

Mr & Mrs R W Sturdy
Eden Farm
Old Malton
YO17 6RT

23rd March 2023

Kevin Riley
Planning Officer
Ryedale District Council

By email: development.management@ryedale.gov.uk

Dear Mr Riley,

23/00046/MFULE | Installation and operation of a solar farm and battery energy storage system with associated infrastructure including substation, access tracks, pole mounted CCTV, fencing and landscaping for a period of 40 years | Land Off Great Sike Road Old Malton Malton North Yorkshire

We are Robert and Emma Sturdy (age 51 and 44) of Eden Farm, Old Malton. Whilst this document is lengthy, it is in consequence of, and in response to, the lengthy statements which comprise Harmony Energy's application. The application for the new solar farm and battery storage, if permitted, will have life-long and life-changing consequences for us and our children. This is our only chance to state our case and we would be grateful if you would give due regard to the points set out below.

The following lays out our personal objection to the above solar and battery storage planning application on our farm. Our professional advisers will be dealing separately with the more 'technical' aspects of our objections (e.g. planning policies, land classification, grid connection etc).

In this objection we cover the following:-

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1. BACKGROUND

I am the tenant of Eden Farm, where, along with my wife, Emma, I farm 280 acres of arable land. We live at Eden Farm with our two children, Sebastian 9 and Elizabeth 6. Our landlord is the Fitzwilliam Trust Corporation Ltd (FTC).

My grandfather, father and myself have farmed the land at Eden Farm for almost 70 years. In 1971, the year in which I was born, my father, John Sturdy, took on an Agricultural Holdings Act Tenancy with FTC. This tenancy is a three generation tenancy of which I am the second generation. It is a tenancy for my lifetime and for my children's, should either of them wish to pursue a career in farming.

When my grandfather became the tenant at Eden Farm in 1954, the land was in a poor state but he and my father spent much time and money on drainage and long term improvements of the land. They helped to frame the landscape here and planted a huge number of trees and hedges on the land, they still stand proud today. This work has helped to create the environment enjoyed in this area today as well as the added benefit of capturing carbon and increasing our biodiversity.

At the age of 18, I went to Agricultural College to study crop production and crop science for 3 years, I then gained experience working on other farms all of which helped to ensure I met the criteria of the landlord to take over the tenancy from my father in 2014, who I had been in partnership with since 1996 until he passed away in 2015. In 2010 we invested in a new grain store appropriate to farm the 280 acres.

Of the 280 acres we farm, only 240 acres sits within the AHA tenancy. Back in 2015, I acquired the lease of 39 acres on a Farm Business Tenancy (FBT) as a result of the landlord taking back possession of 16 acres to develop the new Malton Livestock Market, an arrangement that benefitted both landlord and tenant.

So you see, I have worked my entire life towards running Eden Farm. The farm has been maintained, improved and invested in, over 3 generations at great cost financially, physically and emotionally in order that we leave it in a better state for the next generation. I would not want all this hard work and investment, which has seen very significant improvements to the farm and the environment, to be lost as a result of the application.

2. PERSONAL CIRCUMSTANCES OF THE TENANT

Since we became aware of the application, people have said to us that, whilst they have great sympathy with us and the impact that this application will have on our business, livelihood and home, it is not a material consideration from a planning perspective. We are advised that this is not correct and that our personal circumstances are such that they must be given proper consideration in this application.

In the Court of Appeal case, **Westminster City Council v Great Portland Street Estates Plc [1985] AC 661**, Lord Scarman held:

“Personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. The human factor ... can ... and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered as an exception to a general rule to be met in special circumstances. If a planning authority is to give effect to them, a specific case has to be made and the planning authority

must give reasons for accepting it. It follows that, though the existence of such cases may be mentioned in a plan, this will only be necessary where it is prudent to emphasise that, notwithstanding the general policy, exceptions cannot be wholly excluded from consideration in the administration of planning control”.

