



Report Reference Number: 2021/0788/EIA

To: Planning Committee
Date: 6 July 2022
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APPLICATION NUMBER:	2021/0788/EIA	PARISH:	Camblesforth Parish Council
APPLICANT:	Camblesforth Solar Farm Limited c/o Lanpro Services	VALID DATE: EXPIRY DATE:	30th June 2021 13 th July 2022
PROPOSAL:	Development of a ground-mounted solar farm including associated infrastructure		
LOCATION:	Land North and South of Camela Lane Camblesforth Selby North Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee in accordance with 3.8.9(b)(i) as it has been accompanied by an Environmental Impact Statement.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises approximately 113 hectares of undeveloped agricultural land to the north and south of Camela Lane, to the north of the village of Camblesforth.
- 1.2 To the north of the application site are undeveloped agricultural fields and woodland belts; beyond which is the village of Barlow and the Skylark Centre and Nature Reserve. To the east of the application site are undeveloped agricultural fields, the P3P Food Technology site, and the Drax Power Station site; beyond which is Drax

village. To the south of the application site are undeveloped agricultural fields; beyond which is the A1041 and the village of Camblesforth. To the west of the application site is Barlow Road; beyond which are undeveloped agricultural fields, woodland belts and the Barlow Common Nature Reserve.

- 1.3 Camela Lane runs through the middle of the application site, along which there are a number of isolated residential properties which lie adjacent to or within close proximity to the site. Furthermore, there is an isolated residential property adjacent to the site towards its western end, which fronts onto the A1041, east of its junction with Barlow Road.
- 1.4 There is a public right of way which runs north-south through the application site (reference 35.17/3/1) linking Camela Lane to the village of Camblesforth and the A1041 where it joins to public right of way references 35.17/2/1, 35.17/2/2, 35.17/2/3 and 35.17/11/1 to the south of the application site.

The Proposal

- 1.5 The application seeks full planning permission for the development of a ground mounted solar farm, including associated infrastructure.
- 1.6 It should be noted that the scheme has been amended throughout the application process in response to comments from consultees, including the Landscape Architect, County Ecologist, County Archaeologist and Highway Authority.
- 1.7 The scheme comprises the following elements, as identified on the proposed site layout plan (drawing no. v.2):

Solar Panels

The solar panels would be constructed of Bifacial Monocrystalline mounted on a metal tracking system aligned in north-south rows with panels rotating east-west (+/- 120°). The central axis would be approximately 2.5 metres above ground floor level and each panel when rotated to the maximum angle would reach approximately 4.3 metres above ground floor level. The rows would be located approximately 7 metres apart when panels are positioned horizontally.

The mounting structure for the panels would be a metal frame securely fixed to the ground. The mounting posts would be pile-driven approximately 1.5 metres into the ground for support, dependent on ground conditions, and would be retrieved using similar hydraulic equipment when the solar farm is decommissioned.

It should be noted that an archaeological protection plan has been submitted which shows an archaeological protection area towards the eastern end of the site. In this area surface mounting of arrays is proposed (i.e., using feet rather than piling) in order to protect below ground archaeological features.

Conversion Units

The conversion units are cabinets which would measure approximately 3 metres wide by 6.7 metres long and would have a maximum height of 2.9 metres. The conversion units would be of metal panel construction and would sit upon a concrete base. The conversion units would accommodate the inverters, transformer and associated equipment to convert DC energy produced by the arrays, into AC

energy required by the national grid. There are 13 conversion units proposed within the site, which are interspersed throughout the solar panels, located adjacent to the access tracks that run across the application site.

Substation Area

A new substation area is proposed to be located to the south-east end of the site. The substation would have a maximum height of approximately 3.8 metres above ground floor level and would be located within a compound measuring 25 metres wide by 50 metres long. The compound would be surrounded by a 2.4-metre-high galvanised security palisade fence.

To the west of the compound would be a control room which would measure 5.6 metres wide by 7 metres long and would have a flat roof to a maximum height of approximately 3.9 metres above ground floor level.

To the north of the control room, a communications tower is shown to be located. The applicant has advised that there could be a requirement for this to be a height of either 15 metres above ground floor level or 25 metres above ground floor level and both of these options have been shown on the submitted plans for consideration. Alternatively, the applicant has advised that this connection may be able to be underground, depending on the requirements at the time, which would remove the need for the communications tower altogether.

Battery Storage Area

A battery storage area is proposed to be located to the north-east end of the site. A layout plan has been submitted which demonstrates that this area would comprise 7 battery storage containers, each measuring approximately 12.2 metres in length by 3.4 metres in width, by 2.9 metres in height. The layout plan also demonstrates that this area would comprise three conversion units, each measuring approximately 12.2 metres in length by 3.4 metres in width. No elevations of the conversion units have been provided at this stage and therefore the height of these is unknown, but typically these would be expected to have a height no higher than 3 metres. These conversion units would be separate from those mentioned earlier in this section of the report. An acoustic barrier is proposed to the south and west side of the battery storage area, as shown on the Proposed Battery Energy Storage System Layout (drawing no. 9). As detailed in the 'Noise Comments Response (reference 784-B024091) dated 05 October 2021 the acoustic fence would be 3 metres in height and be of close boarded construction, with no gaps and a minimum mass per square metre of 10 Kg/m².

Grid Connection

The cable route would run from the new substation to the south-east of the site, north along the eastern field boundary, east across P3P land adjacent to the Drax Power Station site and south alongside the P3P Food Technology site to connect to the existing electricity distribution site situated adjacent to the A645 and railway line.

CCTV Cameras

The installation of CCTV cameras is required on site for security/insurance purposes. The proposed CCTV cameras would be able to detect movement and would have night vision capability in accordance with insurer's requirements;

therefore, no lighting would be required in conjunction with the CCTV cameras. The CCTV camera poles would be interspersed throughout the site and would have a maximum height of 2.5 metres above ground floor level, constructed in galvanised steel painted green.

Perimeter Fencing

The site would be surrounded by 2-metre-high deer fencing. This would be constructed using wooden posts and wire mesh.

- 1.8 Two existing farm accesses from the A1041 and Camela Lane would be retained and upgraded as part of the proposals and two new access points from Camela Lane would be introduced (one to the north and one to the south, which would only allow vehicles to cross Camela Lane and are not intended as primary accesses which would route vehicles onto Camela Lane and the wider highway network). Access tracks run through the site and would be constructed from porous materials.
- 1.9 The main traffic generation would be during the construction period, which would be 6-9 months, and would be via the retained and upgraded farm access from the A1041. Once construction is complete, this access would be used for operational access for maintenance vehicles. A parking, turning and manoeuvring area would be provided within the site to enable vehicles to enter and exit the site in a forward gear. Once operational, traffic movements associated with the proposed development would be minimal, with only occasional maintenance access required. The next major use of the access from the A1041 would be when the proposed development is decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use.
- 1.10 The proposed development includes a landscape strategy, as shown on drawing no. 2318001 Rev P03, which includes the following elements:
 - New improved grassland beneath the solar panels;
 - Gapping up of existing hedgerows within the site;
 - Provision of three new native hedgerows within the site - triple staggered;
 - Provision of new native woodland belts and blocks ranging from 10 metres wide to 35 metres wide;
 - Provision of a new native woodland block to the centre of the site to break up the solar panel arrays and enhance green infrastructure, with the inclusion of a nature walk;
 - Provision of a new wildflower meadow strip between the existing public footpath which crosses the site and the new woodland block to the centre of the site;
 - Provision of a permissive footpath, which would run along the south side of Camela Lane and join up with the existing public footpath which crosses the site.
- 1.11 The proposed development has an anticipated capacity of 50MW. For every 5MW installed, a solar farm will power approximately 1,500 homes annually (based on an average annual consumption of 3,300 kWh of electricity for a house) and save 2,150 tonnes of CO₂. Thus, on the basis of an anticipated capacity of 50MW, the proposed development would power approximately 15,000 homes annually and save 21,500 tonnes of CO₂.

- 1.12 The proposed development has an anticipated lifespan of 40 years. At the end of the 40-year period, the proposed development would be decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use.

Relevant Planning History

- 1.13 The following historical application is considered to be relevant to the determination of this application.
- 2020/0784/SCN - EIA screening request for a proposed development of a ground mounted solar farm and associated infrastructure – EIA Required – Decision Date 20-AUG-2020.

2. CONSULTATION AND PUBLICITY

2.1 Camblesforth Parish Council

Support the application. The Parish Council are generally supportive of alternative forms of green/renewable sources of energy and as such is supportive of this application subject to assurances given to the Parish Council by the developer, specifically:

- Minimising disruption on the village during construction.
- Introduction of green projects (new woodland, wildlife friendly areas)
- Traffic management and vehicular accesses
- Developer supporting grant applications for projects within the village to benefit residents.

2.2 **Drax Parish Council** - No response.

2.3 **Long Drax Parish Council** - No response.

