

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 15/00377/MFUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application Major
Applicant: Lightsource SPV190 Ltd
Proposal: Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted CCTV cameras and temporary construction vehicular access
Location: Land At Mill Hill Farm Cornborough Road Sheriff Hutton Malton

Registration Date: 1 April 2015 **8/13 Week Expiry Date:** 1 July 2015
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	Object
Highways North Yorkshire	Recommend Conditions
Tree & Landscape Officer	Recommend condition
Countryside Officer	Conditions required - further comments awaited
Sustainable Places Team (Yorkshire Area)	Application has low environmental risk.
Hambleton District Council	No views received to date
City of York Council	No views received to date
Howardian Hills AONB JC	No observations to make
Sustainable Places Team (Yorkshire Area)	No Objection
Environmental Health Officer	Requires conditions
Public Rights Of Way	Recommend informative.
Ministry Of Defence	No objection
North Yorkshire Police Architectural Liaison Officer	Conditions to be addressed
Archaeology Section	No objection
Parish Council	Farlington Parish Council. Concerns. Recommend conditions.
CPRE	Object
Building Conservation Officer	No objection
Countryside Officer	No views received to date
Historic England	Recommend condition.
Natural England	No changes to previous response.
Highways North Yorkshire	Amend previously recommended conditions to include revised plans/drawing numbers.
Parish Council	Withdraws objection

Neighbour responses: G D Stephenson, Mr P McMahon, Mr Richard Haste, Mr Lindsay McLane, Mrs M Wilson, Mr Chris Newsam, Mr Ian Foxley, Mr Andrew Vaux, H Monaghan, Dr Peter Coomer, C M Anderson, Mr Ian Pattison, C J Hodgson, Mr David Anderson, Drs Richard & Tessa Watson, Mrs Lucy

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Leatham, Miss Penelope Anstice, Miss Natalie Harris, Dr Nicholas Cowern, Mrs Noelle Thornton, Mr Neil Sweeney, Mr Patrick Turner, Dr David Smith, Mrs Alice Sheepshanks, Mrs J Taylor, W S Anderson, Mr Shaun Speck, Mr James Hartley, Mr Charles Wilson, Mr Donald Jack, Gillian Walford, Mrs Jane Eddery, Mrs Lucy Vaux, Mrs June Emerson, Mr Fergus Vaux, Mr Michael Tanner, Mr James Plant, Mr Julian Boddy, Mr William Anstice, Mrs Katherine Bell, Mr Alan Pitman, Mr Tony Brown, Mrs Lucy Blackmore, Mrs Sarah Whitworth, Mr Nigel Webb, Mr C Taylor, Mr Oliver Leatham, Mrs Amy Trevelyan, Mr Nigel Hendry, Mr Frank Colenso, T And X Watson, Laura Eddery, Mrs Linda Harris, Mr Martyn Pratt, Dr Ben Flowerdew, Mr Adrian Johnson, Ms Susan Johnson, J Matthew, Mr Donald Armstrong, Mr Alan Armstrong, Mr Robert Walford, Mrs S Jones, Marike Bronh, Mrs S Marshall, Miss R Rigg, Mrs R W Weightman, Mr Robert Mobray, D And W Allanson, A Morse, Brian Appleyard, Mr And Mrs A Ward, R Bielby, A And J Scaife, Paula Sidebottom, Mr C Yorke, J Milburn, Richard Carpenter, Mr Simon Massey, Ms Michelle Mckenzie, Ms Nicola Phillimore, Mr Hugh Cooper, Mr James Kevill, Miss Ann Kennedy, Mrs Sarah McLane, Mrs Kate Preston, Mr Michael Jeffrey, Dr Tim Thornton, Mr Luke Bell, Mr Nigel Wilson, Mr Michael Charlton-Weedy, Mrs Amanda Page, Mr George Blakey, Mrs Moyna Maxwell Scott, Mr M Cook, W A Almack, T N Chapman, Mr Kenelm Storey, Mrs Sue Andrew, Mr Arthur Woodhouse, Mrs M Chapman, Dr David Willis, Chris Sowray, Mr D Barker, S Atkinson, Mrs Susan Gough, Mr Adrian Blackmore, Mr Richard Singleton, Miss Nancy Dennis, J M Almack, B Armstrong, Mr Nick Shepherd, Mr Darren Shepherd, B Harrison, Mr Mark Scott Faulkner, Mr Paul Edwards, Mrs Catherine Brown, Dr Peter Draggett, Mr Robin Jackson, G Rothwell, A Stephenson, N Woodward, Mrs Dawn Hendry, Mr Mark Green, Mrs Claire Tunningley, Mrs Virginia Hoddinott, Mr Tom Kevill, Mr Mark Jackson, D Bracewell, Ms Sue Bracewell, J Howarth, M Steel, David And Mary Longstaff, Dr Phil Stone, Miss Jane Alcott, Hannah Knowlson, Mr Graham Sparrow, A Birch, Ms Louise Gilbert Scott, Mr Peter Coates, Mrs Ena Dent, Mr Finn Jackson, Mr Paul Tate, Mrs Sarah Aspinall, Mrs Gillian Walford, Mr Neil Hodges, Michael Easterby, Anna Hesketh, G Maddison, Geoffrey Singleton, Rana Maih, J C Cockill, Mrs Deborah Kidds, Mr Thomas Kidds, D Midgley, Richard Coultous, A Hodgson, Mr R. W. J. Hopkins, Rebecca Maddison, James Knowlson, Jonathan Teaf, Mr C Readman, Mr Darren Mears, Mrs Jane Naughton, Mr David Shields, Mr John Gordon-Finlayson, D Easterby, Mr John Armstrong, P Webster, Mr Hugo Vaux, Mr Andrew Zillessen, Mr Brian Hutchinson, V Johnson, The Occupier, Mr Kevin Wales, Mr Tim Axe, Mr And Mrs Dan And Dawn Croft, Ms Dawn Bunting, Ms Bridget Tardivel, Mrs Sara Tate, Ms Josephine Downs, J S Hicks, P Frost, Mr Richard Shepherd, Mr Robert A Singleton, M Jeffery, Mrs S Everett, J M Suggitt, Mr Mark Prendergast, Mrs Sara Winn-Darley, Mr William Syms, Mr Richard Wilson, K Unsworth, D

