

Walton & Co

Town & Country Planning • Local Government • Compulsory Purchase • Highways

Mr and Mrs Taylor

East Yorkshire Solar Farm Nationally Significant Infrastructure
Project

Registration Comments

March 2024

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1. Introduction

- 1.1. We act on behalf of Mr and Mrs Taylor who occupy the property known as Sandwood House together with the surrounding land for recreational and business uses. The following comments are made in relation to the East Yorkshire Solar Farm Nationally Significant Infrastructure Project (“**the Project**”) which was accepted by the Planning Inspectorate on 19th December 2023.
- 1.2. We wish to object to the Project on our clients’ behalf and in order to assist the Inspectors at this early stage to set out, in summary, the very considerable concerns that we have in relation to the Project. Our comments predominantly relate specifically to Solar PV Areas 2e and 2f (as shown on Figure 3-2: Elements of the Site plan contained at page 23 of the Planning Statement). The in-combination effects of the development of these two fields, in our view, sways the planning balance in favour of removing parts of the development of these fields from the Project.
- 1.3. We make it clear at the outset that there is no in principle objection to this Project, nor do our clients have any objection to the development of the solar farms. Indeed, they fully understand the reason that there is a presumption in favour of such development given the essential need to combat climate change. That said, such principle cannot in our view override all and any detailed planning concerns which we briefly set out below. We should note that our clients do wish to partake in the Examination stage of the Project and wish to appear at any hearings relevant to their concerns and have asked us to give consideration to instructing Counsel.
- 1.4. We make these initial objections having regard to the appraisal set out in the Planning Statement EN010143 November 2023. The Planning Statement refers to both National Policy Statements (“**NPS**”) designated in 2011 and draft NPS which were the subject of consultation in 2023. We note that since the acceptance of the application, the draft NPSs referred to in the Planning Statement came into force on 17 January 2024 and therefore the 2011 NPSs have been withdrawn. Unless stated otherwise, references to NPSs are to those now in force.

2. Good Design and Site Selection

- 2.1. The applicant cites NPS EN-1 which sets out the principles of good design that are applicable for all energy infrastructure. We agree that this guidance is entirely applicable in relation to this objection when taken in context to the particular impacts in this location. NPS EN-1 states:

*“Applying “good design” to energy projects should produce sustainable infrastructure **sensitive to place**, including impacts on heritage...”*
[our emphasis]

- 2.2. NPS EN-1 expects applicants to provide details in their application of how the design process was conducted and how the design has evolved and acknowledges that there may be opportunities for applicants to demonstrate good design in terms of siting relative to existing landscape character and land form.

- 2.3. NPS EN-3 advises upon the factors which influence site selection and design and discusses each in detail. These include: proximity of a site to dwellings, accessibility, public rights of way, security and lighting. Paragraph 2.10.73 onwards considers the impacts of solar PV development and includes landscape, visual and residential amenity, cultural heritage, construction traffic, noise and vibration.
- 2.4. Contrary to this guidance it appears that the applicant has not addressed site-specific issues in relation to our client's property, nor indeed wider issues in relation to impacts on landscape and public rights of way. This is noted from a comparison of the early engagement illustrative plans and the submitted proposal (see **Appendix 1** of this representation). Despite our client writing to the applicant on numerous occasions to raise their concerns, the layout surrounding our client's property has not changed substantially. The same planting scheme appears to have been retained at the north of area 2f and the volume of panels increased in area 2e.

3. **Landscape and Visual Impacts**

- 3.1. Our client has instructed a landscape consultant and this representation is based upon his initial views. A full report is being prepared and will be submitted at the relevant stage of the examination process.
- 3.2. Paragraph 5.10.6 of NPS EN-1 advises that *"projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints **the aim should be to minimise harm to the landscape, providing reasonable mitigation** where possible."* [our emphasis]. Paragraph 5.10.26 acknowledges that reducing the scale of a project can help to mitigate visual impacts. Whilst this may result in operational constraints and reduction of functions, there may be exceptional circumstances where mitigation could have a very significant benefit and warrant a small reduction in function.
- 3.3. NPS EN-3 advises upon how visual and landscape impacts should be dealt with through good design with reference to the requirements of NPS EN-1 and states:

"Applicants should carry out a landscape and visual assessment and report it in the ES. Visualisations may be required to demonstrate the effects of a proposed solar farm on the setting of heritage assets and any nearby residential areas or viewpoints. 2.10.98 Applicants should follow the criteria for good design set out in Section 4.7 of EN-1 when developing projects and will be expected to direct considerable effort towards minimising the landscape and visual impact of solar PV arrays especially within nationally designated landscapes."