2.4 **Barlow Parish Council** - No response.

2.5 Landscape Consultant

An initial response dated 28 February 2022 raised a number of concerns relating to: (1) cumulative landscape and visual effects; (2) likely significant landscape and visual effects in the local area; (3) lack of stand-off, screening and mitigation proportionate to the scale of the development, particularly for the first 10-15 years); wider landscape strategy and connectivity; and long-term maintenance and management. A meeting was recommended to discuss scheme options and provide further clarification.

Following meetings held on the 21st March and 4th April 2022 to discuss landscape and visual matters and a way forward for the cumulative assessment, the following comments can be made:

- Improved screening to key locations and solar panels set back from visible roadsides to help reduce visibility supported.
- The Landscape Visual Impact Assessment (LIVA) has identified a number of Major and Moderate adverse effects. Suggested some additional changes where this is likely to improve local setting and visual screening from

identified receptors, particularly Camblesforth village, Low Farm, Camela House, Camela Bungalow, local roads and PROWs.

- Mitigation through screen planting will take time to become established (at least 10 to 15 years for effective year-round screening), during which time some adverse effects are likely to remain affecting local amenity, character and setting around Camblesforth village.
- The Applicant might consider how short-term effects could be mitigated by offsetting or compensation through a landscape / environment fund which could be administered by a local community group over the next 10 years.
- The LVIA should be updated to reflect adjustments to the Landscape Strategy.
- As previously stated, there is potential for cumulative landscape and visual effects, particularly because there are a number of current major planning applications in the local area around Drax Power Station. Landscape mitigation and green infrastructure should be robust enough to accommodate these cumulative changes.

Notwithstanding the above comments, should the scheme be approved the following are recommended to be secured through suitably worded conditions:

- Detailed landscaping scheme. Soft landscape works to be implemented in the first available planting season, with a minimum 5-year replacement defects period.
- Detailed long-term maintenance and management plan (combined landscape/biodiversity, secured for the life of the scheme).
- Restoration at the end of the life of the scheme, to return the site to its former use.
- Agricultural land to be restored to at least the existing ALC, as a minimum standard.
- Details of colour for boundary treatments/battery storage/ancillary equipment; to reduce adverse visual effects.
- Arboricultural method statement, tree survey and tree protection plan to BS5837:2012; Existing trees and hedgerows to be protected and retained (pre-commencement condition).
- Details of permissive footpaths, access control, signage/waymarking.
- Community landscape environment fund.

Following additional information submitted on 29 April 2022, the following comments can be made:

- The Landscape Strategy and Revised Landscape Strategy Plan provide further improvement and mitigation which are welcomed and supported.
- A number of major, major/moderate and moderate adverse effects remain, particularly in the short term until screen planting has established and become effective. Mitigation through screen planting will take 10-15 years for effective year-round screening.
- Would recommend consideration over whether short term landscape and visual effects could be mitigated by offsetting or compensation through a landscape/environmental fund which could be administered by a local community group over the next 10 years.
- The Outline Landscape Management Plan does not sufficiently carry forward key principles set out in the Landscape Strategy. This should not be approved and should be conditioned.

- There is potential for cumulative adverse landscape and visual effects. However, the revised proposed landscape mitigation is robust enough to accommodate these cumulative changes in the long term provided a long-term landscape maintenance and management plan is secured for the lifetime of the development together with reasonable measures for restoration of the site at the end of the lifetime of the development.
- Should the scheme be approved the previously recommended conditions remain relevant.

2.6 Conservation Officer

The application site is located to the north of Camblesforth Hall, which is a Grade I Listed Building of high significance. The application site forms part of the wider agricultural setting of the listed building and contributes to its significance. The development will change the setting of the listed building by changing the appearance of the land to the north. Although the development will not affect the historic fabric of the listed building, the setting still positively contributes to its significance and by changing it from arable land to a solar farm will cause some harm.

In accordance with the NPPF, less than substantial harm must be outweighed by public benefit. The erection of solar panels is a huge public benefit as it provides clean energy. Although there will be less than substantial harm caused to the Grade I listed building through development within its setting, this harm is reduced through mitigation measures. It is important to note that the harm will never be fully removed, there will always be harm caused to the significance by changing its setting. However, substantial public benefits such are considered to outweigh the harm.

2.7 **Historic England** - No comment.

2.8 County Archaeologist

No objections, subject to compliance with archaeological protection plan.

2.9 Environmental Health

No objections, subject to the provision of the acoustic barrier within the battery storage area.

2.10 NYCC Highways

The visibility splays onto the A1041 can achieve the recommended 2.4 metres x 215 metres. There will be approximately 2,000 two-way trips from the site by HGVs in order to construct the solar panels. They have estimated that this would equate to 5 vehicles a day, so 10 two-way vehicle movements will take place a day for between 6 – 9 months. It is considered that the highway network would be able to cope with the volumes proposed.

After construction is complete the access onto the A1041 is to remain in place. Maintenance vehicles will be able to use this access, along with access 4 on Camela Lane (an existing farm access which will need upgrading to NYCC's specification). Maintenance will be very limited so only a few times a year and by

transit van type vehicles. The next major use of the access on the A1041 will be in approximately 20 years when the solar panels will be decommissioned.

The access would be widened to 6 metres, with 12 metres radius kerbs to allow for 2 HGVs to pass simultaneously. The applicant also plans to plant a 10 metres wide woodland/hedge along the A1041 boundary of the site. Any planting on the site boundary should be a minimum of 2 metres from the edge of the carriageway.

Once in the site the applicant proposes to provide appropriate turning space so that vehicles leave in a forward gear. Plans of the proposed on-site turning have not been provided and it is therefore recommended that this is conditioned.

The site is split by Camela Lane, and the applicant proposes to create 2 additional accesses onto Camela Lane, that will only allow vehicles to cross Camela Lane, they are not intended as primary accesses which would route vehicles onto Camela Lane and the wider highway network. A traffic count has been carried out and the proposed visibility splays of 2.4 metres x 59 metres on Camela Lane are acceptable. To ensure the highway at Camela Lane is protected it is recommended that the route to site is conditioned.

Therefore, no objections, subject to conditions relating to: (1) new and altered private access or verge crossing at the A1041 and Camela Lane; (2) visibility Splays at the A1041 and Camela Lane Accesses; (3) delivery of off-site highway works; (4) access, turning and parking areas; (5) construction management plan.

2.11 The Environment Agency (Liaison Officer)

Provided the proposed development is built in accordance with the submitted Flood Risk Assessment by Delta-Simons Project, reference number 20-0751.02, dated June 2021, issue number 5, no objections are raised.

2.12 SuDS and Development Control Officer

Overall, the submitted documents demonstrate a reasonable approach to the management of surface water on the site. It is suggested that the following condition is applied to any planning permission granted: To mitigate soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed, or similar to restore it to a pre-construction condition immediately post construction. Furthermore, during the first few year's frequent inspections of the planting and soil must be carried out to ensure adequate growth and any compaction or channelization is addressed. Any remedial work should occur as soon as possible.

2.13 Yorkshire Water

No objections, subject to conditions relating to: (1) protection of public water supply infrastructure; and (2) outfall for surface water.

2.14 Selby Area Internal Drainage Board

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for

soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

2.15 County Ecologist

Ecological Impact Assessment - No objections, subject to conditions relating to: (1) a construction management plan; and (2) and ecological management plan). Please note that in terms of mitigation for farmland birds, the provision of boxes for generalist hole nesting birds (e.g., ones with 28mm entrance holes) is not considered to be acceptable.

Biodiversity Net Gain (BNG) – The proposed development provides substantial net gains for all habitat categories (area-based, hedgerow and flowing water) with all far exceeding the 10% target.

2.16 Yorkshire Wildlife Trust

Initial response dated 28 July 2021 objected to the proposed development based on the level of survey work undertaken, impact assessment, proposed mitigation and level of biodiversity net gain. No further response has been provided following the submission of further information to address the above points.

2.17 North Yorkshire Bat Group - No response.

2.18 Natural England

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process.

2.19 Contaminated Land Consultant

No objections, subject to conditions relating to (1) investigation of land contamination; (2) submission of a remediation strategy, where necessary; (3) verification of remedial works, where necessary; and (4) reporting of unexpected contamination.

2.20 **Public Rights of Way Officer**

There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary. If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order. It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction. If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

2.21 **Designing Out Crime Officer**

It is noted that CCTV is proposed to cover the site. This is considered to be important as there have been thefts of cable from similar sites in North Yorkshire. No other comments.

2.22 **North Yorkshire Fire and Rescue Service** – No objection/observation.

2.23 **North Yorkshire County Council (CPO)** - No response.

2.24 **Leeds East Airport (Makin Enterprises)** - No response.

2.25 **Robin Hood Airport, Doncaster Sheffield** – No objections.

2.26 **Leeds Bradford International Airport** – No response.

2.27 **Burn Gliding Club Ltd** - No response.