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Unsworth, Mrs Margaret Singleton, Mrs Sue & Mr R D Cuthbert And W R & S E Garrett, Mr Tim Walford, Mrs June Smith, Mrs Elaine Curtis, P Eggleston, J Eggleston, Mr Peter Gough, Mrs Jane Sweeney, Mrs Catherine Scriven, Ms Tessa Wilson, Ms Heather Stroud, Mrs Susan Scotter, Mrs Laura Boddy, Mrs Gillian Zewde, Mrs L Howard, Monica Hussain, C C Dent, Mr P Scaife, Mr Michael Lawson, Mrs Jo Metcalfe, Shane Marriott, Emma Thomas, S Lorimer, G Everett, M Chalke, A Charlton, Mrs D Cosgrove, Mr Stuart Easdale, Mr Mark Tidmarsh, Ms Olivia Botterill, Mr P H Robinson, Mr James Walker, Mr David Cragg-James, Mr T Johnson, Mr Geoff Watson, T Dent, Mr Mike Eddery, Mr Glenn Garrett, Mr Stephen Shipley, W Fairclough, Mr D Towse, Mr Andy Maxwell, D Sigsworth, Mr Phillip Hodgson, Mr Simon Wood, Mrs Caroline Dawkins, Mr Simon Sweeney, Miss Ruth Sweeney, Ms Laura Jane Shepherd, Mr Bryan Plews, Ms June Brown, Mr P Wreglesworth, Mr R W Weightman, B Rawling, Mr Glyn Wild, Dr Michael Scotter, Mrs Doreen Gurrey, Mr David R Davis, Mrs Yvonne Jack, Mrs Susan Blakey, Mr James Machin, Mrs B J Hopkins, Mr Robert Manfield, B Shepherd, Ms E Molyneux, Mrs Camilla Sherwin, Rachel Fraser, Louise Clark, Anne F Greenwood, Sally Greenwood, Andrew J Clark, Alex Matcalfe, Mrs Hazel Wood, Mrs P Metcalfe, Emma Shipley, Mr Andrew Brown, Mrs June Card, Mrs Christine Brookes, Mrs Pauline Harrison, Mr Marcus Hinde, Dr Rosie Chance,

Overall Expiry Date:

24 June 2015

SITE:

The application site is situated between Sheriff Hutton (approximately 1.2 km to the east) and Farlington (1.7Km to the west). The application site is an 11.8 hectare arable field, which is not subject to any Local or National designation. The Howardian Hills Area of Outstanding Natural Beauty is approximately 2.8 km further to the north of the application site.

Flanked by agricultural fields to the east and south, the application site, as is characteristic of the area. It has a boundary treatment of hedgerows with intermittent hedgerow trees albeit with significant gaps along the highway boundary and the eastern boundary. The south eastern corner of the application site currently has no boundary treatment as the field continues south beyond what is proposed within this application. The agricultural fields to the north are separated via the B1363 and directly west of the application site is a residential property, Cornborough Villa, which itself is separated from the site by Cornborough Road.

Cornborough Villa is a Grade Two Listed dwelling. In addition to which there are a number of other Listed buildings within a 5 Km radius. Sheriff Hutton Castle, designated as a Scheduled Ancient Monument is approximately 1.7 km to the east within the village of Sheriff Hutton.

The Foss Walk, a long distance walk runs adjacent to the southern boundary of the application site, and the existing substation. The Foss Walk also has an alternative route which by passes Sheriff Hutton and links back up at Cornborough Road this runs parallel to the application site approximately 200 metres south.

PROPOSAL:

PLANNING COMMITTEE

21 July 2015

Planning approval is being sought for the temporary change of use from agricultural to the continued agriculture use together with the installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted CCTV cameras and temporary construction vehicular access. The scale of the proposed development would provide approximately 5MW of electricity generation, enough to power 1300 homes a year.

The main components of the application proposal consist of the following:-

Solar Panels: The individual glass panels measure approximately 1.650m x 0.995m x 0.05 m and have a coating on them to help maximise sun absorption. The amended elevation plans show the panels to be set on a 25 degree angle, which at the highest point would be approximately 2.11 metres above ground level and at the lowest 0.8 metres.

Mounting Frames: The galvanised aluminium or steel frames are pile driven into the ground, to a depth of approximately 1.5 metres, forgoing the requirement for concrete foundations. In order to maximise solar absorption they are set at a 25 degree angle.