- 3.4. Our landscape consultant notes that there is no consideration of landscape receptors beyond a national and local character area scale. This fails to consider the more granular variations in landscape character, and associated value and susceptibility, likely to occur in the setting of local settlement. In particular, there is no consideration of the local landscape setting near to Sandwood House. The result is a deficient landscape

assessment that does not transparently and accurately report likely variations in the significance of effects across the study area.

- 3.5. The local setting near to Sandwood House has a positive landscape character evident in its openness and distant views over large fields (see **Appendix 2** of this Statement); surviving semi-natural and natural features including mature woodland, hedgerow and trees; cultural value associated with traditional rural development dating to the late 18th century (Sandwood House & Spaldington Grange), frequent drains and dykes associated with the historic agricultural development, and historic lanes surviving as rights of way (Featheredbed Lane); together with recreational value associated with local Public Rights of Way (“**PRoW**”) and the promoted Howden20 walking route.
- 3.6. The local setting described above is consistent with the criteria for medium sensitivity landscape¹ despite being assessed as ‘low’ in the wider consideration of Landscape Character Area 5b.
- 3.7. The applicant has not minimised harm to the landscape in this discrete area (Areas 2e and 2f). The Indicative Site Layout Plan (sheet 4) (see **Appendix 3** of this submission) shows a small flower rich grassland strip to the south of our clients’ property followed by the existing hedgerow and proposed perimeter fencing. This proposed mitigation is not considered ‘reasonable’ for the visual and landscape impacts in this area. The proposal’s almost exclusive reliance on planting to reduce the impact on visual amenity fails to maintain, respect or retain long views and the general openness of the local landscape that is central to its character.
- 3.8. Proposed woodland planting to the immediate south of Spaldington Road will permanently change the current openness of the landscape, including long distance views from Spaldington Road and Sandwood House that extend over a substantial field to the mature tree-lined horizon at the south of parcel 2f. In addition, there is an absence of mitigation planting adjacent to SPALF18 and EASTB17, with open and urbanising views of perimeter fencing and solar panels likely to be experienced. The creation of grassland and small areas of woodland edge planting do little to mitigate this.
- 3.9. Furthermore, there is an inconsistent approach to mitigation near to existing properties and settlements. For example, there is generally a minimum ‘one-field buffer’ to Willitof, Spaldington and Gribthorpe. No such buffer, or one of similar scale, has been provided near to Sandwood House and neighbouring properties on Spaldington Road. This is despite the Environmental Statement identifying visual receptors as being of the same sensitivity in these locations².
- 3.10. With regards to parcel 2e, proposed species-rich grassland and a hedgerow with trees will do little to mitigate the immediacy of the array to receptors adjoining its southern boundary within Sandwood Business Park and the neighbouring equestrian land-use. The assessment of effects fails to consider the elevated line of sight experienced by horse-riders and greater levels of visibility experienced above features such as

¹ Appendix 10-2, Table 2 of the Environmental Statement

² see Environmental Statement Table 10-12, compare VP5, VP8 and VP12a

hedgerows. Views of the array over such features will adversely affect the enjoyment of a rural-based recreational activity.

- 3.11. For the above reasons, the Project does not accord with the national policy set out in the NPS. As previously noted, our client will be submitting a full landscape response as part of the examination stage.

4. **Impact on recreational routes**

- 4.1. A significant number of PRowS run through the application site, of particular importance is the Howden 20 route (see **Appendix 4**). The Howden 20 is a popular promoted recreational 20 mile circular walk of the countryside around the market town of Howden. The submitted landscape assessment find that users of the Howden 20 “*will experience significant adverse effects*” which by year 15 will be reduced to minor adverse as a result of “*establishment of proposed mitigation, enhancement and replacement planting and the management of existing hedgerow*”.

- 4.2. Paragraph 2.10.43 of NPS EN-3 states:

“Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.89”

- 4.3. Footnote 89 of NPS EN-3 acknowledges that “*screening along public right-of-way networks to minimise the outlook into the Solar Park may, impact on the ability of users to appreciate the surrounding landscapes*”.

