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Branch Chair
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Authority: North Yorkshire Council (Hambleton)

Type of consultation: Planning Consultation

Full details of application/consultation: ZB25/00821/FUL - Construction and operation of up to a 30MW Solar PV farm, comprising ground-mounted Solar PV Arrays, 132kV DNO substation, customer substation, spares container, new access tracks, underground cabling, perimeter fencing with CCTV cameras and access gates, landscaping, temporary construction compound and all ancillary grid infrastructure and associated works.

At land: Boscar Layby, Land North East Of Raskelf, North Yorkshire

Type of response: Objection

Date of Submission: 7th August 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.

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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 1008 module racks of solar PV arrays, 132kV DNO Substation (including 16no. inverter huts, transformer cabinets with each unit measuring 6.1m Length and 2.4m wide = 234.2m²), customer substation (152m²), spares container (30m²), perimeter fencing (2.8m high) with 22no. 3.5m high CCTV cameras and access gates, landscaping, temporary construction compound (60m length and 50m width = 3000m²) and all ancillary grid infrastructure and associated works for a period of up to 40-years, with an export capacity of circa 30MW, at land north east of Raskelf, near Boscar Layby. The application was submitted to North Yorkshire Council ('the Council') and sits within the former Hambleton district, on behalf of Sky UK Development Limited ('the applicant').

The applicant has stated that all tracks will be upgraded and constructed from local stone and ensure adequate run-off rates and will remain in situ until the proposed development is decommissioned. Furthermore, the applicant proposes to construct a number of filter drains and soakaways within the site to capture any overland flow within a SUDs prior to release to the natural surface water system.

The applicant has requested that the planning application, should it be approved, be extended to a period of 10-years, over the standard accepted duration of 3-years to account for all for uncertainties regarding the date of connection and thus the date of commencement of the development as a result of changes made by the Government and the National Energy System Operator.

The 53.3Ha site comprises 7no. agricultural fields forming an irregular shape. Raskelf is located circa 300m to the south, Easingwold is circa 2.7km to the southeast and Thirsk lies circa 10km to the northwest of the site. The site is accessed directly from a slip road joining the A19 which borders the east of the site. A second access is provided by an existing field access from an unnamed road which connects the A19 with Raskelf to the southwest. West Moor Road runs parallel to the north and western parcel of the site.

The site and its immediate setting is characterized by open agricultural fields, associated agricultural uses, small woodland blocks and shelterbelts associated with farmsteads. Boscar Grange Solar Farm is within the immediate setting of the site. The site is bordered by low hedgerows and occasional trees and offers wide ranging views across the open countryside. There are a number of isolated clusters of farmsteads and residential properties located within the wider surrounds of the site.

The closest residential to the site is Paddock View – 70m east of the site, with a number of dwellings within Raskelf some 300m to the south west of the site. Beyond these are several more sensitive dwellings including: Table Tops - circa 300m south east of the site; West Moor – circa 500m west of the site; The Bungalow and Boscar Grange – circa 700m east of the site; Cold Harbour Farm and Newstead – circa 700m north east of the site.

There are 2 designated Ancient Woodlands (Low and High Sessay Woods – circa 1.4km north west and Brafferton Spring Woods 2.6km west) in close proximity to the site and the Pilmoor SSSI is located 2.5km to the northwest of the site. Sessay Wood is also locally designated as a Site of Importance for Nature Conservation ('SINC').

There are several Public Rights of Way ('PROW') and Bridleways within close proximity of and bordering the proposed site.

The proposal lies in flood zone 1 with a small section of the southwest of the site being within flood zone 2.

The Provisional Agricultural Land Classification Grading Data identifies the site as being within Grade 3

agricultural land, with a small portion to the south of the site being within Grade 2. The applicant's survey identifies that 20% of the site is considered Grade 2 (very good), 30% is considered to be 3a (good quality) and 49% as Grade 3b (moderate quality) - therefore 50% is considered to be Best and Most Versatile agricultural land.