Invertors: The inverters which measure approximately 2.9m x 4.5m x 1.5 metres are situated on a concrete pad and convert the Direct Current into Alternating Current prior to it being fed into the electricity grid.

Transformers: Transforms electrical energy from one circuit to another, and allows for the energy generated to be fed into the grid. The building in which it is housed would be similar to that of the invertors.

Substations: DNO Substation and Customer Substation. These are a requirement to house the switch gear which acts as a safety mechanism protecting the solar farm from any problems with the grid and vice versa. The DNO substation allows the grid to be shut of from the solar farm and the Customer Substation allows the solar farms to be shut of from the grid. The DNO would feature a security light fitting to be affixed to the exterior to allow work men to work in case of an emergency (in the dark), it will not be illuminated on a permanent basis.

Perimeter Fence: A timber post and wire mesh fence would surround the boundary of the application site at a height of 2 metres. The fence would have an appearance of a deer fence. The purpose of the fence is to deter theft or vandalism.

Security Cameras: The infra red cameras would be situated on the top of poles at a height of approximately 3 metres. Set only facing into the site, the security cameras are intended to detect any unauthorised access as the solar farms are unmanned.

Communication Buildings: Measuring approximately 3.6 metres x 2.5m x 3 metres the building is to enable the remote control of the security cameras.

Composting Toilet: A requirement during the construction phase it is proposed that the toilets would be retained to be used by visitors to the site. Waterless and chemical free it uses a dehydration process to make odour free compost which is collected annually.

The landowner is supportive of the scheme as a means of farm diversification to establish a more secure future. The income generated from the solar farm will help secure the existing business and enabling it to invest for the future and help secure the business for the next generation.

ENVIRONMENTAL IMPACT ASSESSMENT:

The development does not fall within Schedule 1 of Regulations. The development is Schedule 2 development, falling within the description at Part 3(a) of the Schedule in the Regulations. The proposed development does exceed the relevant indicative threshold in column 2 of the table. The site

area covered by the development is approximately 8 hectares in size; significantly larger than the 0.5 ha threshold in column 2.

The site area does not however automatically dictate that the scheme is necessarily more likely to result in significant environmental effects by itself. The Local Planning Authority must consider the proposals against the selection criteria set out by Schedule 3 of the Regulations concerning the; characteristics of development; location of the development; and the characteristics of the potential impact.

The site comprises part of an agricultural field located south of Cornborough Road, adjacent to a Grade Two Listed building. The existing land use is agricultural.

For the purpose of Regulation 2(1) of the Regulations the site is not 'sensitive' as it is outside of any nationally designated landscape. The nearest sensitive area is most notably the Howardian Hills AONB located approximately 3 km to the north of the site. The site is not within or immediately adjacent to any areas designated for the conservation of wild birds, natural habitats, wild fauna or flora.

The opinion of the Local Planning Authority is that the development does not compromise EIA development.

HISTORY:

14/01409/SCR. Change of use of land for PV panels. Not EIA Development

15/00265/SCR. Screening Opinion for proposed solar farm. Not EIA Development

POLICY:

The Adopted Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

National Planning Policy Framework

National Planning Policy Guidance

APPRAISAL:

The key considerations are:-

- i) Principle
- ii) Heritage Assets
- iii) Landscape Character
- iv) Highway Safety
- v) Neighbour Amenity
- vi) Biodiversity
- vii) Other Issues

Principle in terms of Policy

Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty previously imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The Ryedale Plan – Local Plan Strategy is the adopted Plan. Policy SP1 (General Location of Development and Settlement Hierarchy sets out Ryedale’s future development requirements and the distribution, accordingly with the Spatial Strategy Summary. Development within all other villages, hamlets and in the open countryside will be restricted to the following;

- Which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
- Which can be justified in order to secure significant improvements to the environment or conservation of significant heritage asset in accordance with the National Enabling Development Policy and SP12 of this Plan, or
- Which is justified through the Neighbourhood Planning process.

The proposed development would be classified within the second bullet point, SP1 supports the principle of development within the open countryside whereby it has the potential to ‘foster appropriate renewable energy production.’

Policy SP18 (Renewable and Low Carbon Energy) is the primary principle of which consideration is given to developments which are, such as this, proposing a form of renewable energy. The policy acknowledges that there is a balance to be made with the requirement to produce renewable energy production and protecting the landscapes, one of Ryedale’s key assets. It states that development that generates renewable and / or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;
- Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on the nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated.

The appropriateness of the development will be covered in the latter section of the appraisal section of this report however the initial principle of the proposal is supported by Policy SP1 and Policy SP18 of the Ryedale Plan – Local Plan Strategy.

National Planning Policy

National Planning Policy Framework:

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing adopted development plans, in this instance the Ryedale Plan – Local Plan Strategy. The relevant policies have been considered above.

Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities should recognise the responsibilities on all communities to contribute to energy generation from renewable or low carbon sources. It says that LPA’s should;

- have a positive strategy to promote energy from renewable and low carbon sources;

- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 requires LPA's, when determining planning applications:

... not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions

The National Planning Policy Guidance

The NPPG states that by increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

However just as Policy SP1 and SP18 acknowledge large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. In line with the Ministerial Statement issued on the 25 March 2015 The NPPG concludes that Solar Farm developments should make effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality. While ensuring the protection of the historic and natural environment, the need to generate renewable energy is not considered sufficient on its own to justify an unsuitable site. However, the NPPG does consider that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

The NPPG sets out (in line with the 25 March 2015 Ministerial Statement) the particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves Greenfield land, whether (i) 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 (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013](#) and [Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015](#).
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the

significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

Land Classification Grade 3B

The NPPF (42) states that the LPAs must take into account the benefits of the best and most versatile land, and that where development is considered necessary LPAs should seek to use poorer quality land rather than high quality land. The land quality in this instance is therefore a material planning consideration. The land quality and use has been raised by a number of the objectors to the planning application.

The agricultural land classification system classifies land into five grades, with Grade 3 subdivided into sub Grades 3A and 3B. the best and most versatile land is defined as Grades 1, 2 and 3a and is land which is most flexible, productive and efficient in response to inputs and which can best deliver food crops for future generations.

There is no detailed up to date soil survey of the site available through Defra as no survey had been undertaken. Wardell Armstrong were therefore contracted to undertake the soil survey and look at the site using the Defra guidelines on agricultural land classification.

From their extensive survey of the site they are grading the land as ALC subgrade 3B, this grading is entirely due to the wetness of the site caused by the structure and make up of the soil retaining rainfall for a long period of time. They have then used this grading in an impact assessment. 11.4ha of Grade 3B land undergoing a temporary change of use. This area is under the 20ha limit this would be classified as a low magnitude change to BMV land (Best and Most Versatile agric land- as per NPPF) This would give a minor impact and no significant effect on agricultural land. There would also be a minor adverse impact on soil resource, although this is not considered to be significant .There would be minor temporary disruption of agric drainage, although again this would not be considered as significant.

Officers for the reasons outlined above consider that the land classification of Grade 3B as set out in the Armstrong Wardell report is acceptable and that the proposed development would not adversely affect the soil of the application site . Following the decommissioning of the application site this would mean that there should be no reason why the site could not be returned back into arable crop production.

Heritage Assets

Listed Buildings

Policy SP12 of the Ryedale Plan – Local Plan Strategy concludes that *Designated historic assets and their settings, including Listed Buildings ... Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or to the total loss of the significance of a designated heritage asset ... will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less than substantial will only be agreed where the public benefit of the proposal is considered to outweigh the harm and extent of harm to the heritage asset.*

The proposal has been the subject of detailed consideration by both Historic England and the Council's Building Conservation Officer. Historic England state:-

"Summary

Historic England has previously provided advice on this application on 27 April and 19 May 2015. On the 27 April we advised that the application should be withdrawn to allow for the production of an appropriate level of assessment of impact on the significance of heritage assets. This advice was repeated in our letter of 19 May to the applicant and copied to the Local Authority. Although the additional information does not entirely address the specific points made in our earlier advice letters, Historic England recommends that the application can be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Historic England Advice

The Historic England advice letter of 19 May set out a number of techniques for establishing the impact of the proposed solar farm at Mill Hill on the significance of heritage assets. We stated that 'the most useful way forward is for you to generate a range of visualisations and photomontages which will illustrate and support the points you make in your [Lightsource Renewable Energy Ltd] email, perhaps by marking out the proposed development area using boards or panels with reflective materials'.

Although the suggested technique has not been adopted, the applicant has made a number of changes to the proposal, including: lowering the height of the cells, revising the planting scheme to ensure that the entire application site is screened by vegetation within the control of the applicant, and moving the cells back from the edges of the application site.

In spite of the above, there is an acknowledged degree of harm to the significance of the Grade II Listed Cornborough Villa, and although this falls outside the remit of Historic England, paragraph 134 of the National Planning Policy Framework (NPPF) applies, as does the test for 'special regard' identified in Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Should your Authority be minded to grant consent for the installation, we urge that a mechanism should be agreed to formally review the impact assessment once the installation is in place. This would be a useful exercise to inform the assessment of any other proposals that may come forward in the vicinity. It will also be an important exercise to interrogate the visibility of the installation and the extent of visibility across the landscape from Sheriff Hutton Castle, and the churches of St Peter, Dalby and St Martin, Whenby.

Recommendation

Historic England does not object to the proposal on heritage grounds. Your Authority should address paragraphs 131-134 of the NPPF and then apply the 'special regard' test identified in Section 66 of the 1990 Planning (Listed Building and Conservation Areas) Act in reaching your decision".

The Council's Building Conservation Officer states:-

" This application proposes 'Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted CCTV cameras and temporary construction vehicular access'. This consultation response seeks to comment on the impact of the proposal on Listed Buildings, Conservation Areas and Registered Parks and Gardens. It does not address Scheduled Monuments or other archaeological constraints which are addressed by North Yorkshire County Council and Historic England.

I have read the accompanying Heritage Statement submitted by CgMs dated June 2015. I would agree with their methodology and identification of affected heritage assets. I would also concur with their conclusions that the proposal does not harm the special significance of the majority of the identified heritage assets due to distance, natural and built screening around the heritage assets, undulating land form and screening around the development site. I would agree that the proposal affects Cornborough Villa, a Grade II listed building to the greatest extent.

Cornborough Villa is a Grade II listed building with a date stone of 1742 with likely earlier origins. It is

a handsome stone and pantile four bay house located c. 160m to the west of the development site. Farm buildings are located to the north-west of the house with a walled garden to the north-east. The house features a French door on its eastern elevation and a tennis court in the grounds. The house is used for domestic purposes and is surrounded by well tended lawn, trees, shrubs and flower beds. Boundary treatments include hedging and walls.