- 4.4. Parts of the Howden 20 route (and other PRowS such as SPALF18 and EASTB17) are made up of open, medium to long distance views. The buffer provided to PRowS is inadequate and there will be a material change in the open setting of the footpaths, with open views across the wider field lost. No effort has been made to retain part of the open setting to the PRowS which is central to their enjoyment and understanding of landscape character.

- 4.5. The application proposes a partial diversion of the PRow to the north east of our client’s property (PRow 10/04 – PRow 10/05). It is not clear from the submitted plans however, the diversion corridor appears to propose to divert the PRow into the parcel 2e. The enjoyment of this PRow will be significantly impacted due to the change in character of part of the PRow into a field of built form in the way of solar panels.

- 4.6. Further evidence in relation to the impacts upon the PRowS, including the Howden 20, will be submitted as part of the full landscape response which will be submitted at the relevant examination stage.

5. **Residential Amenity**

- 5.1. Paragraph 2.10.27 of NPS EN-3 informs that the proximity of a site to dwellings is a factor which will influence site selection and design and states:

“Utility-scale solar farms are large sites that may have a significant zone of visual influence. The two main impact issues that determine distances to sensitive receptors are therefore likely to be visual amenity and glint and glare. These are considered in Landscape, Visual and Residential Amenity (paragraphs 2.10.93-2.10.101) and Glint and Glare (paragraphs 2.10.102 – 2.10.106) impact sections”

- 5.2. As noted above, NPS EN-3 requires applicants to carry out a landscape and visual assessment and will be expected *“direct considerable effort towards minimising the landscape and visual impact of solar PV arrays”*.
- 5.3. The initial findings of our landscape consultant are that the submitted landscape assessment makes inaccurate assumptions about residential views experienced from Sandwood House fails to identify receptors in the adjoining equestrian land to the west. The use of this land for equestrian purposes was consented under planning permission 20/02488/PLF and represents a rural-based recreation activity where the appreciation of the adjoining countryside is central to its enjoyment.
- 5.4. Open, long-distance views are experienced from the dwelling (and its adjoining equestrian land to the west), a sensitive receptor, the proposed woodland planting to the immediate south of Spaldington Road will permanently change the current openness of the landscape, including long distance views from Spaldington Road and Sandwood House that extend over a substantial field to the mature tree-lined horizon at the south of parcel 2f.
- 5.5. We would strongly disagree with paragraph 10.6.8 of the Planning Statement which deals with the ‘careful siting in the landscape’ and states that *“A wide margin is provided within Solar PV Area 2f, where a small number of properties currently have open views across the field.”* For the reasons set out above, the proposed landscaping is inefficient and does not minimise the impacts to the visual and residential amenity of Sandwood House.
- 5.6. The Planning Statement provides no further analysis on the impacts of this development on our client's property. Sandwood House is a 18th century farmhouse and the application does not consider the historic setting of our client's property. Our client's property is a sensitive receptor which ought to have been properly considered in the environmental impact statement.