2.28 **Sherburn in Elmet Aeroclub** - No response.

2.29 **Network Rail**

No objections. However, we would advise that the railway loop to the east of the proposed site is not owned by Network Rail, this relates to Drax Power Station who should also be consulted in respect of this application.

2.30 **Drax Power Station** – No response.

2.31 **National Grid** – No objections.

2.32 **Northern Powergrid** – No objections.

2.33 **Ministry of Defence (Land and Properties)** - No response.

2.34 **Waste and Recycling Officer** - No response.

2.35 **Planning Casework Unit** - No response.

2.36 **Stephanie Porter Vale of York CCG** – No response.

2.37 **Publicity**

The application has been publicised by site notices and a press notice. Two letters of representation have been received as a result of this publicity of the application. One objects to the proposed development due to the visual impact and traffic and noise disturbance during construction. One sets out that they are in favour of green energy if the project is managed correctly, but goes on to raise the following concerns in respect of the proposed development:

- Impact of the proposed development on the local highway network and highway safety;
- Whether the developer will provide funding to Camblesforth Parish Council in support of on-going projects;
- Whether the proposed development will support growing crops as well as supporting wildlife;
- Impact on proposed development on drainage and flooding;
- Impact of the proposed development on public rights of way
- Whether any security measures are to be put in place at the site to discourage vandalism and theft.

3. **SITE CONSTRAINTS**

3.1 The application site is located outside the defined developments of any settlements and is therefore located within the open countryside in planning policy terms.

3.2 The majority of the application site is located within Flood Zone 3a, which has been assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year; however, the site does benefit from flood defences.

3.3 The land within the application site is classified as being Grade 3 (Good to Moderate) in accordance with the Natural England Agricultural Land Classification. However, an Agricultural Land Quality Survey has been undertaken, which sets out that the agricultural quality of the land is primarily determined by either droughtiness or wetness and the land is a combination of Grade 1, 2, Subgrade 3a and Subgrade 3b.

3.4 There is a public right of way which runs north-south through the application site (reference 35.17/3/1) linking Camela Lane to the village of Camblesforth and the A1041 where it joins to public right of way references 35.17/2/1, 35.17/2/2, 35.17/2/3 and 35.17/11/1 to the south of the application site.

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "...if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State, and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP12 – Access to Services, Community Facilities and Infrastructure
 - SP13 – Scale and Distribution of Economic Growth
 - SP15 – Sustainable Development and Climate Change
 - SP17 – Low Carbon and Renewable Energy
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV3 – Light Pollution
- ENV9 – Sites of Importance for Nature Conservation
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- T8 – Public Rights of Way

National Policy and Guidance

4.8 The relevant National Planning Policy Framework chapters are:

- 2 – Achieving sustainable development
- 4 – Decision Making
- 8 – Promoting healthy and safe communities
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historical environment

4.9 The National Planning Policy Framework is supportive low carbon and renewable energy proposals in principle. Paragraph 152 of the NPPF states:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Furthermore, paragraph 158 of the NPPF states:

“When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.”

4.10 Planning Practice Guidance is equally as supportive of low carbon and renewable energy proposals in principle and states:

“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”.

4.11 In relation to large scale ground-mounted solar photovoltaic farms, the Planning Practice Guidance advises as follows:

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

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 on 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 (see guidance on landscape assessment) 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.*

The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

4.12 The Government recognises that climate change is happening as a result of increased greenhouse gas emissions, and that action is required to mitigate its effects. One action being promoted is a significant boost to the deployment of renewable energy generation. The Climate Change Act 2008, as amended sets a

legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035. The Clean Growth Strategy 2017 anticipates that the 2050, targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.

- 4.13 National Policy Statements (NPSs) for the delivery of major energy infrastructure are a material planning consideration. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not specifically refer to solar generated power they reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and EN-3 identify that, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low cost and secure source of electricity.
- 4.14 The December 2020 Energy White Paper (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under 'Key Policies' it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

5. APPRAISAL

- 5.1 An application for a screening opinion in relation to the proposed development was submitted to the Local Planning Authority on 23 July 2020 and a decision issued on 20 August 2020.
- 5.2 The Local Planning Authority determined that the proposed development fell within Column 1, 3(a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceeded the applicable threshold for this type of development as set out in Column 2 being in excess of 0.5 hectares.
- 5.3 The Local Planning Authority, taking account of the criteria set out in Schedule 3 of the Regulations, considered the indicative screening thresholds in National Planning Practice Guidance (NPPG), and applied the screening checklist, also contained in NPPG. Having considered the characteristics and location of the proposed development, the Local Planning Authority considered that the proposed development would lead to effects on a number of aspects of the environment, but due to the nature of solar developments, most effects would be unlikely to be significant. However, in light of the information available in the Screening Report and following consultation with relevant consultees, the Local Planning Authority considered that significant effects would be likely in relation to landscape character and visual amenity. In addition, significant cumulative landscape and visual effects were considered likely.
- 5.4 It was on this basis that the Local Planning Authority considered the proposed development constituted Environmental Impact Assessment (EIA) development and that an Environmental Statement would be required to accompany any future planning application.

- 5.5 A subsequent application for a scoping opinion in relation to the proposed development was not submitted.
- 5.6 This planning application has been accompanied by an Environmental Statement (ES). The ES has been reviewed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has been found to be satisfactory in terms of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. None of the statutory or other consultees has suggested that the ES is in any way inadequate.
- 5.7 The main issues to be taken into account when assessing this application are:
- The Principle of the Development
 - Agricultural Land Assessment
 - Landscape and Visual Impact
 - Impact on Heritage Assets
 - Ecological Considerations
 - Impact on Highway Safety
 - Impact on Public Rights of Way
 - Impact on Residential Amenity
 - Flood Risk and Drainage
 - Other Issues

The Principle of the Development

- 5.8 Policy SP1 of the Core Strategy outlines that *"...when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework..."* and sets out how this will be undertaken.
- 5.9 Policy SP2 of the Core Strategy outlines the Council's spatial development strategy. Specifically, SP2A (c) relates to development located within the open countryside and states:
- "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."*
- 5.10 Although Policy SP2 would on the face of it preclude development of this nature in the countryside outside development limits, because the policy does not contemplate it specifically, the Development Plan is to be read as a whole and Policy SP17 of the Core Strategy not only contemplates renewable energy projects but, subject to the satisfaction of criteria, positively encourages them in pursuit of wider objectives.
- 5.11 Policy SP17C of the Core Strategy specifically relates to 'Low Carbon and Renewable Energy' and states:

“All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria:

- i. are designed and located to protect the environment and local amenity or;*
- ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and*
- iii. impacts on local communities are minimised”.*

Policies SP18 and SP19 of the Core Strategy, together with Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

- 5.12 Policy SP13 of the Core Strategy relates to ‘Scale and Distribution of Economic Growth’. Part C specifically relates to the rural economy and states:

“In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example: 1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings; 2. The redevelopment of existing and former employment sites and commercial premises; 3. The diversification of agriculture and other land based rural businesses; 4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development; and 5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.”

This accords with paragraph 84 of the NPPF which supports a prosperous rural economy through, amongst other things, the diversification of agricultural businesses. Whilst not specifically the diversification of agriculture, as the proposed development would be separate from the running of the farm holding(s) on which it would be sited, the proposed development would indirectly contribute to the vitality of the rural economy by provision a stable, long-term income for the farm holding(s) on which it would be sited. Furthermore, it should be noted that it is common practice to use sheep to graze the grassland under the panels, such that the land would remain in some form of agricultural use – the applicant has advised that this would be subject to subsequent interest and agreement with local sheep farmers.

- 5.13 Turning to National Policy and Guidance, as set out from paragraph 4.9 of this report, the National Planning Policy Framework and Planning Practice Guidance, amongst other National Policy and Guidance documents, are supportive low carbon and renewable energy proposals in principle, subject to consideration of local environmental impacts.

- 5.14 Therefore, while national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the local environmental impacts of the proposals need to be given full and careful consideration. The impacts of the proposal will be discussed in more detail below.

Agricultural Land Assessment

- 5.15 Policy SP18 of the Core Strategy relates to ‘Protecting and Enhancing the Environment’ and states:

“The high quality and local distinctiveness of the natural and man-made environment will be sustained by... [amongst other things] ...steering development to areas of least environmental land agricultural quality.”

This accords with paragraph 174 of the NPPF which requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems services, including the economic and other benefits of the best most versatile agricultural land.