In my opinion there are 2 settings that contribute to the significance of Cornborough Villa, the immediate domestic curtilage and the wider landscape setting. The immediate domestic setting including the lawn, moat, gardens and walled garden contributes strongly to the significance of the listed building. It is tightly drawn with a variety of boundary treatments and places the house in its domestic context. The wider rural landscape setting also contributes to the significance of Cornborough Villa, as how the house is experienced in the landscape, ties the building to its former function as a farmhouse. This wider landscape setting has been mildly compromised by surrounding electricity poles associated with an electricity substation to the south-west of the site outside the site boundary. Whilst however, the wider landscape setting places the building in its agricultural context, I consider that the immediate domestic curtilage is the primary setting of the house as it expresses the use of the house for domestic accommodation. Whilst the wider landscape setting is a contributory factor to the significance of the listed building, it is of minor secondary importance.

The listed building is separated from the development site by a metalled track, hedges and trees, a garden wall and a paddock. Glimpses of the house are visible from the development site although this is predominantly restricted to upper floors and the roof. Glimpsed views of the development site are possible from the garden of the listed building. Due to the nature of the vegetation views will depend on the time of year.

The proposal seeks to place solar panels on 11.4ha. The panels will be 2.34m tall. Ancillary development will include access tracks, fencing, security cameras and electrical inverters and a substation.

In my opinion there will be some degree of inter-visibility between the development and Cornborough Villa. Views from public vantage points include walking west along the Public Right of Way at the eastern end of the development site. This is currently devoid of hedgerow screening and although screening has been proposed as part of this application this is likely to take some time to mature. The relatively low height of the proposed development will help to mitigate the effects of the proposal as will the existing mature hedge on the western boundary. The introduction of vertical trees into the hedgerows will help to lessen the impact of the proposed 3m high security camera poles. In addition, grouping the ancillary buildings in the south-west corner of the site adjacent to the existing electricity substation will also help to mitigate their effect.

In my opinion there will be harm to the wider setting of the listed building. Due to the factors assessed above, I am of the opinion that the effects of the proposal on the significance of the listed building will be very much less than substantial harm. The fabric of the listed building will not be directly affected by the proposal and the primary setting will not be affected. Mitigating factors include distance, screening, and the 25 year lifespan of the development. I am of the opinion that the impact of this proposal will cause very much less than substantial harm. According to the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal".

Archaeology

Section 12 of the NPPF: Conserving and Enhancing of the Historic Environment, paragraph 128 states that...

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential

to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The Archaeology and Cultural Heritage Assessment considers that the proposed development would not impact upon any known buried remains, the presence of yet any unrecorded remains can not be ruled out. The potential of any archaeological remains is considered to be of slight adverse significance. However in line with paragraph 128 North Yorkshire County Council Historic Environment Team advised that a geophysical survey to be completed prior to the determination of the application, and where appropriate trial trenching to be carried out. Following the results of the survey the further consultation comments have been received. NYCC historic Environment Team consider that in light of the low archaeological potential of the site, no further archaeological survey work is required".

Landscape Character

The applicants have submitted a Landscape and Visual Impact Assessment prepared by Wardell Armstrong in support of the proposal. An addendum was received on the 10 June 2015 to take into account the requested visibility splays from the Highway Authority and the additional 'woodland planting along the northern boundary.

Policy SP13 (Landscapes) of the Ryedale Plan – Local Plan Strategy clearly states that development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are as a result of historical and cultural influences, natural features and aesthetic qualities.

Although as noted before the Howardian Hills Area of Outstanding Natural Beauty is located approximately 3 km north of the application site, the application site itself does not benefit from any landscape national or local designations, one of the few areas within Ryedale.

The Vale of York is characterised by gently undulating, fertile and predominantly arable low landscape. There is a pattern of medium to large scale enclosures, with boundaries delineated by hedges. Tree cover is generally sparse, comprising of small scattered woodlands.

The Landscape and Visual Impact Assessment, (which was subsequently revised on the 10 June 2015), takes into account the revisions of the proposed access. The LVIA concludes that due to the containment of the site and the condition of the existing hedgerow, landscape effects would be slight and would not be of a sufficient magnitude to impact upon the character of the area. Visual effects would be localised and contained within the immediate vicinity of the site along Cornborough Road. The overall visual effects on Cornborough Road, on the site boundary, were identified as moderate to substantial adverse.

As previously referred to, the application site and the wider setting, is characterised by gently undulating terrain. Within the application site itself there are 'micro undulations'. It is due to this undulation that officers consider that the majority of the impact would be retained to its immediate setting. Any long distance views from the north and consequently from the AONB (approximately 3 km away) would see the back of the frames. It is also important to note that any views from the north would be intermittent. In the summer months these would also largely be screened by limitations in the landform, existing high hedgerows and coppices of trees. Members will note these are outside of the control of the development site. In winter months the intermittent views would be less well screened. The revised landscaping scheme shows substantially more 'woodland style' planting than the previously proposed hedgerows with intermittent trees. It must however be noted that the expected time period for the planting to mature is approximately 5 - 10 years. During that time both the long distance views and to a lesser degree short distance views would be relying on existing screening in the locality which is not within the control of the applicant or indeed the land owner. The acceptability of the proposed landscaping scheme will be addressed in the later stages of this report.

