 550m to the west.

Over 1km to the west of the site, the village of South Kilvington lies on the opposite side of the A19 and straddles the A61. Circa 1km from the eastern boundary of the site lies the village of Felixkirk, with Felixkirk Airfield located between the two settlements. The market town of Thirsk is around 1.25km to the south west of the site.

The closest dwelling to the site is Manor House Cottage, which is situated around 200m to the north of the site boundary.

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, its setting and local communities;
- The loss of agricultural land and impact on soils;
- 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;
- Lack of EIA and consideration of Scope 3 emissions as a result of the proposed development;
- 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 of a large, industrial scaled installation by any standards, comprising, for the detailed part of the application, of two large compounds of circa 1100 storage units arranged in rows, with 2.7m high perimeter fencing and gated access, mounted on hard standing, fire safety apparatus and CCTV mounted on 4m poles and an associated substation compound area. The outline elements include the transmission substation (circa 15m in height – above finished site level (the finished level will be 61.73m AOD), and cable connections to the 400kv transmission network via the western most powerlines – the maximum height of structures required as part of that would be a maximum of 15m above finished site level. It is acknowledged that the majority of the total site area would be utilised for landscaping, biodiversity enhancement and informal public access. However, the area occupied by the proposed physical development of the energy storage and transmission infrastructure, amounts to approximately 15Ha, would still represent industrial-scale development in the context of this highly rural location.

CPRENE consider that the scale, design and materials proposed are clearly incongruous with the visual amenity and character of this greenfield landscape.

Section 245 of the Levelling-up and Regeneration Act in (December 2023) (LURA duty) places a much strengthened 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 is proposed to be located towards the eastern part of the site, closest to the National Park - at its closest point, the National Park boundary is circa 2.6km from the proposed substation, and include tall structures up to 15m high. 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. CPRENEY 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 the Cleveland Way National Route and would also impact the dark night skies for which the National Park has become a Dark Sky Reserve and is one of its special qualities.

CPRENEY 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. CPRENEY 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.

CPRENEY are also concerned that the application documentation appears to offer significant room for maneuver often setting out that illustrations are 'typical' and 'my change'. 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.

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 77Ha 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.

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 Energy Storage Facility should therefore be located on existing industrial land or a brownfield location.

Having considered the documents in support of the proposal, CPRENEY object to the stopping up (even temporarily) of established and well frequented Public Rights of Way ('PROWs') in the immediate vicinity of the site. Furthermore, it is

considered that the noise emissions from the site 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 is out of context with the rural area. Indeed the applicants propose a change of use for Hag House from residential to a business usage as the noise from the facility would be considered significant.

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 Special Protection Area ('SPA') or Special Area of Conservation ('SAC') and has only concentrated on human impact and not the ecological environment.

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, and formation of vehicular access from highway; change of use of single dwellinghouse (Hag House) from residential use (Use Class C3) to business use; and outline planning application (with all matters reserved) for the erection and operation of a transmission substation with associated infrastructure, engineering works, landscaping and internal access arrangements, including public parking and access routes at Land at Hag Lane, South Kilvington, North Yorkshire

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.

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 an EIA should be undertaken and relevant Environmental Statement submitted in support of the proposal prior to any determination.

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.