

## North Yorkshire Council - Parish Council Consultation

NYC Appeal ref: **25/00013/REFUSE**  
Date of this consultation: 15 May 2025

Planning Inspectorate Ref: **APP/U2750/W/25/3364658**  
Latest date for receipt of reply: 13 June 2025

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### DETAILS OF ENFORCEMENT NOTICE APPEAL

**PROPOSAL:** Installation of solar photovoltaic (PV) array/solar farm with associated infrastructure (as amended. Planning Application 23/02015/FUL

**LOCATION:** OS Fields 7546 & 6163, Amplecarr, Husthwaite

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### YOUR CONTACT AT THE COUNCIL FOR THIS APPLICATION

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### PARISH COUNCIL'S COMMENTS

Husthwaite Parish Council's responses to planning application 23/02015/FUL sent on 14 November 2023 and 17 May 2024 contained objections to this development and are copied below for your information:-

Husthwaite Parish Council always seeks to support applications by (or for the benefit of) parishioners if not clearly contrary to planning rules. The Council is also very conscious of the need of some farmers to diversify and for all property owners generally to be able to utilise their land to generate income. Furthermore, the Parish Council is committed to supporting and promoting green energy and sustainability more generally. However, it also has a duty to protect the wider interests of the community and the parish environment and take into account all representations made to it as well as seek to apply the policies of the Hambleton Local Plan. Therefore, the Parish Council does not feel able to support this application because of its size and nature and recommends that the application be **refused** for the following reasons.....

Husthwaite Parish Council consider that this proposal will have an adverse impact on the surrounding environment and landscape contrary to the Hambleton Local Plan, in particular Policies E2 (Amenity), E6 (Nationally Protected Landscapes), E7 (Hambleton's Landscapes) and RM6 (Adverse impacts of Renewable and Low Carbon Energy Installations). It will erode the natural beauty and special qualities of our conservation village and the wider rural landscape which includes the entrance to the Howardian Hills Area of Outstanding Natural Beauty and the North York Moors National Park. Furthermore, the cumulative impact of this much larger Woolpots south site, alongside the 220 acres already in situ at Boscar Grange and Peter Hill Solar Farms, will have a detrimental impact on the rural character of our village.

The Parish Council are extremely concerned by the proximity of the proposed extensive electricity sub-compound and Battery Energy Storage System (BESS) adjacent to the entrance to our historic settlement which we believe will be visually intrusive and an industrialisation of our rural landscape. There continue to be serious fears about the safety of the BESS, which is situated immediately adjacent to the main access into our village and extremely near to the Ethylene Pipeline. Following reports of numerous uncontrollable fires in other battery storage facilities, the Parish Council is concerned that there will be a potential risk posed to both human health and the environment contrary to policies RM4 (Air Quality) and RM5 (Ground Contamination and Groundwater Pollution). Therefore, should planning permission be granted, we would like assurances that procedures for maintaining safety and for dealing with incidents involving fires caused by the overheating of lithium batteries have been addressed and that a full fire safety plan has been expressly agreed by North Yorkshire Fire and Rescue Service and then submitted to the LPA for approval. In addition, we would insist that a suitable water source has been identified in case of emergency and that a significantly sized drainage interceptor trap would be installed around the facility to prevent an environmental disaster should excesses of water be needed to control a fire.

We would also ask for the following conditions regarding the site design and maintenance to be applied:

- Prior to commencement of any development, full details of the site layout, design and finishes including details of buildings, security apparatus and infrastructure should be submitted to the LPA for approval.
- Prior to commencement of any development, full details of hard and soft landscaping works to include proposed finished levels and contours, legacy planting proposals, planting plans and implementation programme should be submitted to the LPA for approval.

- Prior to the development becoming operational, a full maintenance plan with details of funding, frequency and extent of planned maintenance activity should be submitted to the LPA for approval. Thereafter, annual maintenance logs should be completed and submitted to the LPA.

Contrary to policies S1 (Sustainable Development Principles) and S5 (Development in the Countryside) in the Hambleton Local Plan, 70% of the proposed solar farm intends will be installed on Grade 2 and 3a agricultural land. This substantial loss of the best and most versatile agricultural land, a finite resource, should be protected for the production of food for the security of the nation. However, should planning permission be approved we would like assurances that, in order to preserve the quality of the land, a detailed soil management plan, fully compliant with DEFRA's Construction Code of Practice for Sustainable Use of Soils on Construction Sites, will be provided prior to any development.

