
Appeal Decision

Hearing held on 20 August 2025

Site visit made on 12 September 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/U2750/W/25/3364658

OS Fields 7456 And 6163, Amplecarr, Husthwaite, North Yorkshire YO61 4QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Woolpots Solar Farm Ltd. against the decision of North Yorkshire Council.
 - The application Ref is ZB23/02015/FUL.
 - The development proposed is Installation of solar photovoltaic (PV) array/solar farm with associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for Installation of solar photovoltaic (PV) array/solar farm with associated infrastructure at OS Fields 7456 And 6163, Husthwaite YO61 4QA in accordance with the terms of the application, Ref ZB23/02015/FUL subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - : The effect of the proposed development on Best and Most Versatile agricultural land.
 - : The effect of the appeal scheme on the Landscape, including the Howardian Hills National Landscape.

Reasons

Planning Policy Context

3. The appeal scheme would result in the development of the existing open agricultural fields in a countryside location for over 50,000 solar modules mounted on metal frame tracking systems being some 0.8m and 3m above ground level, associated infrastructure including; 32 battery storage containers, 8 inverters/transformers, a large transformer, substation, a control room and a delivery cabin. I note that some of the infrastructure is shown on the submitted plans as being enclosed by security fencing and that the whole of the site is to be enclosed by 2m high fencing. The appellant is seeking consent for a period of 40 years, after which the development would be removed.
4. Policy RM6 of the Hambleton Local Plan (the LP) states that renewable and low-carbon energy installations will be supported where it is demonstrated that all potential adverse impacts, including cumulative impacts, are or can be made,

acceptable taking into account any mitigation to avoid, reduce or compensate for any impacts and weighing any adverse impacts against the public benefits of the proposals.

5. Policy S5 of the LP indicates that development in the countryside will only be supported where it is in accordance with national planning policy or other policies in the LP and would not harm the character, appearance and environmental qualities of the area. In addition, where significant development is demonstrated to be necessary, the loss of the best and most versatile (BMV) agricultural land should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations.
6. Policies E7 and E6 of the LP refer to and seek to prevent development that adversely affects the local landscape and nationally protected landscapes respectively.
7. Written Ministerial Statement (WMS) dated 22 May 2024 were referred to at the hearing and are concerned with solar and protecting Food Security and BMV Land and is a material consideration in the determination of the appeal. The WMS requires that “for all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary” and refers to addressing cumulative impacts where several proposals come forward in the same locality.
8. Planning Practice Guidance (PPG) regarding Renewable and low carbon energy specifically identifies the effective use of land and focusing large scale solar farms on previously developed and non-agricultural land as a particular factor to consider and “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”.
9. The National Planning Policy Framework (Framework) Paragraph 187(b), places value on recognising the intrinsic character and beauty of the countryside including the economic benefits of best and most versatile (BMV) agricultural land. The Framework’s Glossary defines BMV land as being land of Grades 1, 2 and 3a of the Agricultural Land Classification.
10. National Policy Statement for Energy EN-1 and EN-3 refer to nationally significant energy infrastructure projects and are not referred to in the decision notice but are a material consideration to which I afford some weight. The statements refer, amongst other matters, to a preference for use of poorer quality land and asks applicants to avoid BMV “where possible”, it also states that “land type should not be a predominating factor in determining the suitability of the site”.

Best and Most Versatile land (BMV)

11. The parties agree¹ that the appeal site consists of 9ha of grade 2 and 26ha of grade 3a agricultural land, meaning that some 70% of it is BMV land.
12. The appellants seek consent for 40 years and at the end of this period the panels and infrastructure would be removed, and the site reverted to agricultural use.

¹ Paragraph 2.10 Statement of Common Ground

Moreover, the parties agree² that the appeal scheme “would not lead to the permanent loss of BMV land since it would be available for agricultural purposes after the Appeal Site has been decommissioned”.