We say that our personal circumstances are truly exceptional and fundamentally different from other planning applications where the applicant and the occupant of the land are the same person. Our ‘personal circumstances’ include:

- the farm will not be viable if it is reduced in size as proposed
- the length of time our family have farmed the land
- the duration of the tenancy for a third generation,
- we have been unimpeachable tenants
- we have invested in the land, machinery and buildings
- Eden Farm is our home and our only source of income
- the tenancy prevents me from using the farm for any purpose other than agriculture
- our contribution to the local economy
- the contribution our business makes to the environment - I recycle the local garden waste

In summary: my personal circumstances and the impact that the proposed development would have on our farming business should be taken account of in consideration of the application.

3. THE AHA TENANCY AND NOTICE TO QUIT

Ryedale Local Plan	
5.34	In Ryedale the role of local Estates has been a significant factor in influencing rural economic activity and management of the landscape.
5.35	Land Based Rural Economy strategy is intended to support and be flexible to the needs of those who rely on the land – based economy
5.4	This plan looks to support staple sectors of the economy such as...agriculture whilst seeking to provide a step change in diversifying and modernising the economy.”

64 % of agricultural land in England has a tenant as a custodian on all or part of it. Tenant farms are the backbone of the rural economy, their rights must be protected and their contribution to local agriculture, the economy and food security must be recognised. Tenant farmers are an integral part of Ryedale’s economy, cultural heritage and identity.

I am a 1986 Agricultural Holdings Act Tenant (AHA). I took over the Tenancy from my father on 8 December 2014. An AHA tenancy has the potential to run for 3 generations. AHA tenancies provide security of tenure for a lifetime, they enable farmers like me to invest in the land and the farm, to take the good years with the bad, to farm as sustainably as we can and plan for the future.

The lease contains a provision (reflecting my father’s lease) that if the landlord obtains planning permission for a non-agricultural development on the tenanted land, he can then serve on the tenant a Notice to Quit requiring me to vacate the relevant land. However, when the AHA was passed in 1986 no one had heard of solar farms and, generally speaking, the developments that were anticipated were for residential housing, commercial buildings and mineral extraction which were closely regulated by pre-existing planning policies. However, solar developments are not subject to the same level of scrutiny and weighted planning considerations, which has resulted in what might best be described as a planning ‘free for all’, where developers rush to obtain planning permissions before stricter planning controls are introduced whilst the statutory security of tenure that protected tenant farmers enjoy is

undermined by a far more benign planning regime in relation to solar farms and battery storage schemes.

The situation which faces us as tenant farmers is very different from the situation facing those who farm freehold land. If a freehold farmer obtains planning permission to erect a solar park on his land, he can then lease it to a solar developer (typically for a 40 year term) who will pay him rent that is far in excess of the return that he can generate from farming – and without all the toil that such work entails. In contrast, tenant farmers will lose that land from their tenancy forever and where this land comprises a significant portion of the land within the tenancy (as in our case), the tenant risk losing his livelihood and possibly his home and yet receive only a very modest amount in compensation (see point 8 below).

In summary: I am a long-standing protected tenant and should be protected from the consequences of a non-agricultural planning permission particularly where the ability to obtain planning permission is much easier for solar development than other forms of development, as it is viewed as a ‘temporary’ development in planning terms.