During the construction phase of the proposed development the views from the B1363 on to the application site would be uninterrupted. Once works commence and the planting scheme begun the views onto the site would remain largely uninterrupted. However despite the planting being in its

infancy officers consider that the screening would to degree act as a visual barrier. Once matured that view would be intermittent, especially during the winter months. The LVIA identified this area as having a moderate to substantial adverse impact. However officers consider that most vehicles movements will be running parallel with the development and the transient impact would be momentarily for a distance of approximately 700 metres. Following maturity of the proposed landscaping the views would be intermittent and much reduced through the trees/hedgerows as they would mitigate significantly against the impact.

The same is relevant to the assessment of the impact on long the public footpath that runs adjacent to the application site. Users of the public footpath would for the approximately 600 metres which they travel only the footpath until the boundary treatment has matured. Again the views of the solar farm and the associated infrastructure would be transient as users of the public right of way move past the site. Due to the topography the solar farm at this point would not be seen in the context of the Howardian Hills AONB.

As previously described the Vale of York is predominantly flat. Having walked along the Foss Walk and approximately 100 metres north of the 'lower' Foss walk it is officers opinion that due to the topography of the land, the application site would mainly be within a 'localised' hollow and not visible from this particular public vantage point. From Sheriff Hutton Industrial Estate it is unlikely that the site would be visible even during winter months. South of the Foss walk the topography is predominantly low lying. It is unlikely that the proposed development would be visible from this public vantage point. Any views on to the site would see the panels it as a horizontal dark mass which would not be too dissimilar to that of a 'crop'. From this prospective it is considered that the development would as far as possible assimilate within the wider landscape and is therefore considered to be compliant with the aims of Policies SP1 and SP13 of the Ryedale Plan – Local Plan Strategy.

The LVIA Assessment identifies that the occupiers of housing at Cornborough ,to the west of the application site and in particular Cornborough Villa would have views on to the site, predominantly from the first floor and from the west elevation windows of Mill Hill Farm. The LVIA identifies the visual harm to be moderate-to-adverse following the completion of the development reducing to slight-to-moderate adverse following the maturity of the planting scheme. This assessment is based on the view from these residential properties. Members will be aware, however, in planning terms there is no right to a view. The setting of these residential listed properties has already been addressed in the appraisal of this report.

The proposed associated infrastructure would be sited in the south western corner of the application site directly north of the existing electricity substation. The siting adjacent to an existing anomaly within the landscape would mitigate the impact along with the proposed landscaping. Conditions are recommended regarding the treatment of the proposed buildings. In relation to the proposed 2 metre high 'deer style' security fence whilst there is no example in the immediate are it is not a totally foreign or alien object within a rural setting. The proposed materials would add to the transparency of the fence, whilst the pole mounted CCTV unit would be similar to the existing telegraph/ electricity poles although at a considerable lower height.

A number of the objectors have raised concerns that the application site forms part of the setting of the Howardian Hills AONB and that the development would adversely affect its setting. The Howardian Hills Joint Advisory Committee have been consulted and have had no observations to make with regards to the impact of the proposed solar farm on the setting of the AONB. As outlined above there are only limited vantage points whereby long distance views of the development would be able to be achieved. Where it can be achieved (due to the horizontal nature of the development and the existing and proposed screening) the development would not be considered to 'jar' in the landscape. Due to the undulating topography there would be limited views of the development within the context of the AONB and those view points were it would be seen would view the solar panels as a dark mass in the landscape.

For the reasons given above, whilst officers consider that the proposed development would result in a change to the character of the area due to the scale of the proposal, the topography of the land, the temporary nature of the development and the proposed mitigation planting, would not have an adverse impact on the landscape in accordance with Policy SP1 and SP13 of the Ryedale Plan – Local Plan strategy and the NPPF.

Proposed Additional Landscape

The Local Planning Authority Tree and Landscape Officer originally raised concern with a number of the species proposed. The landscape plan has been revised to take into account these concerns and consequently the Officer is satisfied the proposed planting would accord with the aims of Policy SP13 and SP14 of the Ryedale Plan – Local Plan Strategy.

Due to the revisions to the proposed access the landscape plan had been further revised to take into account the loss of the existing, patchy hedgerow to facilitate the required visibility splays. The plan has proposed an introduction of woodland planting the entirety of the north elevation. Due to these amendments the Tree and Landscape Officer has been re consulted and raises no objection to the addition of the further planting. It is considered in line with the landscape assessment that the addition of ‘coppice planting’ is in keeping with the wider landscape area as well as increasing the natural on site screening, following maturity.

Should approval be granted it is recommended that a condition is attached to ensuring the timing of the planting scheme and also that a management plan is submitted to and agreed in writing with the Local Planning Authority for the life of the development, to reduce the immediate landscape impact.

Highway Safety

Members will be aware that NYCC Highways had originally required the submission of amended plans to show controlled vision splays at the point of the temporary construction access of 2.4 metres by 160 metres in each direction. This is estimated to require the removal of approximately 174 metres of hedgerow adjacent to the highway.

Whilst amended plans have been received which show this amendment to satisfy the local Highway Authority, the removal of the existing hedgerow as set out as shown is clearly regrettable.