- 5.16 The application site comprises approximately 113 hectares of undeveloped agricultural land.
- 5.17 The land within the application site is classified as being Grade 3 (Good to Moderate) in accordance with the Natural England Agricultural Land Classification, which unfortunately does not subdivide Grade 3 into Grade 3a (Best Most Versatile (BMV)) and Grade 3b (not BMV).
- 5.18 The application has been supported by an Agricultural Land Quality Survey (reference 1625/3), dated 28 April 2021, prepared by Land Research Associates Limited. The report notes that Natural England’s maps do not provide an accurate grading for a particular site and therefore it is reasonable and necessary to carry out an agricultural land classification survey for a particular site, which may provide a different result. The survey results in this instance have determined that the land comprises three main soil types: coarse loamy soils, sandy soils, and heavy slowly permeable soils. The agricultural quality of the land is primarily determined by either droughtiness or wetness and the land is a combination of grade 1, 2, subgrade 3a and subgrade 3b.
- 5.19 Grade 1 land makes up a small area in the centre of the site where deep sandy loams occur (1% of the total site area, 0.9 hectares). Grade 2 land occurs across large areas of the site where coarse loamy soils are found (27% of the total site area, 30.5 hectares). This land is considered to be limited by slight droughtiness restrictions - the loamy sand subsoils store below optimum moisture for crop uptake in dry summers. Subgrade 3a land is made up of sandy soils with droughtiness restrictions. The sand subsoils hold insufficient moisture reserves for optimal crop growth, likely to reduce average yields in most years. Also included in this subgrade is medium loamy soils with slowly permeable clay at depth - the combination of impeded drainage and moderate topsoil clay content means machinery access for cultivation is restricted in winter and early spring, although autumn and late spring sowings are usually possible. Subgrade 3a land makes up 18% of the total site area, 20.7 hectares. Subgrade 3b land comprises heavy slowly permeable soils. The combination of high topsoil clay content and impeded subsoil drainage means land access with machinery is not possible in winter and spring and arable cropping is limited to autumn-sown combinable crops. Subgrade 3b land makes 47% of the total site area, 53.2 hectares. The remainder of the site (7% of the total site area) is classed as non-agricultural for the purposes of agricultural land classification.
- 5.20 Having regard to the above, approximately 46% of the total site area comprises BMV land (albeit that the soils pose some constraints for arable farming as highlighted above); while approximately 54% of the total site area does not comprise BMV land.

- 5.21 The applicant highlights that the use of the land would be temporary – 40 years – after which the proposed development would decommission, and the infrastructure removed ready for the land to be restored to its former agricultural use. Furthermore, the applicant highlights that it is common practice to use sheep to graze the grassland under the panels, such that the land would remain in some form of agricultural use throughout the 40-year period of operation of the proposed development – this would be subject to subsequent interest and agreement with local sheep farmers.
- 5.22 The ‘loss’ of agricultural land, particularly the BMV agricultural land, for the lifespan of the development needs to be weighed in the planning balance against the benefits of the proposal.
- 5.23 It should be noted that Natural England have been consulted on the application but have not provided any specific comments. Generic advice on BMV agricultural land and soils is provided, which essentially directs the decision maker (the Local Planning Authority in this instance) to national planning policy contained within the NPPF.

Landscape and Visual Impact

- 5.24 Saved Policy ENV1 of the Selby District Local Plan requires development proposals to take account of (1) the effect upon the character of the area and (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping. Policy SP17(C) of the Core Strategy requires all renewable energy and low-carbon energy generation and supporting infrastructure to be designed and located to protect the environment and local amenity; or to demonstrate that the wider environmental, economic, and social benefits outweigh any harm caused to the environment and local amenity. Policy SP18 of the Core Strategy seeks to protect and enhance landscape character and setting of areas of acknowledged importance. Policy SP19 of the Core Strategy requires proposals for new development to contribute to enhancing community cohesion by achieving high quality design and having regard to local character, identity, and context of its surroundings. Specifically, Policy SP19 (e) of the Core Strategy requires new and existing landscaping to be incorporated as an integral part of the design of the schemes. Policy SP12 of the Core Strategy encourages opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure, in addition to the incorporation of other measures to mitigate or minimise the consequences of development. These local policies accord with paragraph 130 of the NPPF which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not discouraging appropriate innovation or change; and paragraph 174 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised.
- 5.25 The proposed development is as described from paragraph 1.5 of this report - ‘The Proposal’ - and as shown on the submitted drawings. The application has been supported by an Environmental Impact Statement dated June 2021, with a subsequent Addendum, dated April 2022. This includes a Landscape Visual Impact Assessment, a Landscape Strategy, and an Outline Landscape Management Plan.
- 5.26 Following an initial review of the proposals, the Council’s Landscape Architect raised some concerns relating to likely significant landscape and visual effects in

the local area; a lack of stand-off, screening and mitigation proportionate to the scale of the development (particularly for the first 10-15 years); wider landscape strategy and connectivity; and long-term maintenance and management. A meeting was recommended to discuss scheme options and provide further clarification.

5.27 Following meetings held on the 21st March and 4th April 2022 to discuss landscape and visual matters, the Council's Landscape Architect recommended improved screening to key locations and solar panels set back from visible roadsides to help reduce visibility; additional changes where this was likely to improve local setting and visual screening from identified receptors, particularly Camblesforth village, Low Farm, Camela House, Camela Bungalow, local roads and PROWs; and the LVIA to be updated to reflect adjustments to the Landscape Strategy.

5.28 The Addendum to the Environmental Impact Statement, dated April 2022, was subsequently submitted, which includes an updated Landscape Visual Impact Assessment, Landscape Strategy, and Outline Landscape Management Plan.

5.29 The proposed updated Landscape Strategy, as shown on drawing no. 2318001 Rev P03, includes the following elements:

- New improved grassland beneath the solar panels;
- Gapping up of existing hedgerows within the site;
- Provision of three new native hedgerows within the site - triple staggered;
- Provision of new native woodland belts and blocks ranging from 10 metres wide to 35 metres wide;
- Provision of a new native woodland block to the centre of the site to break up the solar panel arrays and enhance green infrastructure, with the inclusion of a nature walk;
- Provision of a new wildflower meadow strip between the existing public footpath which crosses the site and the new woodland block to the centre of the site;
- Provision of a permissive footpath, which would run along the south side of Camela Lane and join up with the existing public footpath which crosses the site.

5.30 The changes from the initial version of the Landscape Strategy are as follows:

- the separation distance from A1041 to the solar panels has been increased to make space for more woodland planting. At the closest point the panels are 30m from the road and at their furthest point they are 50m away from the road.
- the separation distance from both sides of Camella Lane to the solar panels has been increased to make space for more woodland planting. At the closest point the panels are 25m away from the lane and at their furthest point they are 45m from the lane.
- the solar panels have been set back further from the site boundaries closest to Low Farm, Low Farm Barn, Pheasant Wood Farm, Camela House and Camela Bungalow to allow for more woodland planting.
- Ancillary facilities have purposefully been located within the site away from sensitive visual receptors, where this has not been possible, screening is proposed.
- New areas of woodland blocks and belts:

- A new 20m wide woodland belt to the west of Low farm and Low farm Barn.
- A new 10m wide woodland belt to the south of Low farm and Low farm Barn.
- A new 10m wide woodland block to the north of Camela House.
- A new 10m wide woodland block to the east of Camela House.
- 10m woodland block to the east of Camela Bungalow extended along southern
- side of Array.
- Additional woodland belts alongside Camella Lane – minimum 10m width.
- Additional woodland belt wrapping around the corner of the site alongside the junction of Barlow Road and the A1041. At its widest, this is 35m deep narrowing to 10m towards Pheasant Wood Farm.
- Vegetation alongside Pheasant Wood Farm to include new 20m woodland belt and installation of new 6ft close board fence along boundary to provide immediate screening of array.

- 5.31 Officers consider that these changes have addressed the comments of the Council's Landscape Architect. Solar panels have been set back from visible roadsides to help reduce visibility with additional screening being provided; and new areas of woodland blocks and belts have been provided where this is likely to improve local setting and visual screening from identified receptors, particularly Camblesforth village, Low Farm, Camela House, Camela Bungalow, local roads and PROWs. Furthermore, the LVIA has been updated to reflect adjustments to the Landscape Strategy. The Council's Landscape Architect has not yet provided comments on the updated Landscape Strategy and Officers will provide an update in this respect at Planning Committee.
- 5.32 In terms of impacts, the submitted information sets out that impacts on landscape features (arable land, trees and hedges) would not be significant pre-mitigation. Post-mitigation (at year 15) it is anticipated there would be no change to the impact on arable land, but significant beneficial impacts on trees and hedges through the provision of additional native woodland and native hedgerows.
- 5.33 In respect of impacts on landscape character areas (NCA: Humberhead Levels, County LCT 23: Levels Farmland and District LCA 15: Camblesforth Farmlands) the submitted information sets out that these would not be significant pre-mitigation or post-mitigation, with mitigation measures leading to enclosure and screening of the proposed development limiting opportunities for adverse effects on the landscape character areas.
- 5.34 In respect of impacts on private properties (those on the northern edge of Camblesforth, those on the southern edge of Barlow, Low Farm/Low Farm Barn, Camela House, Camela Bungalow, Pheasant Wood Farm and farms or farmhouses within the surrounding area) the submitted information sets out that there would be significant effects for Low Farm/Low Farm Barn, Camela House, Camela Bungalow, Pheasant Wood Farm pre-mitigation (during construction and year 1); however, post-mitigation the submitted information sets out that effects on all identified private properties would not be significant.
- 5.35 In respect of impacts on public rights of way, the submitted information sets out that there would be significant effects on a number of public rights of way within or adjacent to the site, including 35.17/3/1 which runs north-south through the

application site pre-mitigation (during construction and year 1); however, post-mitigation the submitted information sets out that effects on all identified public rights of way within or adjacent to the site would not be significant. In respect of impacts on transport routes (including but not limited to the A1041, Camela Lane, Barlow Road, Clay Lane) the submitted information sets out that these would not be significant pre-mitigation or post-mitigation, given the set back of the proposed development from visible roadsides to help reduce visibility in conjunction with the proposed landscaping which would provide screening.