13. At the hearing, the appellant detailed that the metal framing that supports the solar panels and the arrangement of the development on the site allows for the continued grazing of the grass by, in this instance, sheep. It was acknowledged that this grazing had a maintenance as well as agricultural purpose and that the density of the sheep on the developed site would be lower than an undeveloped agricultural field.
14. Moreover, the council refers to the impact of the appeal scheme on food security. In the context of national food security, the size of the appeal site in itself is extremely small, and even when the cumulative effect of other existing solar schemes is considered, the area used for solar is very small. Indeed, even the most ambitious government scenarios³ for solar power generation would still occupy less than 1% of the UK’s agricultural land.
15. On the other hand, the appellants have submitted no evidence to demonstrate that, in accordance with policy S5 of the LP, the WMS and the provisions of the PPG and Framework, the use of BMV agricultural land is necessary and unavoidable. Indeed, the appellant states that, as agreed in the SoCG⁴, there is no explicit requirement for a sequential test for the location of solar farms and no policy that explicitly precludes solar farm development on agricultural land.
16. As a result of the evidence before me, I find that the appeal scheme would lead to a temporary and partial loss of the BMV agricultural land from its optimal agricultural use and consequently would have a very small but nonetheless negative effect on food security for the duration of the life of the permission and no substantive evidence to justify the use of BMV land has been provided. In this regard I find that there is conflict with policy S5 of the LP. Policy RM6 requires the weighing of the harm, such as that identified above, against the public benefits of the scheme. This is a matter I shall return to later.

Landscape effects

17. The appeal site consists of sloping fields, rising from the south to the north with the highest point in the northeast corner where no development is shown on the submitted plans. It is agreed⁵ between the parties that the Appeal Site is not a ‘valued landscape’ in accordance with Paragraph 187(a) of the Framework. I have considered the landscape effects of the appeal scheme with regard the National Landscapes and the local landscape.

National Landscapes

18. The appeal site is located near to the Howardian Hills National Landscape (HH NL) and there are a number of viewpoints within the HH NL from which the appeal site is visible. I note that the Howardian Hills National Landscape Area Joint Advisory Committee raised concerns with regards the effect of the proposed development on the setting of, and views from, the HH NL.

² Paragraph 8.19 Statement of Common Ground

³ Written ministerial statement

⁴ Paragraph 8.15 Statement of Common Ground

⁵ Paragraph 8.27 Statement of Common Ground

19. The appellant's Landscape and Visual Appraisal (LVA) identifies viewpoints (9, 10 and 11) within the HH NL. The images⁶ show that the appeal site is visible but is seen at some distance, with a clear change in topography, intervening trees and hedgerows afford some screening and that the site would be viewed within the context of existing development, including other solar farms and high voltage electricity lines. On this basis I consider that the likely visual effects arising from the appeal scheme on the HH NL are likely to be minor (adverse). This is in accordance with the Statement of Common Ground agreed by the parties.
20. With regards the North York Moors National Park (NYM NP) the parties agree that the likely visual effects are likely to be negligible (adverse) and on the basis of the evidence before me, in particular the distance from the appeal site and limited intervisibility, I agree.
21. Turning to the setting of the HH NL, the council and interested parties identify the local landscape as being a gateway to the HH NL. In particular, reference is made to the local road network near to the appeal site that many people accessing the HH NL will travel through and in terms of basic proximity, I consider that the local landscape does form part of the setting of the HH NL.
22. In particular, the appeal scheme would be visible in 'glimpsed views' from the road linking the A19 and Husthwaite village, a route to the HH NL. Proposed landscaping measures such as tree planting and the management of hedgerows would afford some screening but, as a result of the topography and vicinity of the proposed development to the road, it is clear that the appeal scheme would, in changing the appeal site from a grassed agricultural field to a developed solar farm with a partially industrial character, result in a negative visual impact in this regard.
23. However, due to the wide area that forms the setting and gateway to the HH NL and the limited visibility of the proposed development within this landscape, illustrated by the submitted ZTV, I consider that the appeal scheme has only minor adverse impact on the setting of the HH NL.
24. The parties agree that the likely visual effects arising from the appeal scheme on the HH NL "would not be considered 'important' (significant) or unacceptable effects" and I find no substantive evidence before me that would lead me to conclude otherwise.
25. Therefore, I consider that the appeal scheme would have a minor adverse impact on the HH NL, including the setting, and a negligible impact on the NYM NP.

