

HESSAY PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING HELD AT 7.30PM AT THE CHAPEL, MAIN STREET, HESSAY ON THURSDAY, 27 APRIL 2023

Present: Councillors Mark Barratt (Chairman), Matt Hinton, Harry Ramshaw and Mike Ward. Also present were five members of the public and the Clerk, James Mackman.

PUBLIC PARTICIPATION

None.

23.035 - TO RECEIVE DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (NOT PREVIOUSLY DECLARED) ON ANY MATTERS OF BUSINESS

None.

23.036 - TO RECEIVE APOLOGIES FOR ABSENCE GIVEN IN ADVANCE OF THE MEETING

Apologies for absence were received from Councillor Steve Mills.

23.037 - TO CONSIDER THE APPROVAL OF REASONS GIVEN FOR ABSENCE

Councillor Mill's reason for absence was accepted.

23.038 - TO CONFIRM THE MINUTES OF THE PARISH COUNCIL MEETING HELD ON 16 MARCH 2023

The minutes of the Parish Council meeting held on 26 January 2023, having been circulated prior to the meeting, were approved and signed.

23.039 - PLANNING APPLICATIONS

(a) *The Councillors considered the planning applications received since the March Parish Council meeting as listed below: -*

Details of Planning Applications	Comments
Ref: 23/00537/ABC3 - Change of use of agricultural building to 1no. dwellinghouse under Class Q Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 at Agricultural Building east of Mullingar Farm and North of Low Moor Lane.	The Parish Council objects to the application on the following grounds: - Inappropriate development in the Green Belt Need has not been proved. The bats have not been considered. We are concerned that it would set a local precedent. We are not aware that an agricultural use has been sought elsewhere within the community.
Ref: 23/00626/FULM - Installation of a solar farm and associated infrastructure, including control station, DNO substation, access tracks, inverters and other auxiliary infrastructure at Agricultural land to the north and south of Low Moor Lane	See appendix below

(b) To note Local Authority Planning Decisions

It was noted that the Local Planning Authority had approved no planning applications since the March Parish Council meeting.

23.040 - FINANCE

(a) Financial Report

The Clerk presented detailed reports showing the actual income and expenditure for the period from 16 March 2023 to 27 April 2023. The reports reflected the receipts and payments (net of VAT) below.

The bank balances on 27 April were: -

Current Account	£100.00
Business Money Manager Account	£11,321.17

(b) To note accounts for payment

45 CHG	HSBC	Bank charges Feb/Mar	£8.00
46 BP	Mark Barratt	New seat, fence repairs, printing	£447.90
1 BP	HSBC	Bank charges Mar/Apr	£8.00
2 BP	James Mackman	Expenses	£8.17

(c) To receive a report on income received

HSBC	Bank interest	£11.86
Parish Council land tenants	Land rents	£145.00
HMRC	VAT refund	£243.13
City of York Council	Grant for new seat	£600.00

(d) To agree the Annual Governance Statement on the Annual Return

The Councillors, having previously been given a copy of the Annual Governance Statement of the Annual Return, agreed that all the questions could be answered with a “yes”. The Chairman and Clerk signed the form.

(e) To agree the Statement of Accounts on the Annual Return

Prior to the meeting the Clerk had given all Councillors a copy of the Annual Return and the paperwork supporting the entries. The Councillors agreed to accept the Annual Return and the Chairman and the Clerk signed the form.

(f) To sign the exemption form for the Annual Return

It is a requirement of the external audit procedure that an exemption form be completed, signed and returned to the external auditor if a Parish Council’s income or expenditure for 2021-22 was less than £25,000. As the Parish Council falls into this category the Chairman and Clerk duly signed the form.

(g) To agree to subscribe to the YLCA for 2023-24 - £131.00

This was agreed.

23.041 - TO NOTE CORRESPONDENCE RECEIVED BY THE CLERK

It was noted that the correspondence received since the March meeting, as listed below, had already been circulated to the Councillors.

- (a) North Yorkshire Community Messaging - Our News, April 2023
- (b) Open Spaces Society - March 2023 ezine
- (c) YLCA - NALC Chief Executive's Bulletins

(d) YLCA - White Rose updates

23.042 - TO CONSIDER MINOR MATTERS

Councillor Barratt expressed the Parish Council’s thanks to Roger Hildreth for the work he has done for the Parish Council over the years and for his efforts in endeavouring to have the Land Registry register the Parish Council’s ownership of the five plots of land.

Councillor Barratt also thanked his fellow Councillors for their help and support.

The Clerk reported that no resident was standing for the Parish Council at the elections on 4 May. To allow the Parish Council to function the City will appoint three district councillors to stand in. 35 days after the 4 May elections a By-election will be announced when it is hoped that at least a minimum of three people will be elected to form a quorum.

23.043 – TO CONSIDER NEW ITEMS FOR THE NEXT AGENDA

To purchase new defibrillator pads.

23.044 - TO AGREE THE DATE OF NEXT MEETING

It was agreed that the next meeting would be held at 7.30pm on Thursday 25 May 2023.