- 5.36 Officers consider the applicant's assessment of impacts to be reasonable. The Council's Landscape Architect concurs that the updated Landscape Strategy provides further improvement and mitigation which is welcomed and supported. In terms of the updated Landscape Visual Impact Assessment, the Council's Landscape Architect notes that a number of major, major/moderate and moderate adverse effects remain, particularly in the short term until screen planting has established and become effective. Mitigation through screen planting will take 10-15 years for effective year-round screening. The Council's Landscape Architect recommends consideration over whether short term landscape and visual effects could be mitigated by offsetting or compensation through a landscape/environmental fund which could be administered by a local community group over the next 10 years, however, Officers do not consider this to be reasonable or necessary in the context of the scheme. In terms of the Outline Landscape Management Plan, the Council's Landscape Architect does not consider this to sufficiently carry forward key principles set out in the Landscape Strategy and recommends this should not be approved, but instead conditioned to any planning permission granted.
- 5.37 Given their nature and scale, it is inevitable that the situation in a countryside location of a large-scale solar farm would have some adverse landscape and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect in this instance would be limited and localised. As the existing and proposed planting matures, the adverse effects would be acceptably mitigated. Moreover, notwithstanding the significance of the 40-year lifespan of the proposed development, once the proposed development is decommissioned, the infrastructure removed, and the land restored to its former agricultural use, there would be no residual adverse landscape and visual effects. Instead, the scheme would leave an enhanced landscape as a result of the mitigation planting.
- 5.38 National and local policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme. This is a planning judgment, which will be returned to later in this report.
- 5.39 Should the harm be outweighed by the benefits of a scheme and the scheme be approved; conditions could be attached to secure the following having regard to landscape and visual impact:
- A detailed landscaping scheme. Soft landscape works to be implemented in the first available planting season, with a minimum 5-year replacement defects period.
 - A detailed long-term maintenance and management plan, to be secured for the lifespan of the scheme.
 - An arboricultural method statement, tree survey and tree protection plan to BS5837:2012; Existing trees and hedgerows to be protected and retained.

- Details of color and finish of the conversion units, substation, control room, communications tower, battery storage containers, CCTV camera poles, acoustic fencing and security fencing to reduce adverse visual effects.
- Details of surfacing of access tracks running through the site to reduce adverse visual effects.
- Removal of permitted development rights for means of enclosure.
- No external lighting to be installed on site.
- Details of permissive footpaths, access control, signage/waymarking.
- Restoration at the end of the life of the scheme, to return the site to its former use.
- Agricultural land to be restored to at least the existing agricultural land classification, as a minimum standard.

Cumulative Landscape and Visual Impacts

- 5.40 As part of the ES, an assessment has been undertaken to assess potential significant cumulative landscape and visual effects associated with the proposed development in combination with approved and/or existing developments within 5km of the application site. 'Approved and/or existing developments' usually comprise major developments and it is common practice for these to include relevant partially built or extant permissions; submitted but not yet determined applications; and submitted or determined screening and scoping opinions. The list of schemes included in the cumulative assessment (as shown in Appendix 3.1 of the Addendum to the Environmental Impact Statement, dated April 2022 and represented geographically in Appendix 3.2) was agreed with Officers during the application process.
- 5.41 The cumulative assessment concludes that the proposed development would not lead to any likely significant landscape and visual effects cumulatively with the other approved and/or existing developments considered as part of the assessment. Officers consider the applicant's assessment of cumulative landscape and visual impacts to be reasonable. The Council's Landscape Architect concurs, advising that while there is potential for cumulative adverse landscape and visual effects, the revised proposed landscape mitigation is robust enough to accommodate these cumulative changes in the long term provided a long-term landscape maintenance and management plan is secured for the lifetime of the development together with reasonable measures for restoration of the site at the end of the lifetime of the development. As such, the proposed development would not lead to any likely significant landscape and visual effects cumulatively with the other approved and/or existing developments

Impact on Heritage Assets

Designated heritage assets

- 5.42 The application site itself does not contain and designated or non-designated heritage assets. However, the application site is located to the north of Camblesforth Hall, which is a Grade I listed building of high significance. The application site forms part of the wider agricultural setting of the listed building and contributes to its significance.
- 5.43 Policy SP18 of the Core Strategy requires, amongst other things, the high quality and local distinctiveness of the natural and man-made environment be sustained

by: safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledge importance; and conserving those historic assets which contribute most to the distinct character of the District. Policy SP19 of the Core Strategy requires, amongst other things, that proposals positively contribute to an area's identity and heritage in terms of scale, density and layout.

5.44 Relevant policies within the NPPF which relate to the effect of development the setting of heritage assets include paragraphs 194 to 204.

5.45 Paragraph 194 of the NPPS states *"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."*

5.46 Paragraph 197 of the NPPF states *"In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

5.47 Paragraph 199 of the NPPF states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

5.48 Paragraph 202 of the NPPF states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

5.49 Paragraph 202 of the NPPF should be read in conjunction with paragraph 199 of the NPPF which provides that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. This wording reflects the statutory duty in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.

- 5.50 Whilst considering proposals for development which affect a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to *'...have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'*.
- 5.51 The application has been supported by a Heritage Statement (reference 1719H/02) dated February 2021. This sets out a summary of all designated and non-designated heritage assets within located within a 1km radius of the application site and those of 'highest significance' located within a 3km radius of the application site. Camblesforth Hall is identified as the primary designated heritage asset which has the potential to be affected by the proposed development and a statement of significance of Camblesforth Hall is provided. The Heritage Statement acknowledges that the application site forms part of the wider agricultural setting of the listed building and contributes to its significance; and that the proposed development would alter the wider setting from its current arable use. In terms of an impact assessment, the submitted Heritage Statement sets out that the proposed landscape mitigation proposals would screen views of the proposed development from the listed building and as such the Heritage Statement concludes that the proposed development would not result in any harm to the significance of the Grade I listed building.
- 5.52 The Council's Conservation Officer has reviewed the application and has advised that the proposed development will change the setting of the listed building by changing the appearance of the land to the north. Although the development would not affect the historic fabric of the listed building, the wider agricultural setting of the listed building contributes to its significance and by changing it from arable agricultural land to a ground-mounted solar farm, including associated infrastructure, would cause harm. The harm is considered to be less than substantial in NPPF terms. In accordance with paragraph 202 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal. The construction of a ground-mounted solar farm including associated infrastructure, which would have an anticipated capacity of 50MW, powering approximately 15,000 homes annually and saving 21,500 tonnes of CO₂ would be a significant public benefit. Furthermore, the proposed development has an anticipated lifespan of 40 years and at the end of the 40-year period, the proposed development would be decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use; thereby restoring the wider agricultural setting of the listed building. In weighing the harm against the public benefits of the proposal, it is considered that the public benefits would outweigh the harm identified in this instance.
- 5.53 Having regard to the above, it is considered that the proposed development would lead to less than substantial harm to the significance of a designated heritage asset, namely the Grade I listed Camblesforth Hall. When the harm is weighed against the public benefits of the scheme, it is considered that the proposal is acceptable, as the public benefits identified would outweigh the harm. The proposal would therefore be in accordance with Policies SP18 and SP19 of the Core Strategy, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national policy contained within the NPPF.