Local Landscape

26. Turning to the local landscape character, I saw at the site visit that the appeal site is situated in a rural area, the immediate context consisting of the Boscar Grange and Highfield solar farms, the neighbouring Husthwaite substation, and various low and high voltage electricity lines and pylons, in addition to other typical rural and agricultural development. The appeal scheme is shown on the submitted plans as a large and comprehensive coverage of solar panels over a number of fields, representing a significant area of built development.
27. At the hearing, local residents identified that the appeal scheme differed from the existing solar farms in the area with particular regards to the sloping nature of the

⁶ Envams Ltd LVA figure 1.7 Viewpoints 1-12 (CD 1.55.7-18)

appeal site and the proximity of the proposed PV panels to the road and that, as a result, the appeal scheme would have a greater effect on the local landscape character. I saw at the site visit that some parts of the appeal site would be visible from the road through gaps in the hedges and where the ground level of the appeal site rises, increasing the visibility of the proposal beyond the level of the existing solar farms.

28. With regards Public Rights of Way users, viewpoint 6 of the LVA is identified as being representative of a bridleway⁷ east of the site which links Woolpots Lane and Yearsley Ridge. The image shows clear views over the site and the landscape beyond. I saw at the site visit that much of the bridleway is enclosed but there are short sections where views towards the appeal site are available, and this view includes the existing solar farms in the area of which the appeal scheme will appear as a part.
29. Similarly, viewpoint 8 of the LVA relates to the bridleway on Raper Lane situated some 1 km to the east of the appeal site, includes views over the site and surrounding land for the same reasons with regards viewpoint 6. The views that Public Rights of Way users would experience are changed by the appeal scheme, introducing considerable built development into a generally rural area. For these reasons I consider that the appeal scheme will result in a moderate adverse impact on the recreational users of the Public Rights of Way.
30. As referred to previously, the appeal scheme would be visible in 'glimpsed' views from the road linking the A19 and Husthwaite village in gateways, gaps in the hedgerow and where there are changes in topography. Nonetheless, it is agreed between the parties that the cumulative impact of the appeal scheme would not be significant or unacceptable.
31. Be that as it may, may local residents have referred to the effect of the appeal scheme in combination with existing and other proposed solar farms in the locality and based on the evidence before me and my observations at the site visit, I consider that there is some harm in this regard, though I consider it to be minor.
32. Turning to residential properties, I note that there are a number in the immediate area around the appeal site and while it is not suggested by the council that the effect of the appeal scheme on the occupiers of the existing properties would be overbearing, overwhelming or oppressive to the extent that it would harm the living conditions of the occupiers, it is acknowledged⁸ that there would be "important effects on the residential property of 'Pendel' until mitigation planting has matured".
33. In each instance referred to previously the proposed landscaping, including hedgerow planting, management and tree planting, will in time reduce the visibility of the appeal scheme and therefore the effects of the appeal scheme. Moreover, I acknowledge the landscape benefits of the proposed retention of field boundaries, within the appeal site.
34. It is accepted⁹ by the appellants that there "would be some limited adverse effects on the landscape character and visual amenity". Nevertheless, I consider that the appeal scheme, specifically the introduction of PV panels and associated infrastructure into a currently open and undeveloped field will result in an overall

⁷ 10.70/10/1

⁸ Paragraph 10.47 (CD 3.1)

⁹ Paragraph 8.26 Landscape Statement, Andrew Cook BA (Hons) MLD CMLI MIEMA CEnv - Dated 25 April 2025

moderate adverse impact on the local landscape including recreational users of Public Rights of Way.