The nearest Heritage Assets to the site are a series of Grade II Listed buildings, including the 'Milepost' located 0.36km north of the site, 'Pinfold' located 0.65mkm to the south and 'Upper Farm Barn' located 0.78km to the south of the site boundary.

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

- The significant loss of BMV land and impact on soils;
- 40 Years is not considered 'temporary' development as suggested in recent case law;
- The detrimental impact on the setting of the two protected landscapes and their special qualities (Howardian Hills National Landscape and the North York Moors National Park);
- The detrimental impact on users of the PROW network;
- The proposals are contrary to local and national planning policy including material considerations such as the National Policy Statement in January 2024 and the Written Ministerial Statement of May 2024.

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. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

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 53.3Ha 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 50% of land across the site has been categorised as 3a and 2 on the Best and Most Versatile ('BMV') Agricultural Land Classification which is described as good quality BMV land. Paragraph 187b of the NPPF states that planning decisions should amongst other things '*...recognize the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*'

Footnote 65 of the NPPF states '*Where significant development of agricultural land is demonstrated to be necessary area of poorer quality land should be preferred to those of a higher quality*'. Annex 2 of the framework provides a glossary of terms and confirms that "best and most versatile agricultural land" is land in grades 1, 2 and 3a of the Agricultural Land Classification.

Furthermore, with specific regard to solar farm development, the National Planning Practise Guidance on Renewable and Low Carbon Energy provides at paragraph 13 (amongst other matters) that the decision maker must consider '*Where a proposal involves greenfield land, whether*

- the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*
- the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;...*

Paragraph 5.42 of the applicant's Planning Statement relies on the fact that this is a 'temporary' development over a period of 40 years to justify the fact that 50% of the site is on Grade 3a and above, which is contrary to planning policy setting out that "*The Proposed Development is located on greenfield land and is supported by an Agricultural Land Classification report which demonstrates that the site is predominantly made up of Grade 2, 3a and 3b Agricultural Land. The proposed solar arrays and associated equipment will be temporary structures which will be on the site for 40 years. Upon cessation, all equipment will be removed, and the site will be fully restored.*"

CPRENEY argue that whilst the proposed development is reversible, 40-years cannot be justified as 'temporary.'

This is entirely in line with the findings of an Inspector who upheld a refusal of permission for a solar power station in the green belt (APP/A1910/W/23/3317818) Whilst this application is not within green belt land the principle of his finding of paragraph 19 is relevant to the determination of this application. *"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 a 40 year period is accorded more than very limited weight in favour of the scheme in relation not the loss of openness. To do so would go against the concept of permanence"* (My emphasis).

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. Furthermore, Policy S5 states that development in the countryside will only be supported where it *'protects the best and most versatile agricultural land (classed as grades 1,2 and 3s) from development that is not associated with agriculture or forestry that would cause the land to be permanently removed from agricultural use'* – going on to suggest specifics as to when exceptions could be made. 50% of the site is classed as Grade 2-3a and as such the proposed development is not appropriate.

The Government also provided additional guidance through a Written Ministerial Statement ('WMS') to planning authorities in May 2024 which called 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.

The Government's National Policy Statement EN-3 (January 2024) also directs *'applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible.'*

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.

Nationally designated landscapes are afforded the highest level of protection in planning policy terms through paragraph 189 of the NPPF and s85 of CROW Act 2000 (as amended). The Council, must, in the delivery of their statutory duties, ensure that any proposal affecting the Howardian Hills National Landscape and the North York Moors National Park *'seek to further the purposes'* of the designation. This is a strengthened and proactive duty defined within the Levelling Up and Regeneration Act 2023 ('LURA') relating to the purpose to *'conserve and enhance the natural beauty'* of the area. As such, and in consideration of the cumulative impacts of the multiple solar energy schemes within the planning process and those already permitted and / or constructed – the Council must ensure that the proposed development subject to this application furthers the purpose(s) of the designated landscape.