There being no more business the meeting was formally closed at 8.50pm

Chairman.....

Date.....

James Mackman, Clerk 39 Calder Avenue, Nether Poppleton, York, YO26 6RG
Tel: 01904 399277 email: jmackman3@gmail.com

Appendix for Ref: 23/00626/FULM - Installation of a solar farm and associated infrastructure, including control station, DNO substation, access tracks, inverters and other auxillary infrastructure at Agricultural land to the north and south of Low Moor Lane.

Whilst we are pleased that the applicant has taken the time and effort to engage with the community, we must point out that many residents who attended the drop-in session held in Hessay Methodist Chapel left the session somewhat confused by the answers which they received when sharing their concerns with the developer. They received different answers depending whom they spoke to on matters such as the access route, noise, and potential access to the land for recreation. For example, some were told that no vehicles would access the site via Hessay, others that it would only be during the construction phase, and others there would be some access through construction and operation. Regarding sound, some were told there would be no audible sound, others that there would be low volume sound generated by the equipment.

We fear that residents have been unnecessarily confused by these actions and as such we are unable to apply as much merit to the drop-in session as we had hoped it would deliver.

The main concerns that we as a community hold are outlined below, many of these have been raised with the developer through the consultation exercise though have not yet been fully addressed:

- Noise.
- Traffic.
- Intrusion into the Greenbelt, need, and site identification.
- Visual impact, loss of visual amenity, and air safety.
- Lack of community benefit.
- Adverse effect on local business.
- Detrimental impact on wildlife.
- Grid connection.

Noise

Hessay lies in a quiet tranquil location upon which residents place high value. There is considerable concern that the equipment on the site would produce a low volume low frequency sound for prolonged periods of time which cannot be screened, these concerns were compounded by conversation between the developers and residents at the drop-in session. It is documented that such noise can have a detrimental effect on mental health and wellbeing and you should be aware that there are residents in Hessay with medical conditions which can be exacerbated by such noise and sound frequencies.

We feel that the noise generated by the plant should not disturb people in their houses or gardens, day or night. We understand that low frequency sounds as are likely to be arising are not absorbed by tradition acoustic proofing materials. The Public Protection assessment states that “Further consideration should be given to the mitigation measures in order to ensure that background noise levels are not exceeded.”. If the level of noise generated by the solar farm was the same as the level of background noise, then the noise generated by the solar farm would be audible, and therefore potentially disturbing. Any mitigation measures need to ensure that the noise generated by the solar farm is “inaudible in surrounding homes & gardens” and believe noise cancelling equipment should be a minimum stipulatory requirement to ensure this is achieved and that any other necessary measures should be facilitated. There are also concerns regarding noise during the construction phase, and particularly regarding the operation of plant equipment. Residents would not be content with weekend working or weekdays before 8.30 am and after 5.00 pm.

Within the community there is a highly regarded wildlife sound recordist, who has captured recordings of many species of wildlife within the area, we are concerned that this activity may be curtailed as a result of the frequency of the sounds arising from the proposal.

Traffic

The village of Hessay is subject to a 7.5t weight limit. Some houses are at risk of structural compromise if heavy vehicles pass near them. Low Moor Lane is not of a suitable size or condition to accommodate large vehicles; accordingly, we would not support any vehicles over this weight passing through the village whatsoever. We are concerned for the degradation of the road surfaces & structure arising from increased traffic of any weight. We seek to see all access via Tinker Lane, Rufforth and the York outer ring road as we would not wish to subject residents of Rufforth or Hessay to increased traffic volumes.

Intrusion into the Greenbelt, need, and site identification.

It is acknowledged that the proposed site lies within the greenbelt, we do not believe the case put forward mitigates the effect upon the inappropriate development of the greenbelt, whilst we acknowledge that a secure energy supply is desirable, we do not believe that this is sufficient to

justify this proposal. We believe a wider search area should have been considered and detailed within the application. As such we ask the following:

- What other sites have been considered? Were they in or out of the greenbelt? Why have they been ruled out? Which non-greenbelt sites located near the infrastructure proposed to be installed as part of the Yorkshire green energy enablement project have been considered, and what were the outcomes of these sites?
- If there is a need for electricity from solar PV generation in the general vicinity, why hasn't it been a condition of all recent planning applications to all residential, commercial, and agricultural properties in the area?
- Why hasn't the applicant detailed the existing extent of solar PV generation in the City of York area including rooftop generation? There are numerous Solar PV generation points across the city, why have these not been taken into account within this proposal?

Visual impact, loss of visual amenity, and air safety

The nature of the height and scale of the proposal will result in a considerable visual impact and lack of visual amenity, there are concerns from the arising structures, the fence, and from glare.

The screening of the panels from view as proposed is inadequate, a mixed belt of native British species of at least ten metres width should be planted to all boundaries in the Parish of Hessay to provide visual screening.

There is a concern for air safety arising from the fact that the structure is in the flight path of flying operations from Rufforth airfield. Pilots vision may be affected adversely, thermals may arise from the panels affecting stability of gliding aircraft at take-off and landing, flight paths may need to be altered, there may be an increase of flights overhead of residential properties creating a noise nuisance and that if a forced landing was deemed necessary that aircraft would have fewer places to land and properties and ultimately residents could potentially be jeopardized.