4. THE LAND

Ryedale Local Plan	
SP17	Land resources will be protected and improved by prioritising the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss. New land allocations will be planned to avoid and minimise the loss of the Best and Most Versatile Agricultural Land. Proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural land will be resisted unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource.
2.15	Making sure that Ryedale’s potential to grow food is supported.
2.18	Farming and sensitive land management practices play a vital role in maintaining these landscapes much of which are managed by a number of landed Estates who have owned land across Ryedale for many generations. Indeed this pattern of land ownership is a very distinctive feature of Ryedale.
3.2 - 10	Support the land-based economy through sustainable land management; promoting sustainable rural enterprise and activity that helps to retain traditional land uses such as food production
3.35	Ryedale’s wider countryside is as equally important to the future of this District as the towns, particularly in terms of food production, ecosystems, including water provision, flood management, carbon storage, landscapes, and recreational opportunities.
3.36	It is vital that the wider countryside is supported as a living and working place, if valued landscapes are to continue to be managed and food produced locally. Consequently, supporting the type of development necessary to enable those who earn a living from the land and manage the countryside is important.
5.34	In Ryedale the role of local Estates has been a significant factor in influencing rural economic activity and management of the landscape.
5.35	This strategy is intended to support and be flexible to the needs of those who rely on the land – based economy
5.45	This plan looks to support staple sectors of the economy such as...agriculture whilst seeking to provide a step change in diversifying and modernising the economy
5.36	Malton Livestock Market is the last remaining livestock in Ryedale and is greatly valued by the local farming and wider community, It provides a local sustainable focus for the sale and purchase of livestock, reducing food miles and encouraging the trend towards local food production. The current livestock market is an important use that should be retained in Ryedale.
7.27	The majority of land in the District is in agricultural use and agricultural land in the area of Ryedale covered by this Plan generally falls within grades 2 and 3. Grade 2 Best and Most Versatile Land is predominantly located to the east and northeast of Malton and Norton and also along the Great Wold Valley. Although agricultural land is a plentiful resource in the District, climate change places an increasing emphasis on the need to support local food production and it is important that as a resource, the loss of productive land, particularly the loss of the Best and Most Versatile Land

	is carefully managed and avoided when balanced against other sustainability considerations which will need to be taken into account in guiding new development
NPPF 174	(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

I am an award winning farmer with 35 years’ experience of land and soil management. Contrary to what Harmony Energy claim, Eden Farm is not intensively farmed. Far from it. If appropriate, I would welcome the opportunity to invite the Planning Officer and Planning Committee to undertake a farm visit to see evidence of how my family have looked after the land, improved soil health and biodiversity, whilst becoming an important local centre for recycling green waste.

The majority of the farmland at Eden Farm is classed as Best and Most Versatile Land (BMV) and the remainder is 3b.

Table 1 in paragraph 3.11 of Harmony Energy’s Soils and Agricultural Report states that 56% of the land earmarked for development is BMV. This is incorrect and, at best, it is misleading.

Harmony Energy’s Table 1

Grade/Subgrade	Area (ha)`	Area (acre)	% of the land
Grade 1	3.2	7.9	6 %
Grade 2	18.4	45.5	35%
Grade 3a	7.9	19.5	15%
Grade 3b	17.7	43.7	33%
Non-Agricultural Land	5.7	14.0	11%
Total	52.9	130.7	100%

} 56% BMV

In calculating the total amount of land comprising the land to be developed, Harmony have included 5.7 hectares (14 acres) of non-agricultural land i.e. ‘Eden Farm, a number of roads (Edenhouse Road, Borough Mere Lane and Fenton Lane), farm tracks, drainage ditches/hedges and a small woodland’. There is no reason why non-agricultural land should be included within the assessment of the percentage of BMV land and it leads to a distortion and understatement of the actual percentage of such land. If the non-agricultural land is excluded from the computation, it results in the percentage of BMV land increasing to 62.5% - very nearly two thirds of the entire development:-

Adjusted Table 1 (excluding non-agricultural land)

Grade/Subgrade	Area (ha)`	Area (acre)	% of the land
Grade 1	3.2	7.9	6.8%
Grade 2	18.4	45.5	39%
Grade 3a	7.9	19.9	16.7%
Grade 3b	17.7	43.7	37.5%
Total	47.2	116.6	100%

} 62.5% BMV

I invite the Committee to conclude that the applicant has understated the percentage of BMV land which is affected by this application. The reality is that there is significantly more BMV land which will be lost.

Most of the crops at Eden Farm are autumn sown crops which establish well in the autumn so develop a good root structure enabling them to scavenge for moisture if a dry spring or summer follows. Because of the high water table the roots that have developed in the autumn are already into moisture. With reference to drainage, we have significantly improved the drainage over the years. My late father had a dispute with the Drainage Board during the 1970s (incidentally, he won!) making the Drainage Board deepen their ditches to allow our ditches to be deepened, which subsequently allowed our drainage pipes to be installed at the correct depth. Since the 1970s extensive drainage work has taken place on the land here and this continues today. I have concerns that solar panels mounted on poles driven 1m deep into the soil will disturb and destroy a complex, established drainage network that works very efficiently.

