

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0454

Development description: installation of solar array (20 panels) connected to approved art installation A Room That Sings (revised location to that approved under NYM/2021/0822)

Site address: near Cross Cliff Car Park, Dalby Forest

Parish: Allerston

Case officer: Miss Emily Jackson

Applicant: Forestry England, fao: Mrs Petra Young, Outgang Road, Pickering, York, YO18 7EL

Agent: Forestry England, fao: Mrs Petra Young, Outgang Road, Pickering, York, YO18 7EL

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text												
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.												
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><thead><tr><th>Document Description</th><th>Date Received</th></tr></thead><tbody><tr><td>Location Plan</td><td>12 July 2023</td></tr><tr><td>Site Plan</td><td>12 July 2023</td></tr><tr><td>Solar Array Elevations</td><td>12 July 2023</td></tr><tr><td>Biodiversity Metric 4.0 Calculation</td><td>31 January 2024</td></tr><tr><td>Solar Array Net Gain Map</td><td>31 January 2024</td></tr></tbody></table>	Document Description	Date Received	Location Plan	12 July 2023	Site Plan	12 July 2023	Solar Array Elevations	12 July 2023	Biodiversity Metric 4.0 Calculation	31 January 2024	Solar Array Net Gain Map	31 January 2024
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Solar Array Net Gain Map	31 January 2024													
3	MC00	The solar panels hereby approved shall have black frames and thereafter be so maintained.												

4	MC14	If the use of the solar panels hereby approved permanently ceases the equipment shall be removed from the site within six months of that cessation and the site shall, as far as practical, be restored to its condition before development took place.
5	ARC03	<p>No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions - and</p> <ul style="list-style-type: none"> i) the programme and methodology of site investigation and recording; ii) the programme for post investigation assessment; iii) the provision to be made for analysis of the site investigation and recording; iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation; v) the provision to be made for archive deposition of the analysis and records of the site investigation; vi) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
6	ARC04	No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.
7	MC05	<p>No work shall commence to clear the site in preparation for the development hereby permitted until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted and approved by the Local Planning Authority. The CEMP: Biodiversity shall include the following: a) risk assessment of potentially damaging construction activities; b) identification of biodiversity protection zones; c) practical measures to avoid or reduce impacts during construction; d) the location and timing of sensitive works to avoid harm to biodiversity; e) the requirements for when an ecological clerk of works (ECoW) or similarly competent person is needed to oversee works; f) the use of protective fences, exclusion barriers and warning signs. The approved CEMP should be implemented throughout the construction process unless agreed otherwise with the Local Planning Authority.</p>

8	MC00	Prior to the development being brought into use, details of the proposed planting and management of the mixed scrub and the adjacent verge should be submitted to and approved in writing by the Local Planning Authority.
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Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3	RSN GPMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4	RSN MISC09	In order to return the land to its former condition and comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the landscape of the National Park.
5-6	RSN ARCH01	In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
7	RSN MISC03	To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

8	RSN LD02	In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
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Informative(s)

Informative number	Informative code	Informative text
1	MC INF09	Please note that the public bridleway situated adjacent to the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.

Consultation responses

Parish

No objections

Northern Gas Works

None received

Third party responses

None received.

Publicity expiry

16 August 2023

Photograph showing existing site within which the Solar Array is proposed (Photo credit: Forestry England).



Photograph showing location of proposed solar array in relation to 'singing room' art installation; art installation to be installed on public right of way running perpendicular to solar array (as seen beginning in the left of photograph).



Background

Permission was granted in March 2022 for the installation of an art installation entitled 'Singing Room' within Dalby Forest, close to the existing Crosscliffe Car Park towards the northern edge of the forest. As part of this approval, permission was granted for the siting of a 5Kw ground mounted solar array comprising 20 panels to power the art installation. However, upon further assessment of the site it has been found that the proposed solar array would not be viable in the approved location due to a mains gas pipeline running underneath.

In view of this, this application now seeks permission for the siting of a 5kw ground mounted solar array comprising 20 solar panels in a revised location to that previously approved. It is proposed for the revised solar array to be installed south facing on the Woodcock Way Trail, a nearby track running perpendicular to the location of the approved 'Singing Room'. The proposed solar array would be arranged in two rows of ten solar panels installed upon a metal frame with a maximum height of 3.3 metres on top of 4.5 metres x 12 metres area of hard standing.

Main Issues

Local Plan

The most relevant policies contained within the North York Moors Local Plan 2020 to consider with this application are Strategic Policy A (Sustainable Development), Strategic Policy J (Tourism and Recreation) and Policy ENV8 (Renewable Energy).

Strategic Policy A states that a positive approach to new development will be taken in line with the presumption of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes which are: to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied, and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Strategic Policy J states that tourism and recreation development will be supported where: it is consistent with the Authority's principles of sustainable tourism; it does not lead to unacceptable harm to the local landscape; it provides opportunities for all people to increase their awareness and enjoyment of the special qualities of the National Park; it is of a quality and scale that reflects the sensitivity of the local landscape; it does not compromise the enjoyment of existing tourism and recreational facilities or public rights of way; and it does not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood.

Policy ENV8 states that proposals for the generation of renewable energy will only be permitted where: it is of appropriate scale and design to the locality; it respects and compliments the existing landscape character type; it does not result in an unacceptable adverse impact on the special qualities of the National Park; it meets local energy needs; it provides environmental enhancement or community benefits; and where it makes provision for the removal of the facilities and reinstatement of the site should it cease to be operational.

Material Considerations

As considered under the previous application, the proposed solar array would be visible from the bridleway by reason of its need for uninterrupted sunlight within a woodland setting. However, it is still considered that the revised location of the array is unlikely to have a significant detrimental visual impact upon the wider surrounding area. The proposed solar array would be sited near the art installation and would be set back a minimum distance of 3 meters from the road edge. It is also considered that the proposed solar array and associated art installation would help to promote the understanding and appreciation of the area.

As the development would be above the 'de minimis' threshold for Biodiversity Net Gain (<25m²), the Authority's Ecologist requested that a Biodiversity Metric 4.0 was completed to demonstrate that there would be a 10% net gain for biodiversity as part of the proposals. Upon receipt of this additional information the Authority's Ecologist is satisfied with the information provided but has requested that conditions are applied requiring details of planting to be provided in addition to a Construction Environmental Management Plan for Biodiversity prior to the development commencing.

As per the previous application, the Authority's Archaeology Officer has requested that a watching brief is submitted and approved prior to the works commencing as Cross Cliff Brow is known for several Scheduled Bronze Age round barrows which may have surviving below ground features.

Conclusion

For the reasons outlined above, the proposal meets the aims of Strategic Policy A, Strategic Policy J, Policy ENV8 of the NYMNPA Local Plan 2020 and as such, approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

Pre-commencement conditions

Condition(s) 5 and 7 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Explanation of how the Authority has worked positively with the applicant/agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.