The Parish Council is also extremely disappointed that no Environmental Impact Assessment was required prior to the submission of this application and would suggest that the applicant is required to complete one prior to this application being considered by the planning committee.

The Parish Council would also like to see consideration given to the effect of this solar array on long standing businesses. Husthwaite is a popular tourist village, and many local businesses depend on tourism, so the Parish Council is very concerned about both short-term and long-term impacts on the local economy (Policies EG7 – Businesses in Rural Areas and EG8 – The Visitor Economy). In particular, as the construction of this development is liable to cause considerable disruption on the extremely narrow road leading to our village, Husthwaite Parish Council would insist that a detailed Construction Management Plan containing the following conditions are applied and adhered to should any planning permission be approved:

- Hours of operation are limited to 8am until 5pm Monday to Friday and 8am until 1pm on Saturdays. No Sunday or bank holiday working.
- Plant and materials must be stored within the site boundary, which should be secure.
- Parking for ALL construction traffic MUST be provided on site and no parking should be allowed on the sides of the highway.
- Deliveries should be restricted to avoid school drop off / pick up times to alleviate traffic congestion on the narrow lanes into the village.
- All unloading of materials should take place on site and vehicles must be able to access and leave the site in a forward gear.
- Clean access should be provided to the site and wheel cleaning facilities should be available to ensure no mud or grit is transferred onto the existing highway.
- Any road closures must be kept to an **absolute minimum** and agreed in advance, as the Amplecarr is the main access route into Husthwaite (and the only one included in the winter maintenance plan).

The Parish Council also ask that the following conditions are applied in relation to the restoration of the site:

- If the site ceases to generate electricity for a period of more than three months, notice should be given to the LPA.
- The site must cease to operate on or before the expiry of 40 years from the commencement of operations.
- A decommissioning scheme, including full proposals for site restoration and environmental clean-up, must be submitted to the LPA within three months of the site ceasing to generate electricity and decommissioning must be carried out in accordance with the scheme. The PC will be guided by the LPA as to whether the decommissioning can be secured by S106 agreement or by planning condition.

In addition, should planning permission be granted, the Parish Council would like assurances that, prior to commencement of the development, a binding planning obligation by way of S106 agreement or undertaking will be in place securing payment of the sum offered to the community in the application.

Husthwaite Parish Council has reviewed the amendments / additional information and remains of the view that the application be refused for the reasons previously given. In particular, it feels that the concerns relating to amenity (noise and safety), use of BMV soil, landscape and cumulative impact have not been adequately addressed. It welcomes the addition of an alternative water source but remains concerned about the lack of a detailed fire response plan agreed with NYFRS. The Parish Council also repeats its request for all the conditions set out in its original response.

## Appeal

As there have been no substantive changes made to the proposed scheme, and following a further public meeting to discuss the Parish Council's response, the Parish Council wishes to reiterate all its previous comments (as set out above) and also draw the Inspector's attention to the following:

1. In January 2023 Husthwaite Parish was designated as a 'neighbourhood' for the purposes of the Localism Act 2011 and work began scoping a new neighbourhood plan. The Parish Council conducted a survey through March-May 2024, available online and on paper, to which it received 157 responses, representing just over 60% of all households in the parish which the Parish Council is advised is an exceptionally good response rate for surveys of this type.

As can be seen from the attached summary of the results, the two top reasons given for why residents like living in the parish were the rural setting and the character of the surrounding landscape, with peace and tranquility of the area the third most popular choice. The second most important objective of the new plan, after housing, was identified as protecting the natural environment and local countryside including the Howardian Hills National Landscape, in which part of the parish sits, and the North York Moors National Park which is very close by.

When asked specifically about Renewable Energy, about 40% of respondees were in support of any commercial scale schemes although over half were more likely to support if the energy generated was for local use (see questions 19 and 21). When asked to rate the popularity of the possible types of commercial schemes, solar on the rooftops of public buildings was the most popular while large scale solar (defined as over 50 acres) was second to bottom with very little support.