35. To conclude this main issue for the reasons detailed above I find that the appeal scheme would result in a minor adverse impact on the HH NL and a moderate adverse impact on the local landscape. As a result, the appeal scheme is contrary to Policies S5 and E7 of the LP.

Other Matters

Heritage Assets

36. There are a number of designated heritage assets in the local area around the appeal site including Grade II listed Pilmoor Cottages, located some 300m to the north east. The Statement of Common Ground agreed between the parties details that "The proposal would not result in any significant harm to any nearby heritage assets". Based on the submitted evidence before me and my observations at the site visit I am satisfied that, as a result of the degree of separation between the assets and the appeal site, intervening topography and vegetation, the appeal site does not form part of the setting of these designated heritage assets and does not harm the significance of these assets.

Battery safety

37. A number of local residents have raised safety concerns with regards to the proposed Battery Energy Storage System (BESS) element of the proposal, specifically in respect of fire risks; including runaway fires. The submitted evidence before me suggests that such an incident is unlikely and moreover the appeal site is physically separated by some distance from the nearest residential properties.
38. Nonetheless, a condition requiring the submission, prior to the commencement of development, of a detailed Battery Safety Management Plan has been suggested by the parties. I am satisfied that this is a reasonable way in which to minimise the potential risks to nearby residents in the unlikely but still possible event of a battery fire event occurring.
39. On this basis I am satisfied that the BESS does not present an unacceptable safety risk.

Noise

40. The appellant's Noise Impact Assessment (NIA) identifies several potential noise sources such as the transformer, battery storage containers and MV stations. The NIA confirms that the specific equipment has not yet been finalised, but details are provided for typical installations.
41. Local residents have raised concerns with regards the impact of noise from the appeal scheme during construction and operation phases. In particular local residents have submitted a review of the submitted NIA that raised some concerns as to the veracity of the assessment in respect of a number of matters, including weather conditions and equipment noise levels.
42. The NIA has been subject to revisions and concludes that there would be no significant impact on the living conditions of local residents with regards noise. The council's Environmental Health department were consulted on the application and

have not raised any objections to the proposed development, and I note that very low background noise levels were identified.

43. The parties have suggested a condition relating to noise, including a post completion noise survey, and I am satisfied that such a condition is reasonable and will limit any adverse impacts on occupiers of nearby residential dwellings during the operational lifetime of the site to acceptable levels. Similarly, a condition requiring a Construction Environment Management Plan (CEMP) is necessary to ensure that noise and activity during construction can be minimised to reduce adverse impacts on local residents.
44. On this basis I am satisfied that the appeal scheme will not result in a significant adverse impact on the living conditions of local residents, with regards to noise.

Benefits of the appeal scheme

45. The proposed development would provide significant benefits and would accord with the Governments objective of increasing the availability of renewable energy generation. This includes the generation of approximately 32 megawatts of renewable energy in the United Kingdom, enough to power the equivalent of over 10,000 family homes and a consequential reduction in carbon emissions of approximately 7,000 tonnes per annum. The battery energy storage units would also be able assist in balancing the peak demands for electricity across the National Grid.
46. The proposal would therefore help to serve increasing demand for electricity and provide a secure, stable supply; and support the decarbonisation of the electricity network and the move towards a low carbon future. It would thus contribute towards UK energy security and addressing the negative impacts of climate change. Consistent with the Framework's provisions on planning for climate change, this is critical to meeting local and national targets and commitments on renewable energy and carbon emissions, and the need to achieve net zero.
47. In addition, the proposed development would deliver biodiversity net gains of 106.28% in habitat units, 35.47% in hedgerow units and 26.46% in river units in excess of the 10% national requirement set out in the Environment Act.
48. Moreover, the appellant has referred to the income generated from the appeal scheme as being an important form of farm diversification and the employment, including associated spend from employees, created by the construction and operation phases as being an important economic contribution.
49. These economic, social and environmental benefits are extensive and overall attract substantial weight.