During the Committee Site Inspection held on 6 July 2015, it became apparent that the construction period was a relatively short period of time, and alternative access solutions were considered, including manned traffic management solutions, in order to retain much of the hedgerow that was previously required by NYCC Highways to be removed.

Discussions are ongoing with NYCC Highways and the applicant's agent in an attempt to achieve an acceptable traffic management solution and Members will be updated in the Late Pages or at the meeting.

There is no objection from the Public Rights of Way Officer as the proposal does not obstruct the PROW which runs further to the south of the site.

Residential Amenity

The site is located in open countryside between Sheriff Hutton and Farlington. There are, however, isolated farms and residential properties in the vicinity of the application site and a noise report was submitted with the application which has been considered by the Council's Environmental Health Officer.

The EHO has made the following observations:-

" I have examined the noise report for this development, which was done in accordance with the relevant standards as discussed with the consultants prior to the survey being carried out.

My main concerns relating to this development relate to the potential from noise from the transformers and associated infrastructure, and noise from the construction phase on site and on the local highway network. I am also concerned about light pollution and the potential for artificial light to impact on residents.

The noise survey addresses the impact from the fixed permanent equipment, but not the construction phase which I feel can be best dealt with by hours of operation restriction and a noise management plan(which could for example describe the routes into and out of the site, the size, type or frequency of vehicles, rules for subcontractors, communication systems for complaints etc).

With regard to the noise survey, the areas around the site have very low existing ambient and background levels, both during the day and at night time, and although there are existing transformers South East of the site, the overall levels still remain very low. The report recognises that transformers emit a tonal noise, and the calculation of the impact from this site recognises this in accordance with BS4142 2014 by adding a correction factor to the predicted levels. Even with this correction factor the noise rating levels both during the daytime and night-time (when the solar farm will rarely have an impact except early mornings in summer) are between 7dB below the background and 1 dB above the background. Accordingly I agree that no further mitigation measures are needed, provided the information provided by the client to the noise consultant, detailed in the noise report, are accurate.

In conclusion I would suggest that a construction management plan be required by condition should be submitted to and approved in writing by the LPA prior to commencement of site construction works. This should amongst other measures limit the movement of delivery vehicles and machinery on site to the hours of 07:00-18:00 Monday to Friday, 08:00-13:00 Saturdays and not at all Sundays and Bank holidays.

In the same way a decommissioning plan shall be submitted prior to decommissioning work on site.

A condition requiring the production of a lighting scheme to be approved in writing by the LPA should also be added".

Glint and Glare

A Glint Assessment submitted principally concentrated on glint, as glare is considered to be less intense than glint. The purpose of which was to identify the receptors within the vicinity and the potential threat to the aircraft security. The receptors in this instance are residential properties. Following the reduction of angle of the solar panels from 20 degrees to 25 degrees, light source were requested to revise the Glint and Glare report to take this into account. The conclusion of the report is that whilst the computer modelling system identifies a number of receptors which may experience glint this would be of low intensity and limited time frame and that the proposed solar development would have little substantial negative effect. Any glint experienced is likely to be further mitigated by the proposed screening.

The report also concludes that the development would have no significant adverse effects on aircraft operating (Linton on Ouse, Military Aerodrome) in the vicinity of the proposed solar farm. The Ministry of Defence has no safeguarding objections to the proposed development.

Biodiversity

Policy SP14 (Biodiversity) requires new development to provide a net gain in biodiversity as well as encouraging developers to use native and locally characteristic species within landscaping schemes. The application site is arable, with mature hedgerows predominately within the west and south west boundaries. The proposed development is proposing, through the management plan to;

- Create species rich grassland in place of the existing arable habitat.
- Improvement of the existing hedgerow habitat by 'gapping up' and the further extension of the hedgerow to enhance connectivity for a range of fauna, including breeding and foraging bats
- Establishments of new species rich hedgerow with mature trees along the western boundaries
- Establishments of woodland blocks to create screening for nearby properties and the road

- Establishment of suitable cutting and grazing regimes to maximise ecological value of the grassland and hedgerows on site

The Council's Countryside Officer has considered the information put forwards within the Ecological Appraisal (Wardell Armstrong 2015) for this application has found that there will be no significant impact to ecological receptors and that the enhancement proposals to revert the arable land under the panels to wildflower grassland may increase the biodiversity value of the area. He therefore raises no objection to the proposed development subject to the recommended conditions relating to Compliance with detailed biodiversity method statements. Strategies, plans and schemes - Condition All ecological measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Management Plan for Mill Hill Solar Farm (Wardell Armstrong 2015) and section 4 of the Preliminary Ecological Appraisal (Wardell Armstrong 2015)

It has been reported that a number of newts have been found locally. Further information has been received which is currently being considered by the Council's Countryside Management Officer.

Other

Flood Risk

A Flood Risk Assessment has been submitted as the application is a 'Major' proposal. The entirety of the site lies within Flood Zone 1. The FRA concludes that there is no significant risk of flash flooding and that any limited additional run-off from the development will not increase the likelihood of flooding elsewhere. The Environment Agency has raised no objection to the proposal.