Should this and other proposed solar developments gain planning permission and are built out, the total area covered by solar farms, according to corresponding documents within the public domain, would exceed 897 Acres of land that is currently in and was (in the case of the existing 2 solar farms) prime quality agricultural land. This scale of development would create an overwhelming and incongruous industrial presence in the rural landscape and setting of two nationally protected landscapes, significantly altering their character and reducing their recreational and aesthetic value as well as their natural beauty and special qualities – which could impact tranquillity and important dark skies.

Within the May 2024 WMS, the Energy Secretary stated *'While the total area of agricultural land used for solar is very small, and even in the most ambitious scenarios would still occupy less than 1% of the UK's agricultural land, we are increasingly seeing geographical clustering of proposed solar developments in some rural areas, such as in Lincolnshire. When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.'*

CPRENEY are disappointed that the Council did not require and EIA to be submitted with the proposals following the applicants screening request in 2024, especially when considering the cumulative impact on this vulnerable landscape to multiple solar farms in the setting of two nationally protected landscapes (The Howardian Hills National Landscape and the North York Moors National Park). The surrounding landscape accommodates a number of existing and planned energy infrastructure including: Boscar Grange Solar Farm development (application refs: 15/00318/FUL & 15/01268/FUL) is located a short distance to the east of the Application Site (100m) on the opposite side of the A19. It is noted that there is an existing live planning application (Ref: ZB23/02015/FUL) for a new solar farm directly to the north of the existing solar farm at Boscar Grange, whilst a further planning consent (Ref: ZB23/02461/FUL) has recently been granted for the installation of a 49.9MW solar farm at Pilmoor Grange, 1.5km to the southwest.

The Howardian Hills National Landscape (which is nearest to the site) is a tranquil and historically significant landscape characterized by rolling agricultural fields and traditional rural vistas. The proposed scheme, individually and in combination with others in the planning process, would result in furthering the visually intrusive black and silver man-made structures within the setting of the National Landscape, negatively affecting views from key vantage points, including from well frequented public rights of way within and in the vicinity of Husthwaite, Oulston, and from the York to Northallerton train line where large scale open vistas towards the National Landscape are visible - including views across the National Landscape towards the adjacent National Park including the White Horse at Kilburn.

CPRENEY is hugely concerned that the cumulative impact from all of these schemes will cause significant adverse impact on the important landscape setting of the protected landscapes. While planting plans have been proposed by the appellant to mitigate visibility of the site, these would take decades to mature, leaving the landscape exposed to adverse impacts for a significant portion of the scheme's lifespan. Many of the native hedgerows and trees within and surrounding the site are deciduous which will further exacerbate

visibility issues within winter months.

Furthermore, CPRENEY are aware that there are several well-used PROWs and bridleways within very close proximity to the site. These PROWs provide ready access to the countryside for residents of Raskelf and surrounding settlements which provide important benefits to both physical and mental health. CPRENEY are concerned that both individually and in-combination with other schemes, users of these PROWs will be deterred from using the network to access the countryside by the significant upheaval to the landscape during construction and furthermore during the operational period lasting some 40 years.

The LVIA submitted with the proposal suggests that any receptor within close proximity (up to circa 250m radius from the boundary of the site) would experience 'moderate to slight adverse' visual effects from the site – this includes users of the PROWs and also occupants of the nearest dwellings, However, for the majority of residents within 1km of the site, (Raskelf and isolated farmsteads and dwellings) and users of the PROW the magnitude of visual change would be 'moderate adverse' at operational stage.

CPRENEY fundamentally disagree with the applicant that the cumulative impact of the proposed development and those 'existing solar farms' will lead to 'negligible' change to views. Also, it is not clear that all proposed and existing solar farms have been considered.

Conclusion

CPRENEY welcomes the opportunity to comment on an application for the installation of a 30MW Solar PV farm, comprising ground-mounted Solar PV Arrays, 132kV DNO substation, customer substation, spares container, new access tracks, underground cabling, perimeter fencing with CCTV cameras and access gates, landscaping, temporary construction compound and all ancillary grid infrastructure and associated works at land at Boscar Layby, Land North East Of Raskelf, North Yorkshire.

CPRENEY strongly 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.