6. **Construction impacts**

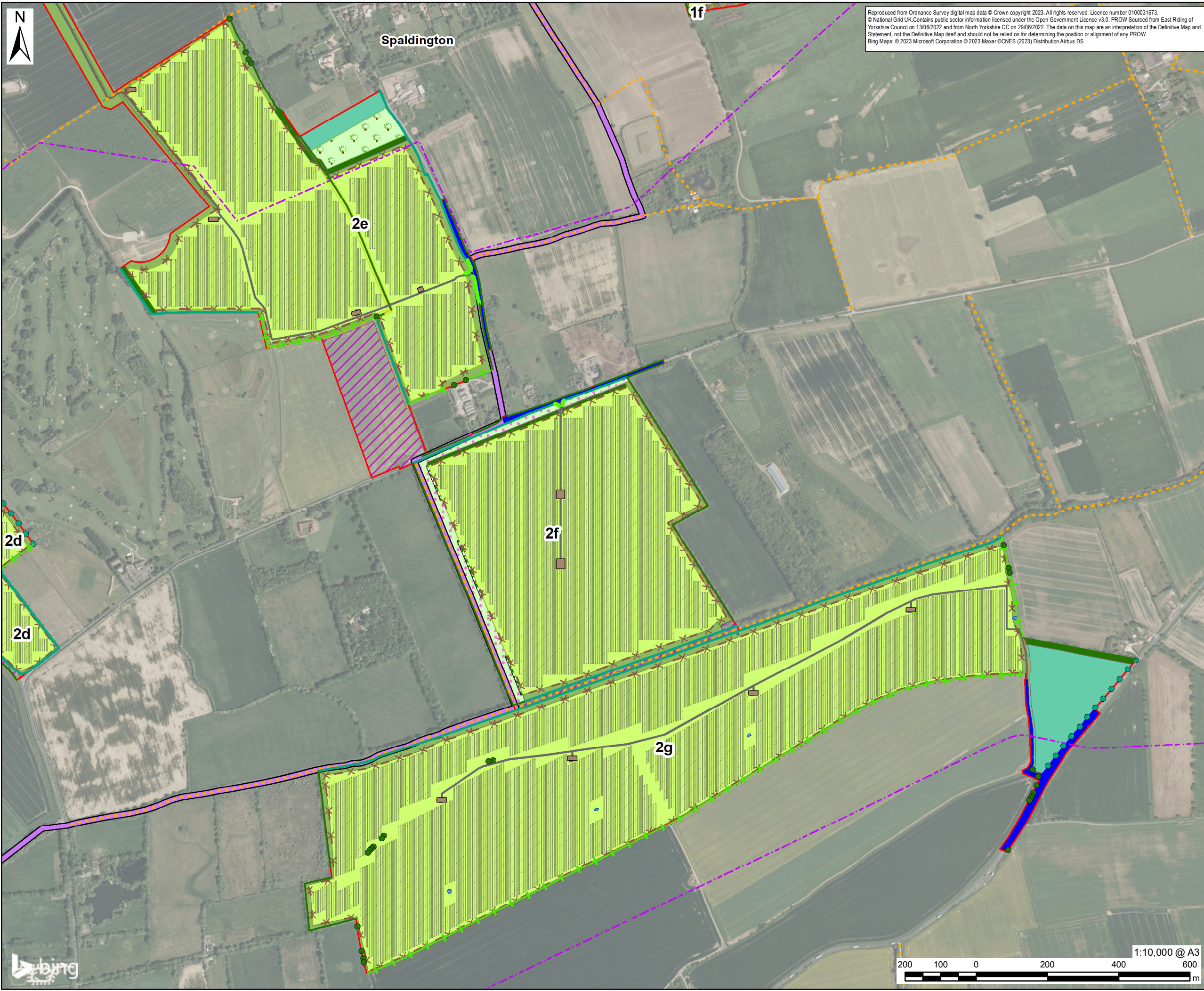
- 6.1. Our client's property is located within close proximity of 3 elements of the Project which will cause severe disruption and impact through the course of construction:

1. Spaldington Lane is identified as a Compound B Access Route (as shown on Appendix 13.5-4 of the ES) meaning that construction vehicles will pass the front of the property on a regular basis during construction;
 2. Both fields to the north and south (areas 2e and 2f) of the property are proposed for the installation of the panels extremely close to the property. Despite the applicants assertion that a “wide margin” is provided between the residential receptor and the development; and
 3. Land to the immediate west of the property is proposed for the laying of cable.
- 6.2. Whilst the application seeks to assess and address the individual impacts of noise, vibration and traffic, the location of our client’s property directly in the middle of the above operations will result in a significant cumulative impact. We have seen no overall analysis of the impact of construction on our client's property.

7. **Way forward**

- 7.1. In order to remove our objections, our client would be satisfied with the removal of parts of the proposal within the immediate vicinity of our client's property in order to meet the concerns set out above. The application site occupies a substantial land holding and it is considered wholly possible for a more considered landscape strategy to be delivered that addresses the points outlined above while maintaining a similar capacity for solar power.
- 7.2. The reinstatement of historic field boundaries and woodland (as illustrated on historic Ordnance Survey mapping) would represent a more logical strategy of inform the scale and extent of buffers to both the north and south of Sandwood House. The reinstatement of historic field boundaries in those locations would provide a framework of primary mitigation embedded in the scale and siting of the proposal. This could, in turn, allow areas of open field to be retained alongside Spaldington Road, Howden 20, SPALF18 and EASTB17, while delivering a logical framework of landscape restoration.