Conditions

50. I have considered the conditions suggested by the parties in light of the relevant guidance contained within the Planning Practice Guidance (the PPG). Where necessary, I have amended them in the interests of precision and so that they meet the relevant tests as set out in the Framework. With regard to Section 100ZA of the Town and Country Planning Act 1990 (as amended), the appellant has expressed agreement to the pre-commencement conditions suggested by the council and where I have modified these it has had no material bearing on their function.

51. In order to define the permission and to control the life of the permission, I have included conditions relating to the life of the permission, the approved plans, and the lifespan of the permission and the subsequent removal of the development.
52. In the interests of the character and appearance of the area I have included a condition to control the materials and finish of the appeal scheme including the solar panels, frames, ancillary buildings and enclosures.
53. In the interests of highway safety and the character and appearance of the area I have included a condition relating to lighting, construction traffic and the provision of access, including visibility splays.
54. In the interests of the living conditions of local residents I have included a condition with regards a construction management plan to control a number of matters including dust, the condition of the highway and arrangements for storage of construction materials on the site. I have also included a condition to protect the public water supply that lies within the appeal site in the interests of the living conditions of local residents.
55. To protect the environment, I have included a condition relating to the control of surface water. For the same reason I have included a condition referring to a Construction Environmental Management Plan with regards pollution and contamination and a further condition referring to unexpected contamination; a condition requiring the submission of an agricultural land management plan; a condition referring to the submission of a landscape and biodiversity scheme; and, an Ecological Protection and Enhancement Plan.
56. To protect the living conditions of local residents and in the interests of the environment I have included conditions to control noise from the appeal scheme, including a post completion noise survey. For the same reasons I have included a condition relating to battery safety. Also, in the interest of the environment I have included conditions relating to the use of chemical treatments and a tree and hedgerow retention and protection plan.
57. To protect the character and appearance of the area I have included a condition requiring the submission of details of perimeter and security fencing. Finally, in the interests of archaeology I have included a condition requiring the submission of a written scheme of investigation and post investigation assessment report.

Planning Balance

58. I have found that the appeal scheme would result in the temporary and partial loss of the BMV agricultural land from its optimal agricultural use and would have a very small but nonetheless negative effect on food security for the duration of the life of the permission and consequentially is in conflict with policy S5 of the LP in this regard. I afford this harm significant weight.
59. With regards the effect of the appeal scheme on the Landscape, including the Howardian Hills National Landscape I have found that the appeal scheme would have a minor adverse impact on the HH NL and a moderate adverse impact on the local landscape and would therefore conflict with policies S5 and E7 of the LP.
60. On the other hand, I have found extensive economic, social and environmental benefits of the appeal scheme and have afforded them substantial weight.

61. Therefore, it is my judgement that the benefits of the appeal scheme are sufficient to outweigh the BMV agricultural land and landscape harm and therefore I consider that the proposal is not contrary to policy RM6 of the LP and the development plan when read as a whole.

Conclusion

62. For the reasons given above the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos Site Location Plan Planning Drawing 1a; Land Under the Applicant's Control Planning Drawing 1b; Landscape Mitigation Plan LRP006-LMP-01 Rev.09; Site Layout Plan LRP006-PL-01 Rev.11; Customer Cabin Elevation & Floorplan 4LP-003; Storage Container Elevation & Floorplan 4LP-004; Control Room Elevation & Floorplan 4LP-005; MV Station Elevation & Floorplan 4LP-006; Battery Elevation & Floorplan 4LP-007; HV Transformer Elevation & Floorplan 4LP-008; Tracker Structure Elevation & Floorplan 4LP-009; Gate, Fence and Camera Details 4LP-010 Rev.01; Track Road Section 4LP-011; and, Water Tank Plan SD-08 Rev.03
- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (the First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.
- 4) Within a period of 39 years and 6 months following the First Export Date, a scheme for the decommissioning of the solar farm and its ancillary equipment, 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 the local planning authority for its written approval. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved scheme and timescales.
- 5) If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, 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 above ground works 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.
- 6) Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted.
- 7) Prior to the commencement of any works, a Construction Noise and Vibration Method Statement shall be submitted to and agreed in writing for approval by the Local Planning Authority. This shall include details relating to the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to