The draft vision and objectives of the new neighbourhood plan consequently include:

- "... maintain and enhance the rural and historic character of our parish through sustainable development that respects our heritage, protects our natural environment, enriches our quality of life and balances the needs of residents, local businesses and visitors, helping to create a vibrant community where all can thrive"
- "Ensure that commercial renewable energy developments are planned at a scale and in a location that respects nationally and locally important landscapes, maintains agricultural land versatility, safeguards biodiversity, and preserves heritage assets, aligning with sustainable development principles."

The proposed scheme would cause adverse impact to our parish's rural setting and its landscape as confirmed by the North Yorkshire Council's Principal Architect in her reports from May and June 2024 which the Parish Council endorses. It is not supported by the large majority of residents as evidenced very clearly by these survey results and the Parish Council would ask the Inspector to take these into account.

(Please note that this attachment, together with other information on the draft Neighbourhood Plan, are also available on the Husthwaite village [website](#).)

2. The Parish Council's previous concerns about cumulative impact are now increased by a recent planning application ZB25/00821/FUL for a 160 acre solar farm just across the road from the existing schemes at Boscar and Peter Hill. If this and the proposed scheme were approved, there would be over 500 acres of continuous industrial development with another 160 acre scheme nearby, Humbertoth 21/00821/SCR, pending following successful EIA screening.
3. The Parish Council's previous concerns regarding health and safety in relation to the significant Battery Energy Storage Scheme (BESS) have also grown following the increased number of fires and explosions at such facilities (at least two this year in the UK) and the highlighting by a number of prominent experts of the dangerous lack of direct regulation in the UK and of any oversight by the HSE. This was the subject of a debate in Parliament very recently (5 June) and the Parish Council supports calls for a moratorium on granting permission for such facilities until specific regulations are in place, as there are for any other largescale storage of energy e.g. nuclear, oil, gas etc.
4. The Parish Council's previous concerns regarding the extensive use of BMVAL soil, which is given a separate status to other agricultural land under national and local policy, are also increased by its

understanding that a new academic research study has found that soil health **decreases** as a result of being under a solar panel. The Parish Council also notes that co-agriculture in the form of low intensity sheep grazing was promised at the Boscar solar farm but a current application ZB25/00694/MRC shows that the promised biodiversity and landscape management that was a condition of the Boscar solar farm obtaining approval in 2015 has still not been implemented.

5. Husthwaite village has recently applied to become a designated Dark Skies Friendly Village as part of an initiative sponsored by the NYMNP and HHNL. Dark skies are an important aspect of rural tranquillity, but a natural night-time environment free of light pollution is vital for wildlife and important for humans too. This joint project aims to recognise the work of villages in helping reduce light pollution across both designated landscapes. We have already passed an initial audit and are required, inter alia, to raise light pollution implications of potential developments. Although the Applicant states that there will be no permanent lighting on site, the Council understands that the proposed 72 security cameras will have integral lighting and there is also evidence in neighbouring solar farms of integral lighting on battery containers and other infrastructure, particularly taller structures in the proposed substation. We would ask therefore that, as a minimum, a condition be imposed in the terms set out by the NYMNP in response to the current Raskelf application referred to above (attached [here](#))
6. The Parish Council has two short comments to make in relation to the Planning Officer's questionnaire provided for this Appeal:
  - a. In question 2a, it states that the scheme cannot be seen from any road or PROW etc. While this may simply indicate that the entire site is not visible on a visit from any single viewpoint, it is obviously wrong to suggest there is no visibility of the site from public routes – there are multiple viewpoints.
  - b. In question 13b, it states that the proposed development would not affect the setting of a listed building. This is incorrect; Highthorne House, NHLE 1150762 Grade II, is cited by applicant as c540m from the development and its owners have lodged an objection explaining the impact the scheme would have on the setting of their property.
7. Finally the Parish Council would draw the Inspector's attention to a number of conditions that it requested be included if the scheme was approved (see above) and concerns that it raised immediately prior to the planning committee hearing in October 2024 that some of these – and other conditions proposed by other statutory consultees - had been omitted from the list of conditions provided to the Committee by the Planning Officer. It notes that the Planning Officer has now provided a list of conditions with the Appeal Questionnaire (see question 24.j.) but that this document has not been made available on the NYC Planning Portal. The Council would very much welcome the opportunity to review this list and provide any further comments before the appeal hearing.

Submitted on behalf of **Husthwaite** Parish Council.

Date: 13 June 2025