Appendix 1



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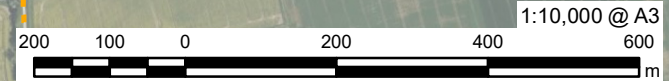
- LEGEND**
- Order limits
 - Land not included in the Order limits
 - Solar PV Site (xx = Solar PV Area)
 - Ecology Mitigation Area (xx = Ecology Mitigation Area)
 - Grid Connection Corridor - Habitat to be Reinstated
 - Interconnecting Cable Corridor - Habitat to be Reinstated
 - Retained Habitat
 - Existing Individual Tree
 - Existing Hedgerow
 - Existing Pond
 - Operations and Maintenance Hub (Johnson's Farm)
 - Solar PV Table
 - Field Station
 - Site Access
 - Solar PV Site Perimeter Fencing
 - Grid Connection Substation Fencing
 - Overhead Electricity Line
 - Gas Pipeline
 - Hull to Selby Railway Line
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 - Proposed Woodland Edge Mixed

ISSUE PURPOSE
 Environmental Statement

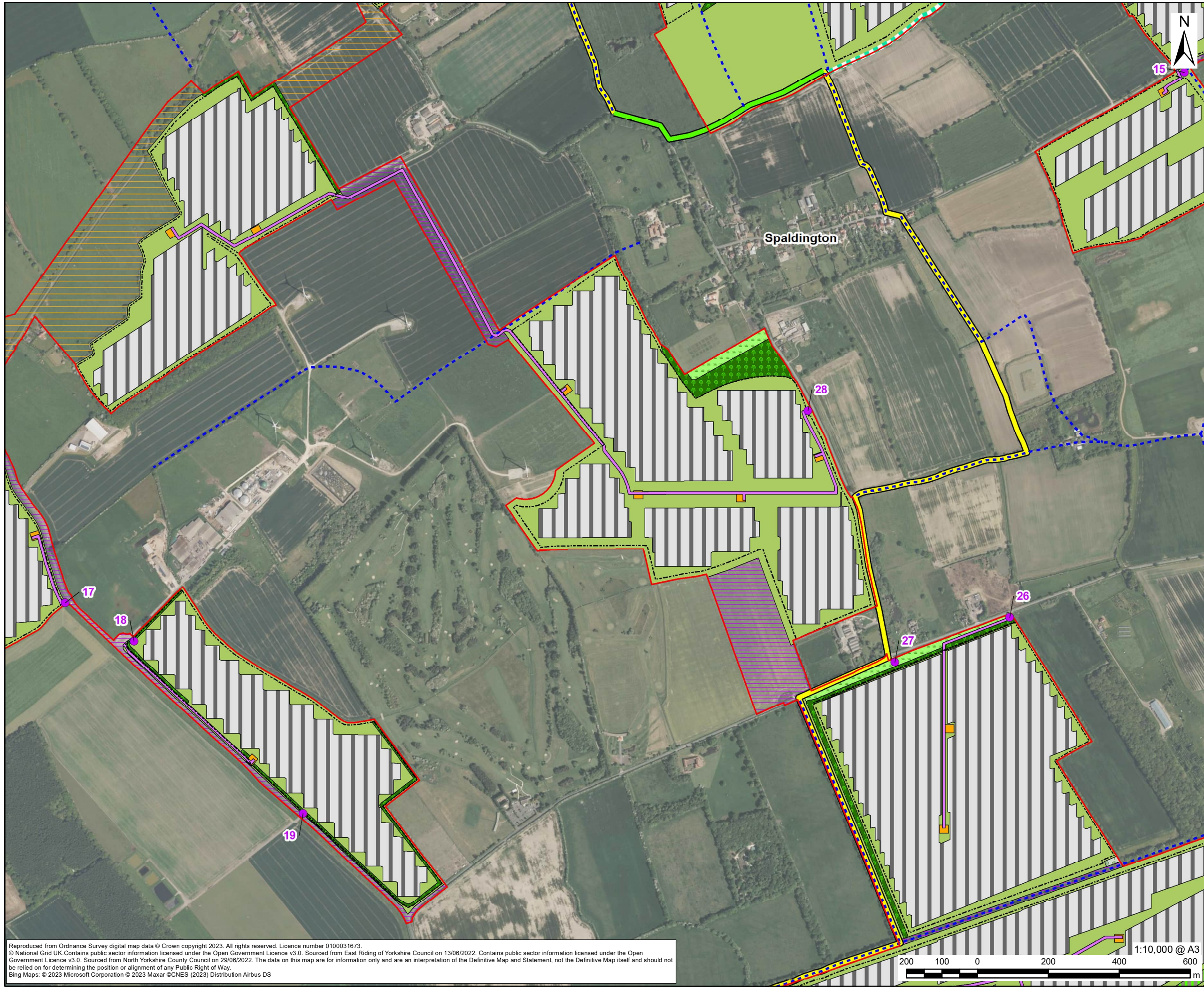
PROJECT NUMBER
 60683115

FIGURE TITLE
 Indicative Site Layout
 Sheet 4 of 7

FIGURE NUMBER
 Figure 2-3

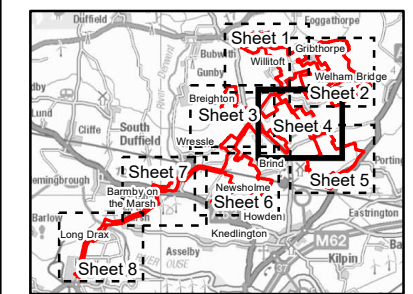


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LEGEND

- Site Boundary
- 132kV Cable Corridor
- 33kV Cable Corridor
- * Existing Agricultural Buildings to be Used for Storage
- x Location of Potential Bird Hide
- Access Point
- Hull to Selby Railway Line
- Existing Overhead Line
- Public Right of Way
- Indicative Route of Proposed Permissive Path
- Howden 20 Route**
- Permissive Footpath
- Public Right of Way
- Scheme Element**
- New Fenceline
- Existing Hardstanding
- Existing Grassland
- Proposed Grassland
- Existing Woodland Habitat Area and Screening
- Proposed Woodland Habitat Area and Screening
- Proposed Easement (Grassland)
- Proposed Infill Grassland
- 33kV/132kV Grid Connection Substation
- Field Station
- Indicative Location of Temporary Storage Area (During Cable Construction Only)
- Internal Track
- Location of Operations and Maintenance Base (Johnson's Farm)
- Solar Panels (Land Beneath and Surrounding Panels to be Grassed)
- Wetland Wildlife Zone



ISSUE PURPOSE

PEI Report

PROJECT NUMBER

60683115

FIGURE TITLE

Indicative Site Layout (Version 2.8)