Non-designated heritage assets (archaeology)

- 5.54 Saved Policy ENV28 of the Selby District Local Plan requires proposals which affect sites of known or possible archaeological interest to be subject to archaeological assessment/evaluation. This accords with the requirements of paragraph 194 of the NPPF.
- 5.55 The application has been supported by an Archeological Based Desk Assessment (reference 1719H/01) dated February 2021, and a Geophysical Survey Report (reference 3540) dated February 2021.
- 5.56 The County Archaeologist has reviewed the application and has advised that the geophysical survey has revealed several anomalies of archaeological interest, although these are dispersed across the extensive area of the application site. In the western field are former field boundaries that pre-date those shown on mid-19th century maps and these are consistent with the types of boundaries established in the later prehistoric and Roman periods. Of greater significance is a small square enclosure that is characteristic of an Iron Age square barrow at the very east side of the development. The assessment does not provide any consideration of the impact of the proposal on the geophysical anomalies. The County Archaeologist advises that the impact of the proposed development on the former field enclosures would be low. However, they raise concerns about the impact of the proposed development on the potential Iron Age square barrow. As a result, it is recommended that this anomaly and a buffer area around it are protected from physical impact, either by surface mounting of the arrays (i.e., using feet rather than piling) or by removing that area from the proposal.
- 5.57 Following the comments from the County Archaeologist, an Archaeological Protection Plan (drawing no. v.6) has been submitted which shows an archaeological protection area towards the eastern end of the site. In this area surface mounting of arrays is proposed (i.e., using feet rather than piling) in order to protect below ground archaeological features. This could be secured by a suitably worded condition.
- 5.58 Subject to the aforementioned condition, it is considered that the proposed development would not have an adverse impact on archaeological features in accordance with saved Policy ENV28 of the Selby District Local Plan and national planning policy contained within the NPPF.

Ecological Considerations

- 5.59 Saved Policy ENV1(5) of the Selby District Local Plan requires proposals to take account of the potential loss or adverse effect upon, inter alia, trees and wildlife habitats. Policy SP18 of the Core Strategy seeks to safeguard the natural environment and promote effective stewardship of the District's wildlife by, amongst other things, ensuring developments retain protect and enhance features of biological interest and provide appropriate management of those features and that unavoidable impacts are appropriately mitigated and compensated for on and off-site; and ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.
- 5.60 This is reflected in the national policy at paragraph 174 of the NPPF, which requires planning decisions to contribute to and enhance the natural and local environment by amongst other things, protecting and enhancing valued landscapes, recognising

the intrinsic character and beauty of the countryside, and the wider benefits form natural capital and ecosystem services, and minimising impacts on and providing for net gains for biodiversity”.

- 5.61 The application has been supported by a Preliminary Ecological Appraisal (reference 20-0751.03) dated June 2021; a Wintering Bird Survey Report (reference 20-0751.05) dated June 2021; an Ecological Impact Assessment (reference 20-0751.07) dated February 2022; a Biodiversity Net Gain Assessment (reference 20-0751.07) dated April 2022; and a Biodiversity Net Gain Calculation (version 3).
- 5.62 The County Ecologist has reviewed the application and has advised that there are no objections to the proposed development, subject to two conditions relating to the provision, agreement and subsequent implementation of: (1) a biodiversity construction management plan; and (2) and ecological management plan. The County Ecologist notes that in terms of mitigation for farmland birds, the provision of boxes for generalist hole nesting birds (e.g., ones with 28mm entrance holes) is not considered to be acceptable, however this can be resolved through the aforementioned conditions. In terms of Biodiversity Net Gain (BNG) the proposed development provides substantial net gains for all habitat categories (area-based, hedgerow and flowing water) with all far exceeding the 10% target.
- 5.63 The Yorkshire Wildlife Trust initially objected to the proposed development based on the level of survey work undertaken, impact assessment, proposed mitigation and level of biodiversity net gain. Further information was submitted during the course of the application to address these points, however no further response has been provided by the Yorkshire Wildlife Trust. In this respect, Officers would advise that the County Ecologist initially raised similar concerns and is satisfied that these have been overcome through the submission of the additional information during the course of the application.
- 5.64 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on ecological considerations and would provide significant net gains for biodiversity in accordance with saved Policy ENV1 of the Selby District Local Plan, Policy SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Impact on Highway Safety

- 5.65 Saved Policies ENV1(2), T1 and T2 of the Selby District Local Plan require development proposals to have a suitable access and no detrimental impact on the existing highway network. This accords with the NPPF, which requires development proposals to have a safe and suitable access and only supports refusal of development proposals on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe (paragraph 111).
- 5.66 Two existing farm accesses from the A1041 and Camela Lane would be retained and upgraded as part of the proposals and two new access points from Camela Lane (one to the north and one to the south, which would only allow vehicles to cross Camela Lane and are not intended as primary accesses which would route vehicles onto Camela Lane and the wider highway network) would be introduced. Access tracks run through the site and would be constructed from porous materials.

- 5.67 The main traffic generation would be during the construction period, which would be 6-9 months, and would be via the retained and upgraded farm access from the A1041. There would be approximately 2,000 two-way trips from the site by HGVs during the construction period – this is estimated to equate to 5 vehicles a day, so 10 two-way vehicle movements would take place each day for 6–9 months. Once construction is complete, the access from the A1041 would be used for operational access for maintenance vehicles. A parking, turning and maneuvering area would be provided within the site to enable vehicles to enter and exit the site in a forward gear. Once operational, traffic movements associated with the proposed development would be minimal, with only occasional maintenance access required. The next major use of the access from the A1041 would be when the proposed development is decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use.
- 5.68 The Highway Officer has reviewed the application and has advised that the visibility splays onto the A1041 can achieve the recommended 2.4 metres x 215 metres. Taking account of the estimated traffic generation during construction, the Highway Officer is of the view that the highway network would be able to cope with the volumes of traffic proposed, after which traffic movements would be minimal, until decommissioning. The Highway Officer supports widening of the access onto the A1041 to allow for 2 HGVs to pass simultaneously; and the provision of an on-site parking, turning and maneuvering area to enable vehicles to enter and exit the site in a forward gear. The proposed visibility splays of 2.4 metres x 59 metres onto Camela Lane are considered to be acceptable. The Highway Officer recommends the route to site is conditioned to ensure the highway at Camela Lane is protected.
- 5.69 Having regard to the above, the Highway Officer raises no objections to the proposed development subject to conditions relating to: (1) new and altered private access or verge crossing at the A1041 and Camela Lane; (2) visibility Splays at the A1041 and Camela Lane Accesses; (3) delivery of off-site highway works; (4) access, turning and parking areas; (5) construction management plan.
- 5.70 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on highway safety in accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Public Rights of Way

- 5.71 Policy T8 of the Selby District Local Plan resists development which would have a significant adverse effect on any route in the district's public rights of way network unless alternative suitable provision can be provided.
- 5.72 There is a public right of way which runs north-south through the application site, reference 35.17/3/1, linking Camela Lane to the village of Camblesforth and the A1041 where it joins to public right of way references 35.17/2/1, 35.17/2/2, 35.17/2/3 and 35.17/11/1 to the south of the application site.
- 5.73 The proposed development would not physically affect any public rights of way permanently; with all of the existing public rights of way within or adjacent to the site being retained. Woodland blocks and a wildflower meadow would be planted adjacent to the public right of way which runs north-south through the application site and a new nature walk and permissive footpath would join up to the existing public right of way.

- 5.74 There is potential for the proposed development to physically affect public rights of way temporarily during the period of development works only. Should this be the case, the applicant would need to make an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order. The public rights of way must be protected and kept clear of any obstruction until such time as an alternative route has been provided by a temporary Order. It is an offence to obstruct a public right of way and enforcement action can be taken by the Highway Authority to remove any obstruction. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a public right of way exists and must have regard for the safety of public rights of way users at all times. An informative can be attached to any planning permission granted highlighting these points to the applicant.
- 5.75 Having regard to the above, it is considered that the proposed development would not have an adverse impact on existing public rights of way in accordance with saved Policy T8 of the Selby District Local Plan.

Impact on Residential Amenity

- 5.76 Saved Policy ENV1(1) of the Selby District Local Plan requires development proposals to take account of the amenity of adjoining occupiers. Saved Policy ENV2 resists development which would give rise to unacceptable levels of noise or nuisance unless satisfactory remedial or preventative measures are incorporated as an integral element of the scheme. Policy ENV3(3) requires any proposals for outdoor lighting to not have a significant adverse effect on local amenity. Core Strategy Policy SP17(C) requires all development proposals for new sources of renewable energy and low-carbon energy generation development to protect local amenity and minimise impacts on local communities.
- 5.77 Camela Lane runs through the middle of the application site, along which there are a number of isolated residential properties which lie adjacent to or within close proximity to the site (including Low Farm/Low Farm Barn, Camela House, Camela Bungalow). Furthermore, there is an isolated residential property adjacent to the site towards its western end, which fronts onto the A1041, east of its junction with Barlow Road (Pheasant Wood Farm). Residential properties to the northern edge of Camblesforth, the southern edge of Barlow and other farms or farmhouses within the surrounding area also have the potential to be impacted by the proposed development.
- 5.78 The landscape and visual impact of the proposed development has already been discussed earlier in this report, where it was concluded that there would be significant effects for Low Farm/Low Farm Barn, Camela House, Camela Bungalow, Pheasant Wood Farm pre-mitigation (during construction and year 1); however, post-mitigation the submitted information sets out that effects on all identified private properties would not be significant.
- 5.79 In terms of noise and nuisance, the Council's Environmental Health Officer has been consulted on the proposals and has not raised any objections to the proposed development, subject to the provision of the acoustic barrier within the proposed battery storage area. This could be a condition of any planning permission granted.