Other Issues

Whilst not a planning policy as with the NPPF and NPPG, The Low Carbon and Renewable Energy Capacity and Yorkshire & Humber (Aecom & Local Government & Yorkshire & Humber) March 2011 is a material planning consideration. The study identified that the Vale of York is an area where there is the potential to gather 10MW of renewable energy in Ryedale, the proposed development is proposed to generate 5 MW. The report outlines that the economically viable capacity for solar PV in the region is around 235MW, equivalent to around 206GWh annual energy generation, or the energy use of 13,700 homes.

Relevant Consultees Responses

Sheriff Hutton Parish Council had originally objected to the proposed development following a majority vote. They considered the key objections to be against:

- The height of the Solar Panels
- Concerns over the screening and the length of time the screening would need to develop.
- Loss of a field from the food chain,
- Visible impact on the village
- Dangerous precedence
- Letter of objection from Farlington Parish.

However following the re consultation of the revised/ additional information the Parish Council has withdrawn their objection. They therefore raise no objection to the proposed development.

At the time of writing 87 letters of objection had been received. A number of material planning considerations had been raised, of which are listed below, a full consideration of the issues raised has been done within the contents of the above report;

- Destroy character of Cornborough Road
- Historical significance of the field and surrounding area and the relationship with a Grade Two Listed Building.
- Detriment to the visual amenity of the area and the 'Gateway to Ryedale' and would fail to assimilate with the landscape and therefore be contrary to the Ryedale's Policy

- Impossible to screen from the AONB
- Length of time screening would take to mature and impact of winter months, would only be effective at 5.2 metres high
- Animals stressed by the noise of the solar panels
- Unsuitable access
- Noise from the proposed substation and other associated infrastructure
- Visual impact of the proposed high fence.
- The Government's desire to see solar on existing buildings and brown field sites
- Site adjacent to the Public Right of Way
- Scale of the development including the proposed height, whilst the development would only cover 25% of the field visually this would equate to 80%
- The topography of the land in the centre of the field would make it visually more prominent
- Destroy habitat
- Construction traffic
- Goes against Localism
- Proximity to substation
- Drainage of the site isn't sufficient
- Visible from the Vale of York
- Inadequate public consultation
- Unsatisfactory assessment of the Heritage Assets
- Potential 'glint' on nearby residents
- Impact of the construction and decommissioning on neighbours
- Contrary to Government Policy and Guidelines
- Loss of tourism

However a number of the letters contained inaccuracies or have raised non material planning considerations:

- The solar panels would scare young horses as they pass the site
- Destroy the Green Belt
- Loss of a view nearby properties.
- The land is of higher classification than what has been stated within Soils and Agricultural Land Classification
- Land isn't flat a requirement of this nature of development.
- Set a precedent
- Cables would run under the footpath
- No environmental survey
- Application submitted prior to the PC Meeting
- The press says there are no grants for solar farms on agricultural land.
- Within the AONB boundary
- No compensation offered to adjacent residents.
- Impact on house values
- Technology is embryonic
- Construction traffic may cause damage to pipes under the highway which runs west of the application site.
- Area has a history of lightning strikes
- North Yorkshire County Council Archaeologists object to the application- Officers would like it to be noted that this is not factually correct they requested additional surveys prior to the determination of the application.

Campaign to Protect Rural England and the Richard III Society have written in objection to the proposed development, the issues they have raised have been covered in the report above.

At the time of writing approximately 72 letters of support have been received. A number of material planning considerations had been raised, of which are listed below, a full consideration of the issues raised has been done within the contents of the above report;

- A positive form of farm diversification and complements existing farm stewardship
- The orientation of the solar panels in relation to Cornborough would mitigate the impact
- Visually the impact would be no more intrusive than large agricultural buildings covered in white sheeting
- A renewable energy source, which has the capacity to power 1300 homes without the reliance of fossil fuels
- Screening and siting would have ensure the development would have a minimal visual impact and would mirror that of Cornborough Hall
- Low grade agricultural land
- Spaces between panels would enable the site to be grazed, maintaining it within use for the purpose of food production
- No impact on neighbours except during construction phase.
- Once constructed would involve little in the way of highway movements
- No harm to agricultural land
- Non permanent
- Enhancement of existing habitats
- Non polluting of water source
- Will not have a significant impact on the AONB
- Topography of the land would mean the site would almost be invisible
- Screening would mean that the development would have a minimal impact on the footpath.
- Positive community engagement
- Would be an example of sympathetic renewable energy (not a blot)
- Limited places were this nature of development would be suited
- Would not impact on residents of Sheriff Hutton
- Wont impact on Tourism

However a number of the letters contained inaccuracies or have raised non material planning considerations;

- Benefits for education of school children
- Height means easy to maintain
- Less of an impact than fracking or wind turbines
- Better promotion of the use of solar panels on buildings
- More beneficial to soil than crops
- Ideal siting next to substation
- Benefits outweigh harm
- First of a kind in the area
- Other countries have solar farms which are a massive success
- Give the community a sense of pride

In addition 110 letters of support have been received; these letters have the same format and have been considered as a form of petition.

Any further 3rd party comments received will be summarised on the Late Pages or reported to Committee.

Ryedale Ramblers neither supports nor objects to the proposal.

In light of the above assessment the proposed development is recommended for approval.

Officers consider that the planning balance weighs in favour of the grant of permission for this renewable energy proposal subject to the detailed resolution of NYCC's requirements for the proposed temporary construction access. It is anticipated that the details of this will be resolved before Committee and subject to this approval is recommended.

RECOMMENDATION:

Approval

Conditions under preparation