Sheet 4 of 8

FIGURE NUMBER

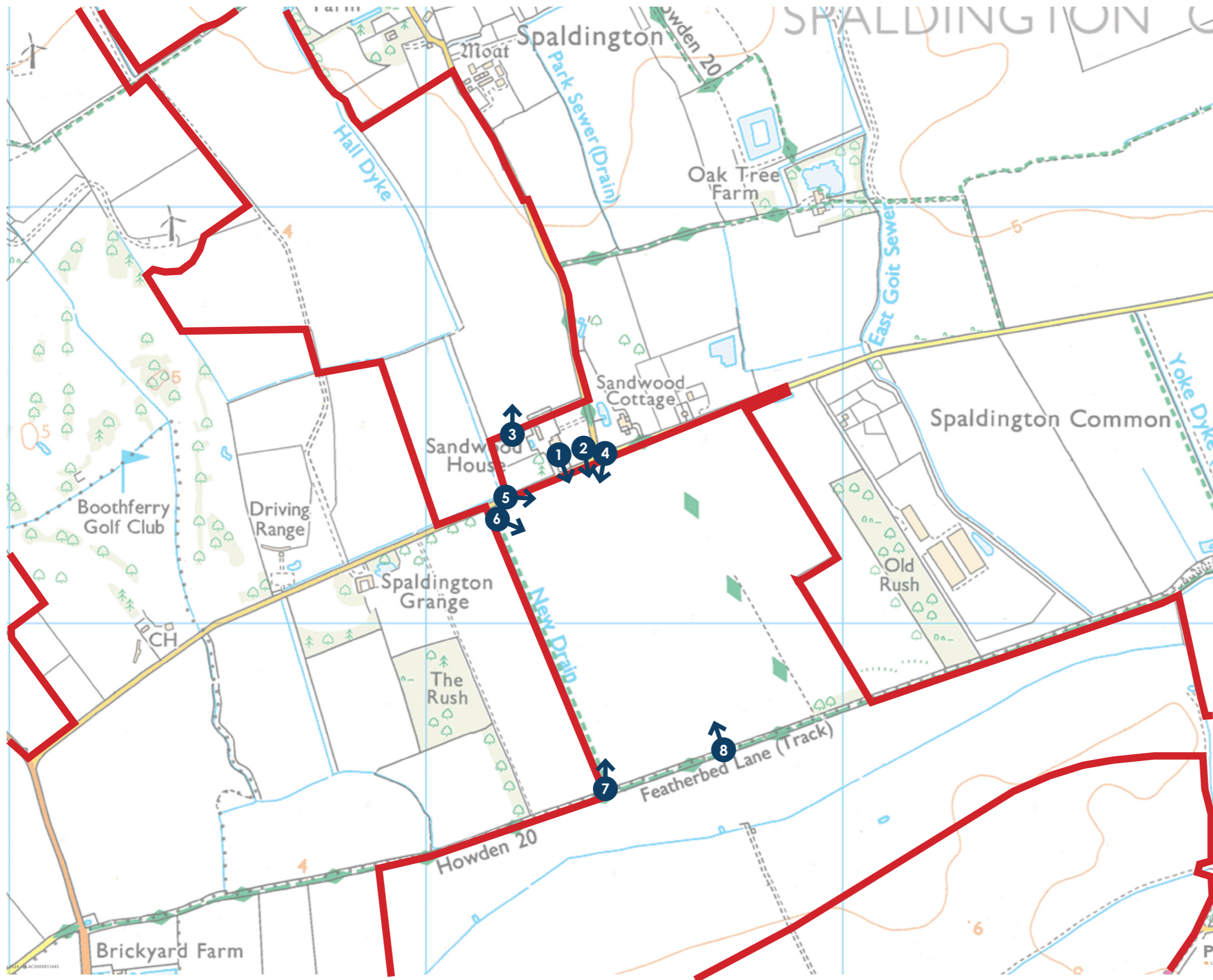
Figure 2-3

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Appendix 2



Key

-  Application boundary
-  View locations

Number/Figure GLY0042 LV01	Project East Yorkshire Solar Farm
Scale 1:10,000 @ A3	Drawing Title View Location Plan
Date 05/03/2024	Client Mr & Mrs Taylor
Checked APF	



View 1 - Taken from the second storey of Sandwood House, approximately 50m from the application site looking south.



View 2 - Taken from within the gardens of Sandwood House, approximately 35m from the application site looking south.



north

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Number/Figure GLY0042 LV02	Project East Yorkshire Solar Farm
Scale A3	Drawing Title Photographic Views 1 & 2
Date 05/03/2024	Client Mr & Mrs Taylor
Checked APF	





View 3 - Taken from within the equestrian land at Sandwood House, adjoining the application site looking north.



View 4 - Taken from Spaldington Road, approximately 5m from the application site boundary looking southwest.



north

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Number/Figure GLY0042 LV03	Project East Yorkshire Solar Farm
Scale A3	Drawing Title Photographic Views 3 & 4
Date 05/03/2024	Client Mr & Mrs Taylor
Checked APF	





View 5 - Taken from Spaldington Road, at the application site boundary looking southeast.



View 6 - Taken from public right of way SPALF18, on the route of the Howden20, within the application site looking southeast.



north

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Number/Figure GLY0042 LV04	Project East Yorkshire Solar Farm
Scale A3	Drawing Title Photographic Views 5 & 6
Date 05/03/2024	Client Mr & Mrs Taylor
Checked APF	





View 7 - Taken from public right of way SPALF18, on the route of the Howden 20. Within the application site looking northeast.



View 8 - Taken from public right of way EASTB17, within the application site looking north.



north

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Number/Figure GLY0042 LV05	Project East Yorkshire Solar Farm
Scale A3	Drawing Title Photographic Views 7 & 8
Date 05/03/2024	Client Mr & Mrs Taylor
Checked APF	





