- 5.80 No lighting is proposed as part of the application. The applicant has advised that the proposed CCTV cameras would be able to detect movement and would have night vision capability in accordance with insurer's requirements; therefore, no lighting would be required in conjunction with the CCTV cameras. A condition to control outdoor lighting could be attached to any planning permission granted.
- 5.81 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on residential amenity in accordance with saved Policies ENV1(1), ENV2 and ENV3(3) of the Selby District Local Plan, Policy SP17(C) of the Core Strategy and national planning policy contained within the NPPF.

Flood Risk and Drainage

- 5.82 The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.
- 5.83 From a search of the Environment Agency Flood Maps, it is confirmed that the majority of the application site is located within Flood Zone 3a, which has been assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year; however, the site does benefit from flood defences.
- 5.84 Given the site's location within Flood Zone 3a, the Sequential Test is required to be undertaken in relation to flood risk and the location of the development (as per paragraph 159 of the NPPF). The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding (as per paragraph 162 of the NPPF). The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, the flood risk vulnerability of land uses and reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding) should be considered, applying the Exception Test if required (as per paragraph 163 of the NPPF). Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required (as per paragraph 163 of the NPPF).
- 5.85 The applicant has undertaken the sequential test and in doing so has advised that the key criteria for identifying a suitable location for the proposed development of a ground mounted solar farm is based on finding a site: with suitable grid connectivity; suitable size to accommodate the proposed development; suitable highway infrastructure to serve the proposed development; is available for the duration of the proposed development with agreements in place to lease the land; and which minimises environmental impacts.
- 5.86 Suitable grid connectivity is a key factor, and the applicant has advised that they have secured a grid offer. The grid connection is shown on the proposed site layout plan (drawing no. v.2) – the cable route would run from the new substation to the south-east of the site, north along the eastern field boundary, east across P3P land adjacent to the Drax Power Station site and south alongside the P3P Food Technology site to connect to the existing electricity distribution site situated adjacent to the A645 and railway line. Grid connection costs vary dependent on

scheme size, grid capacity and local grid infrastructure. Typically, a 5MW ground mounted solar scheme must be located within circa 500 metres of the grid connection in order for the scheme to be financially viable. For a 50MW ground mounted solar sites; the area of search could theoretically be extended to 5km however, the greater the distance from point of connection, the greater the constraints which impact on the viability of the scheme. The applicant considers that it would be viable to install a cable up to 5km long in this instance. On this basis, for operational reasons, the geographical coverage area of the sequential test has been narrowed down to within 5km of the proposed grid connection. This approach is considered reasonable by Officers. When undertaking the sequential test on this basis and taking into account the other key criteria for identifying a suitable location for the proposed development of a ground mounted solar farm (as highlighted above), the applicant advises that there are no reasonably available sites appropriate for the proposed development located within either Flood Zone 1 or Flood Zone 2, and as such, the proposal passes the sequential test. This is agreed by Officers.

5.87 Where it is not possible for development to be located in zones with a lower risk of flooding, as in this case, the exception test may have to be applied (as per paragraph 163 of the NPPF). The need for the exception test depends on the potential vulnerability of the site and of the development proposed, in line with the flood risk vulnerability classification set out in national planning guidance. The development in this case can be given a flood risk vulnerability classification of 'essential infrastructure' – see Annex 3 of the NPPF. Where the sequential test shows that it is not possible to use an alternative site at lower flood risk, the exception test is only required for development within Flood Zone 3a where the development is classed as 'essential infrastructure' or 'more vulnerable'. The exception test is therefore required.

5.88 Paragraph 163 of the NPPF states:

“The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

5.89 Paragraph 165 of the NPPF states:

“Both elements of the exception test should be satisfied for development to be allocated or permitted.”

5.90 In terms of paragraph 163 (a), the construction of a ground-mounted solar farm including associated infrastructure, which would have an anticipated capacity of 50MW, powering approximately 15,000 homes annually and saving 21,500 tonnes of CO₂ would be considered to provide wider sustainability benefits to the community which would outweigh the flood risk. Therefore, the first element of the exception test is considered to be passed.

- 5.91 In terms of paragraph 163 (b), in accordance with paragraph 167 and footnote 55 of the NPPF, a site-specific flood risk assessment has been submitted in support of the application. This has been assessed by the Environment Agency, who have advised that provided the proposed development is built in accordance with the submitted Flood Risk Assessment (reference: 20-0751.02 issue 5) dated June 2021, they have no objections to the proposals in terms of flood risk. A suitably worded condition could be attached to any planning permission granted requiring the proposed development to be constructed in accordance with the submitted Flood Risk Assessment. Furthermore, the Local Lead Flood Authority have advised that they have no objections to the proposals in terms of flood risk, subject to a condition to mitigate soil compaction and overland flow route disruption during construction. Therefore, the second element of the exception test is considered to be passed.
- 5.92 The Internal Drainage Board and Yorkshire Water have been consulted on the application. The Internal Drainage Board raise no objections to the proposals. Yorkshire Water raise no objections to the proposals, subject to two conditions relating to: (1) the protection of public water supply infrastructure; and (2) outfall for surface water.
- 5.93 Subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within the NPPF.

Other Issues

Alternative Site Assessment

- 5.94 Planning Practice Guidance encourages the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. However, large scale solar farms are not precluded from being sited on greenfield land. Rather, where large scale solar farms are to be located on greenfield land consideration needs to be given to 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.
- 5.95 The proposed development in this instance would be sited on greenfield land. However, the proposal would not result in the permanent loss of agricultural land. As set out in the previous section of this report, key criteria for identifying a suitable location for the proposed development of a ground mounted solar farm is based on finding a site: with suitable grid connectivity; suitable size to accommodate the proposed development; suitable highway infrastructure to serve the proposed development; is available for the duration of the proposed development with agreements in place to lease the land; and which minimises environmental impacts. All of these criteria are met with the proposed application site, and it is not considered that there are any other reasonably available sites (including brownfield or greenfield sites), which meet these key criteria within 5km of the proposed grid connection (which is required in order for the scheme to be financially viable).

Glint and Glare

- 5.96 The application has been supported by a Solar Photovoltaic Glint and Glare Study (reference: 10031A) dated April 2021. The report concludes that the proposed development would not have any impact upon the safety of road users, residential amenity, railway operations, or aviation operations. Following consultation on the proposed development, no consultees, including the Highway Authority, Environmental Health, Network Rail, Drax Power Station, or the various airfields and airports have raised any concerns or objections to the proposed development in terms of glint and glare. As such, it is considered that the proposed development would be acceptable in this respect.

Contaminated Land

- 5.97 The Council's Contaminated Land Consultant has reviewed the application and has advised that there are some elements of the proposals which may be more sensitive to contamination than others, such that land contamination needs to be considered as part of the application. No contaminated land information has been submitted as part of the application. However, the Council's Contaminated Land Consultant has advised that there would be no objections to the proposed development subject to a pre-commencement condition being attached to any planning permission granted requiring investigation of land contamination. Further conditions relation to the submission of a remediation strategy, where necessary; verification of remedial works, where necessary; and reporting of unexpected contamination would also need to be attached to any planning permission granted. Subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of land contaminated in accordance with Policy ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

6. PLANNING BALANCE AND CONCLUSION

- 6.1 The application seeks full planning permission for the development of a ground mounted solar farm, including associated infrastructure, on a site comprising approximately 113 hectares of undeveloped agricultural land to the north and south of Camela Lane, to the north of the village of Camblesforth.
- 6.2 In terms of agricultural land, the proposed development would lead to the loss of approximately 51 hectares (46% of the total site area) of BMV agricultural land for a temporary period of 40 years. However, the applicant advises that subject to interest and agreement with local sheep farmers, sheep could be used to graze the grassland under the panels such that the land would remain in some form of agricultural use throughout the 40-year period of operation of the proposed development.
- 6.3 In terms of landscape and visual impact, the proposed development, given its nature, scale and location within the open countryside, would have some adverse landscape and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect in this instance would be limited and localised. As the existing and proposed planting matures, the adverse effects would be acceptably mitigated. Moreover, notwithstanding the significance of the 40-year lifespan of the proposed development, once the proposed development is decommissioned, the

infrastructure removed, and the land restored to its former agricultural use, there would be no residual adverse landscape and visual effects. Instead, the scheme would leave an enhanced landscape as a result of the mitigation planting. Cumulative landscape and visual impacts are not considered likely.