Our ambition on the farm has always been to allow more cultural control. A wide range of crops are grown (see examples Appendix 3) allowing for a good rotation which cuts down our chemical input, increases soil health and helps protect the environment. I feel that the applicant has sought to give the impression that our farming business is somehow degrading the environment and that somehow, the solar farm will improve it. I do not believe this is borne out in practice and the application documentation is misleading in the way it presents our stewardship of the land.

Currently we plant the crops using “minimal tillage” (less soil disturbance) techniques. It has taken a long time to get into a position where we can do this but, as mentioned above, with a better drainage network across the farm and organic fertilizers being applied, the soil is in a much better condition and is more easily workable. This has allowed us to reduce our carbon emissions over the years, both with reduced fuel usage (as there are less tractor movements in the field to establish a crop) and also the fact that organic fertilizers are applied, reducing our reliance on imported inorganic fertilizers, again, helping to reduce our carbon footprint. You will see there is always an aspiration to improve and grow, we are always looking forward.

The soil here is in very good condition as a result of all the above farming methods, drainage, investment, a rubber tracked tractor which exerts less pressure on the soil compared to a wheeled tractor (again with significant investment) and years of experience of learning how to look after the soil and knowing how to work the soil in the right condition which allows for better crop establishment. The quality of the soil here is evidenced by the Organic Matter (OM) Analysis Results– see Appendix 1. The average OM result for arable soil is approximately 2%. Our results are high at 5.9%, 4.9% and 5.2%.

In the Soil Management Plan ref 4.8/4.9/4.11/4.14 /4.16 Harmony Energy state there will be stripping of top-soil and ‘bundling’ (the action of digging and piling up soil into heaps).

The action of stripping topsoil and storing in bunds completely undoes all the good work carried out here over the years, working towards no soil disturbance to sequester carbon in the soil. When topsoil is moved or displaced it downgrades the soil. It takes a long time to get the soil into a good condition, but it takes a very short time to return it to a poor condition. If land is excavated and bundled, it will never be replaced in the land grades as it is today, therefore completely mixing up and degrading the soil. It will be impossible to put the land back to the original state.

In summary: the tenancy comprises good land which should be protected from development. The proposed development will not improve soil health, quite the reverse and the proposed stripping and bunding of the topsoil will cause significant and long-lasting damage to the organic matter and structure of the soil which has taken many years to develop. The proposed development will have significant and permanent adverse effects on soil health and future productive capacity.

5. FOOD PRODUCTION

Ryedale Local Plan

2.15	Making sure that Ryedale's potential to grow food is supported.
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The UK is only 62% self-sufficient and this figure is declining. Ryedale (and the country as a whole) needs a secure, traceable, affordable food supply produced locally to a high standard.

The fragility of our food chain has been highlighted following Brexit, Covid and now the war in Ukraine. Every inch of our good farmland that can produce food should be doing so. The Secretary of State, Michael Gove only recently stated that all BMV land must be left for food production. I am a responsible farmer and, whilst being mindful of environmental stewardship and best practice, this must serve as an adjunct to our prime objective: producing food for the nation.

I contribute to the local economy. I buy our wheat, barley and oil seed rape seed from local merchants. After the harvest, the grain is sold to local mills including BATA at Amotherby, Mosey's Feed Mill at Hovingham, Fridaythorpe, Selby, Northallerton. Losing 110 acres of arable land will dramatically reduce our crop yields which will be taken out of the local economy (see Financial Impact section 9).

Our beef cattle (livestock) are grazed outside on the grass pastures at Eden Farm through the summer months which helps to sequester carbon (see Biodiversity section 7). What we produce has a positive and immediate impact on Ryedale and the local economy. If this application is granted and we lose 110 acres of arable land, the livestock enterprise on the farm will suffer. There is a possibility that cattle numbers will have to reduce. The livestock relies on a sufficient amount of straw (a by product from the crops) in order to make enough bales to feed and bed the cattle throughout the winter months. If our farm size is reduced by around 40%, this would not leave sufficient land to provide enough straw for the livestock. This would result in us having to buy in straw at extra costs and with the added risk of contaminated weed seeds, these would be spread onto the fields in the cattle muck and this would see an increase in our chemical usage to control them – something I have already mentioned, we are working hard to reduce.