monitor noise emissions from the development site during the construction phase. The development shall be undertaken in accordance with the aforementioned approved Method Statement.

- 8) The lighting shown on the approved plans shall be shielded to prevent glare or any threat to highway safety or detriment to amenity. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane unless otherwise first agreed in writing by the Local Planning Authority.
- 9) The development shall be undertaken in strict compliance with the details, recommendations and construction operation and traffic movement restrictions contained within the submitted Construction Traffic Management Plan (CTMP). For the avoidance of any doubt, and as stated within the CTMP, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 08.00 hours and 18.00 hours Monday to Friday, nor outside the hours of 08.00 hours and 13.00 hours on Saturdays, nor at any time on Sundays or Statutory Holidays unless approved in writing in advance with the Local Planning Authority.
- 10) No development above ground level shall take place until the approved accesses to the site have been constructed in accordance with the following requirements:
 - a) The crossings of the highway verge must be constructed in accordance with the approved drawings 2304046-TK01 Revision B and 2304046-TK02 Revision B and Standard Detail number E60.
 - b) Any gates or barriers must be erected a minimum distance of 15 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
 - c) The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

- 11) There must be no access or egress by any vehicles between the highway and the application site until visibility splays are provided in accordance with the approved drawings 2304046-01 Revision A and 2304046-02 Revision A. In measuring the splays, the eye height must be 1.05 to 2.0 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 for the life of the development.
- 12) No construction works in the relevant area 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 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.
- 13) There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage scheme, details of which

will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

- 14) No development shall commence until a Construction Environmental Management Plan (CEMP) 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 which shall include details of all measures and work methods to manage and mitigate the pollution and contamination risks during the construction phase of the development. The development shall be undertaken in accordance with the approved CEMP.
- 15) 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.
- 16) Prior to the commencement of the development hereby approved a soil erosion/agricultural land management plan (including timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be in accordance with the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and include, but not limited to, the following details:
 - a) Provision of a vegetated solution to mitigate/manage soil erosion which shall include:
 - b) An enforceable and robust land management and maintenance plan to keep the land in good condition to ensure the land does not become bare.
 - c) A temporary plan in place before vegetation becomes established to manage erosion.
 - d) Set out a scheme for the agricultural use(s) of the land(s) during the lifetime of the solar farm

The soil erosion/agricultural land management plan shall be implemented and thereafter adhered to for the lifetime of the development in accordance with the approved details (including timetable of implementation) unless otherwise first agreed in writing by the Local Planning Authority.

- 17) Prior to commencement of the development hereby approved a detailed Landscaping and Biodiversity Net Gain Scheme (including Implementation and Maintenance Plan) shall be submitted to and approved in writing by the Local Planning Authority. Based on the submitted [Revised] Landscape Mitigation Plan (LMP-01 Rev.09) and Biodiversity Net Gain Assessment