- 6.4 In terms of impact on heritage assets, the proposed development would be sited within the wider agricultural setting of the Grade I listed Camblesforth Hall, which contributes positively to its significance. By changing the wider setting of the listed building from arable agricultural land to a ground-mounted solar farm, including associated infrastructure, would cause harm. The harm is considered to be less than substantial in NPPF terms; however, this harm is considered to be outweighed by public benefits.
- 6.5 In terms of impact on public rights of way, while the proposed development would not physically affect any public rights of way permanently; with all of the existing public rights of way within or adjacent to the site being retained and, in some cases, enhanced, there is potential for the proposed development to physically affect public rights of way temporarily during the period of development works only.
- 6.6 In terms of ecological considerations, the proposed development would not have any adverse effects on nature conservation and protected species and would provide substantial biodiversity net gains for all habitat categories (area-based, hedgerow and flowing water) with all far exceeding the 10% target.
- 6.7 The proposed development would be acceptable in terms of its impact on archaeology, highway safety, residential amenity, flood risk and drainage and other matters of acknowledged importance.
- 6.8 National and local planning policies are supportive low carbon and renewable energy proposals in principle, subject to consideration of local environmental impacts. It is inevitable that large scale solar farms in a countryside location would have some local environmental impacts and these need to be weighed in the planning balance against the benefits of the proposal. The proposed development would have an anticipated capacity of 50MW, generating a significant amount of electricity from a clean, renewable source. This would power approximately 15,000 homes annually and save 21,500 tonnes of CO₂. This would be a significant public benefit. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the scheme could make an early and significant contribution to the objective of achieving the statutory Net Zero target set for 2050 and the commitment to reducing emissions by 78% compared with 1990 levels by 2035. Given this importance, this benefit attracts significant weight. Furthermore, the proposed development has an anticipated lifespan of 40 years and at the end of the 40-year period, the proposed development would be decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use.
- 6.9 Having regard to the above, it is considered that the proposal would be acceptable on balance and would not conflict with the objectives of local and national planning policy when read as a whole.

7. RECOMMENDATION

This application is recommended to be GRANTED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

03. If the development hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the development, shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated infrastructure approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

04. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the development, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

05. The development shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

06. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- LOC01 – Site Location Plan

- v.2 – Proposed Site Layout Plan
- 2 – Mounting Structure Details
- 3 – Conversion Unit Details
- 7- Substation and Control Room Details
- CS014381-61042-100 – Typical Tower Elevation
- 9 - Proposed Battery Energy Storage System Layout
- 8 – Battery Container Details
- 6 – CCTV System Details
- 5 – Security Fence Details
- 2318001 Rev P03 – Landscape Strategy
- v.6 - Archaeology Protection Plan
- Plot 03 – Skylark Plot Plan
- 2006304 Rev A – Accesses 2 & 3: Camela Lane (South & North) Access Arrangement

Reason:

For the avoidance of doubt.

07. Prior to their installation, details of the height of the three conversion units to be sited within the battery storage area to the north-east end of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

08. Prior to their installation, details of the colour and finish of the conversion units, substation, control room, communications tower, battery storage containers, CCTV camera poles, acoustic fencing and security fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

09. Prior to their installation, details of the surfacing of the access tracks running through the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

10. Prior to the commencement of development, an Arboricultural Method Statement, Tree Survey and Tree Protection Plan, to BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, having had regard Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

11. Prior to the commencement of development, a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed long-term landscape maintenance and management plan. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. The scheme shall be retained and managed in accordance with the approved landscape maintenance and management plan for the lifetime of the development.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order), no gates, fences, walls or other means of enclosure (other than those granted by this permission) shall be erected within or around the application site without the appropriate grant of planning permission.

Reason:

In the interests of the visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

13. No external lighting shall be installed within the application site without the appropriate grant of planning permission.

Reason:

In the interests of visual amenity and residential amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policies ENV1 and ENV3 of the Selby District Local Plan.

14. Prior to the first export date of the development, details of the permissive footpath and nature walk to be provided within the site, including access control and signage/waymarking, shall be submitted to and approved in writing by the Local Planning Authority. The permissive footpath and nature walk shall be provided in accordance with the approved details and be made available for use by the public prior to the first export date and remain as such for the lifetime of the development.

Reason:

In the interests of general amenity and in order to comply with Policies SP12, SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

15. Any solar panels to be provided in the 'Archaeology Protection Area' as shown on the Archaeology Protection Plan (drawing no. v.6) shall be surface mounted (i.e., using feet rather than piling) in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of archaeological features and in order to comply with Policy ENV28 of the Selby District Local Plan.

16. Prior to the commencement of the development hereby approved, a Biodiversity Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Biodiversity Construction Environmental Management Plan.

The Plan must include, but not be limited, to arrangements for the following:

- measures to control noise and dust and prevent pollution;
- protection of retained trees and hedgerows;
- measures to safeguard nesting birds;
- precautions to reduce risks to reptiles and amphibians during site clearance;
- measures to protect Badgers;
- maintenance of a 5-metre buffer strip along the north-western drain;
- measures to protect Hedgehogs;
- Himalayan Balsam removal plan;
- planting specifications (including species mixtures) for habitat enhancements;
- location and designs of bat and bird boxes;

Reason:

In the interests of ecology and in order to comply with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

17. Prior to the commencement of the development hereby approved, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should outline how retained and newly created habitats are to be managed, and any ecological monitoring requirements. It should also include ongoing measures to remove Himalayan Balsam. Once approved, the Ecological Management Plan shall be implemented in accordance with the approved details for the lifetime of the development.

Reason:

In the interests of ecology and in order to comply with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

18. Prior to the commencement of the development hereby approved, details of measures to allow continued movement of mammals, as outlined in Section 6.2.4 of the Ecological Impact Assessment (reference 20-0751.07) dated February 2022, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of ecology and in order to comply with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

19. The development must not be brought into use until the accesses to the site at the A1041 and Camela Lane have been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The access onto the A1041 must be formed with 12 metres radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 18 metres into the site must be constructed in accordance with Standard Detail number A2 or E40.
- The crossing of the highway verge and/or footway at Camela Lane north and south must be constructed in accordance with the approved details and/or Standard Detail number A2 or E40.
- The existing crossing of the highway verge and/or footway at Camela Lane access 4 must be constructed in accordance with the approved details and/or Standard Detail number A2 or E20.
- Any gates or barriers must be erected a minimum distance of 18 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
- The final surfacing of any private access within 18 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

20. There must be no access or egress by any vehicles between the highway and the application site at the A1041 until splays are provided giving clear visibility of 215 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

21. There must be no access or egress by any vehicles between the highway and the application site at Camela Lane (Accesses 2 & 3) until splays are provided giving clear visibility of 59 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In

measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

22. There must be no access or egress by any vehicles between the highway and the application site at Camela Lane (Access 4) until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

23. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Provision of temporary signage warning of works access and vehicles turning (Traffic Signs and General Regulations Directions 2002, 7301 and 7307).

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. Construction works shall not commence until the off-site highway mitigation measures have been implemented in accordance with the approved details. Once implemented they shall be retained as such for the duration of the construction phase.

Reason:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

24. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Land North And South Of, Camela Lane, Camblesforth until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular accesses;
- vehicular parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave
- the site in a forward gear, and;

- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Land North And South Of, Camela Lane, Camblesforth have been constructed in accordance with the details approved in writing by the Local Planning Authority.

Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

25. No development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restrictions on the use of accesses for construction purposes;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- details of site working hours;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of external lighting equipment;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

26. Prior to the battery storage area being brought into use, the acoustic fence as shown on the Proposed Battery Energy Storage System Layout (drawing no. 9) shall be erected as detailed in the Noise Comments Response (reference 784-B024091) dated 05 October 2021 - the acoustic fence shall be 3 metres in height and be of close boarded construction, with no gaps and a minimum mass per square metre of 10 Kg/m².

Reason:

In the interests of residential amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP17 of the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

27. The development hereby permitted shall be carried out in strict accordance with the submitted Flood Risk Assessment (reference: 20-0751.02 issue 5) dated June 2021).

Reason:

In order to reduce the risk of flooding, having regard to national planning policy contained within the NPPF.

28. To mitigate soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed, or similar to restore it to a pre-construction condition immediately post construction. Furthermore, during the first few years' frequent inspections of the planting and soil must be carried out to ensure adequate growth and any compaction or channelization shall be adequately addressed. Any remedial work should occur as soon as possible, in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to reduce the risk of flooding, having regard to national planning policy contained within the NPPF.

29. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason:

In the interest of public health and maintaining the public water supply.

30. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

31. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate):
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

32. If required following the investigation and risk assessment undertaken in relation to Condition 31, prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

33. Prior to first occupation or use, any remediation scheme approved pursuant to condition 32 must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

34. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVE:

Should the proposed development physically affect public rights of way temporarily during the period of development works only, the applicant would need to make an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order. The public rights of way must be protected and kept clear of any obstruction until such time as an alternative route has been provided by a temporary Order. It is an offence to obstruct a public right of way and enforcement action can be taken by the Highway Authority to remove any obstruction. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a public right of way exists and must have regard for the safety of public rights of way users at all times.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2021/0788/EIA and associated documents.

Appendices: None.

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