Appendix 3

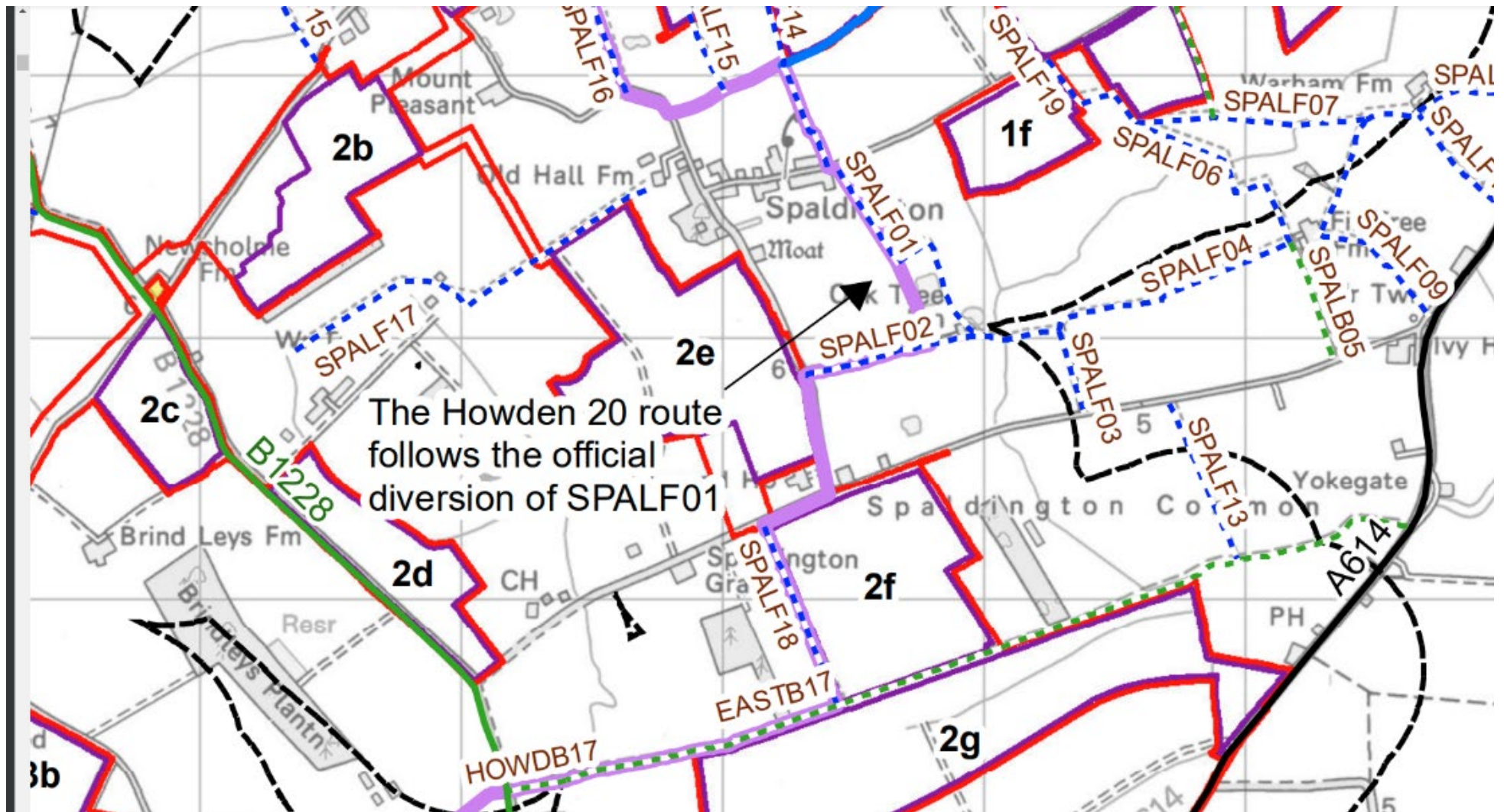


SANDWOOD HOUSE

















LEGEND

-  Order limits
-  Land not included in the Order limits
-  Solar PV Site (xx = Solar PV Area)
-  Ecology Mitigation Area (xx = Ecology Mitigation Area)
-  Grid Connection Corridor - Habitat to be Reinstated
-  Interconnecting Cable Corridor - Habitat to be Reinstated
-  Retained Habitat
-  Existing Individual Tree
-  Existing Hedgerow
-  Existing Pond
-  Operations and Maintenance Hub (Johnson's Farm)
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-  Proposed Flower Rich Grassland
-  Proposed Hardstanding
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-  Proposed Native Woodland - Mixed
-  Proposed Semi-Improved Grassland
-  Proposed Species-Rich Grassland
-  Proposed Species Rich Wet Grassland
-  Proposed Traditional Orchard
-  Proposed Woodland Edge Mixed

Appendix 4



LEGEND

-  Order limits
-  Land not included in the Order limits
-  Solar PV Site (xx = Solar PV Area)
-  Ecology Mitigation Area (xx = Ecology Mitigation Area)
-  500m Buffer of the Order limits
-  A Road
-  B Road
-  Motorway
-  Howden 20 Circular Route
- Public Rights of Way**
-  Bridleway
-  Byway Open to All Traffic (BOAT)
-  Footpath
-  Restricted Byways
-  Unsurfaced Unclassified Road
- Proposed Permissive Bridleway and Footpath**
-  Proposed Permissive Bridleway
-  Proposed Permissive Footpath