Lack of Community benefit

The proposal at present does not create any meaningful community benefit. It had been discussed about land being made available within the application to create a cyclable link between the public Highway at Low Moor Lane, Hessay and the existing cycle route which adjoins the south-eastern boundary of the proposal on Tinker Lane, Rufforth. The proposed site fully links the two rights of way, and such a route would enhance the area, deliver a green transport link into and out of York and create a circular walking route between Hessay and Rufforth which would be welcomed by many residents. It has been a longstanding aim of many Hessay residents to create a safe cycle route for all ages and abilities which connects Hessay with York, and Poppleton at least, where many children attend school, and the Park and Ride site is accessible. Many routes have been looked at over the last 20 years at least, none of which have materialised. Many residents would like to be less reliant on their cars and the public transport links to the village are currently inadequate. If a route could be secured which links to the wider cycle network for the duration of this proposal it would deliver many benefits for the wider community, and it would improve the 'green' aspirations of the proposal by reducing carbon emissions from the village as a result.

Residents are not able to secure energy directly from the scheme, neither is there a proposal to enable an electricity supply into the village, or to offer a share generation scheme with the community.

The applicant makes reference to payments into a 'Community Benefit Fund' based on electricity generated which is to be agreed at a later date. We seek to ensure that any permission granted would be conditional on establishing this agreement on the provision of this fund which should be index linked.

Adverse effect on local Business

Adjacent to the site boundary is a long-established professional harness horse racing training business. There is a severe concern that this business will not be able to operate if the proposal receives permission owing to the sensitivities of the horses. The business is located here due to the level ground and the lack of disturbance, such sites are particularly hard to find, and it would be unreasonable to expect the business to relocate.

Detrimental impact on wildlife

We acknowledge that an ecological study has been conducted but it is woefully inadequate. From an outward view many of the bird species which are present have been disregarded which raises the question what else has been omitted. Whilst there are many flaws in the ecological study it is not for us to pick each one apart, we seek point out some of the most glaring errors hoping that you will in turn address the inadequacy. The inadequacy of the biodiversity study also leads us to question the efficacy of other information presented including the soil and noise assessments.

Of the greatest concern is that the presence of at least 13 Red listed and 22 Amber listed bird species have not been addressed, as some of the most threatened species such as Eurasian curlew, lapwings and tree sparrow are present. The lapwings and tree sparrow are known to nest in the area and the curlews have at least attempted to nest within the area of the proposal. The available habitat to these species is declining and this application will exacerbate this situation locally. Several bat species which are known to be present do not appear to have been detailed. We note the claim that "There are no wintering bird records within 2 km of the Site." and point out that the area is known to be attractive to winter migrating birds such as fieldfare and redwings which have been observed in large numbers. The starling is known to be a regular (daily) visitor to the site and may be considered a resident. Barn owl, Tawny owl and Little owl are known to use the land in the proposal and may well be using the tree cavities for nesting, in spring the Cuckoo can be heard calling from within the area being considered.

We welcome the proposal of retaining all existing trees and planting gaps in hedgerows, and would seek a robust commitment to this. Perhaps the developers would likewise commit to rotational cutting of hedges on an infrequent cycle, and / or only using traditional hedgerow management such as hedge laying if they genuinely seek to improve biodiversity.

We are concerned that the installation of the fence will curtail the free movement of the roe deer which are present in the area.

We note the claims of opportunities to enhance biodiversity, though there is little or no detail of how this will be done. If this opportunity is to be maximized a suitable scheme should be approved as a condition of the application.

Out of principle if a proposal to deliver 'green' benefits adversely affects wildlife then by its very nature it cannot be 'green'. Likewise, if the existing biodiversity has not been fully identified and considered the proposal cannot be 'green' or 'sustainable.' How can the applicant claim to deliver a biodiversity net gain if they haven't accurately established a baseline from which to start?

Grid Connection

We note that the route to connect the solar farm to the 'Grid' has not been finalised. We note that the works required to install the connection to the 'Grid' would be significant and as such feel details on this should form a much larger part of this application. We would not want to see the unnecessary disruption of the route being taken along either Shirbutt Lane, Main Street or New Road, Hessay, and as such would ask the applicant to confirm their connection route and the associated work required, prior to any decision being made on this application so that it can be appropriately considered.

Other points of note

It is imperative that the classification of agricultural land is robust, we note the divergence to a lower classification than the official records. It is likewise imperative that the noise survey is accurately detailed. Such matters as the background noise levels noise levels, the level and sound frequency of arising noises, and the land classification should be independently verified by a party outside of the applicant's choosing.

We note that all of the work proposed is upon land to the south of Low Moor Lane, we seek to have this limit robustly enforced throughout all stages of the application including the construction phase.

If the application receives approval, we seek reassurance that all commitments will be robustly adhered to and that all commitments are future proofed and protected from such occurrences as the operating company changing or falling into administration.