- (BNGA) (Version 1.5, dated September, 2023), the scheme shall detail how the development will achieve landscape and ecological compensatory, mitigation and enhancements and achieve a measurable net gain for biodiversity based on the results of the biodiversity metric 4.0 or the latest version of the metric if superseded. The development shall thereafter be carried out in accordance with the approved details.
- 18) Prior to the commencement of the development, an Ecological Protection and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Protection and Enhancement Plan shall incorporate the recommendations of section 5 of the submitted Ecological Impact Assessment and the recommended specific procedures and mitigation measures/recommendations within the submitted the Construction Ecological Management Plan, Habitat Monitoring and Management Plan and Ornithological Impact Assessment (as relevant) for on-site and off-site habitats and species during and following the construction phase of the development. Once approved, the development shall be undertaken in accordance with the approved Ecological Protection and Enhancement Plan.
 - 19) The cumulative rating sound level of the specific operational plant and equipment installed as part of this development shall have an operational noise level no greater than the existing background sound level during the operation of the scheme at the closest noise-sensitive receptors to the site as assessed in the Noise Impact Assessment (Version 7.0: June 2024).
 - 20) Within 6 months of the site becoming operational, a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, in accordance with BS4142 and a report submitted to and approved in writing by the Local Planning Authority. The report shall provide information on the measured (or calculated if measurement is not possible) sound emitted from the site at the closest noise-sensitive receptors to the site as assessed in the Noise Impact Assessment (Version 7.0: June 2024) The noise survey must include reference to measured background noise levels at monitoring locations and times agreed in writing by the Local Planning Authority. Where cumulative operational noise, and equipment/plant rated noise levels (including BESS-emitted noise are found to be more than the noise levels as set out in condition 21, a detailed noise mitigation scheme shall be submitted to the Local Planning Authority for written approval. Any scheme of mitigation shall be implemented within 3 months of the date of written approval in full accordance with the approved details, and it shall be retained in accordance with those details thereafter.
 - 21) No development shall take place until a Battery Safety Management Plan (BSMP) has been submitted to, and agreed in writing by, the Local Planning Authority. The BSMP shall detail the type and specification of the batteries to be used, prescribe the measures to be implemented to facilitate safety during the construction, operation and decommissioning of the BESS, measures to be deployed in response to any incident with potential to cause pollution and a fire safety management and risk reduction strategy. An Emergency Response Plan must also be included. The BSMP should also set out a methodology detailing how there will be continued engagement with the North Yorkshire Fire and Rescue Service throughout the lifetime of the

development. The BSMP shall be implemented as approved and all measures shall be retained for the duration of the development.

- 22) Once the solar panels have been installed and for the life of the development no chemical treatments for pests or weeds shall be applied to the land.
- 23) Prior to the commencement of any above ground works details of all perimeter and security fencing shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the precise heights(s) of the fencing, materials, colour finishes and locations within and on the perimeter of the site. All fencing shall be installed prior to the first operation of the development in accordance with the approved details.
- 24) Prior to the commencement of the development a detailed Tree and Hedgerow Retention and Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and shall remain in place throughout the construction phase of the development.
- 25) No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include:
 - a) The statement of significance and research objectives;
 - b) The programme and methodology of site investigation and recording;
 - c) The programme and timetable for post investigation assessment;
 - d) Provision to be made for analysis of the site investigation and recording;
 - e) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - f) Provision to be made for archive deposition of the analysis and records of the site investigation;. and
 - g) Nomination of a competent person(s) or organisation to undertake the works set out within the WSI.

Development shall take place in accordance with the approved WSI.

The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured

End of Schedule

APPEARANCES

FOR THE APPELLANT

- : Thea Osmund- Smith - No 5 Chambers
- : Tony Kernon - Kernon Countryside Consultants Ltd.
- : Jonathan Evans - Pegasus Group Senior Director, Landscape
- : Paul Burrell - Pegasus Group Executive Director, Planning.

FOR THE LOCAL PLANNING AUTHORITY:

- : Ian Nesbit – Principal Planning Officer
- : Aishling O’Driscoll – Principal Planning Officer
- : Helen Golightly – Environment Design Manager

INTERESTED PARTIES:

- : Sarah Aspinall
- : Cllr Alyson Baker
- : Richard Menage
- : Sonia Hunter
- : Philip Hewitson
- : Elizabeth Walton
- : Arthur Hannan
- : Ian Harper
- : Hannah Teasdale
- : Laurie Hill
- : David Aspinall
- : Annie Drew