There are strict DEFRA regulations in place which limit the amount of manure which can be applied to the land. Losing 110 acres would not leave us sufficient acres to spread the volume of muck the livestock produce in the autumn or spring which leads to an environmental risk. So you see the implications of this application on our businesses are multi-faceted.

The Government Food Strategy Document June 2022 states that climate change is likely to have a negative effect on the proportion of high grade arable farmland available in the UK. It is for this very reason, that our good, prime arable farmland must be protected now. Our Local Plan and NPPF say that development of BMV should be avoided. If there is insufficient, good yielding land available to earn a living, farming methods will only intensify which will have negative effects on the environment.

Renewables such as solar can be placed now on the land where our crops cannot be grown, brownfield sites or even better, rooftops.

By not protecting our good farmland for food, we risk seeing a reduction in our self-sufficiency- something we are seeing warned about every day in the media. The Government Food Strategy states "our food system must not only feed our nation today but also protect it for tomorrow". It also states

that it makes sense to “target land-use change at the least productive land to increase the environmental benefits from farming and increase yields with minimal impact on food production”.

Nobody is making any more land. If we look after the land, it will look after us. Our farmland is finite, it is precious and who knows what uncertainties we face in the future.

In summary: Unlike the proposed development, my farming business supports the local economy and contributes to national food production.

6. GREEN WASTE COMPOSTING

Ryedale Local Plan	
SP9	Support for: Appropriate farm and rural diversification activity including innovative approaches.
3 Objective 1	Plan for growth in Ryedale which is compatible with the principles of sustainable development which address local sustainability issues.
3 Objective 10	Support the land based economy through sustainable land management; promoting sustainable rural enterprise and activity that helps to retain traditional land uses such as food production.

For the past 23 years we have worked with Ryedale District Council to take in and recycle their green garden waste. This involved a substantial capital outlay in 2005 in the form of a green waste shredder. In addition, there are ongoing annual costs of employing local contractors to spread the compost and an annual Environment Agency Licence fee of £1800. We perform a valuable function which benefits the locality by recycling garden waste. Last year alone we recycled 42% of Ryedale’s garden waste.

We turn the waste into compost and spread the compost on our land. Spreading green compost has huge benefits for the soil: it helps to combat desertification and reduce nitrate pollution of rivers and streams, restores degraded land and soil by returning carbon and nutrients back to the soils, reduces crop disease, increases yields and increases biodiversity. In addition, adding compost and non-inversion tillage can considerably increase earthworm numbers and reduces the need for artificial fertilisers which take a huge amount of energy to produce and have a high transportation footprint.

This is a well-established, circular, community process we are very proud of. We provide the service and the land, which gives the residents of Ryedale an excellent opportunity to off-set their own greenhouse gas emissions. In order for me to manage this aspect of our business I have to undergo a yearly competence assessment to ensure that I am compliant and understand fully all aspects of recycling organic matter which is heavily regulated by the Waste Management Industry Training and Advisory Board (WAMITAB). I am fully certified by the Chartered Institute of Waste and Environmental Management.

In order that we continue to take in this green garden waste, we must have sufficient acres to spread it on. Again, losing around 40% the land would threaten the future of the composting business we have built up so successfully, affecting both the local community and the financial viability of our business.

In summary: I provide a significant environmental benefit for Ryedale through recycling green waste and the proposed development would significantly undermine these benefits.

7. BIODIVERSITY

Ryedale Local Plan	
2.21	Ryedale has a wealth of biodiversity which is integral to the character and distinctiveness of the countryside and helps to support economic activity such as farming.
3.2 Vision	Our rural identity will be strengthened and our distinctive and high-quality landscapes and biodiversity will be protected and enhanced.

There is plenty of existing biodiversity on the farm. We regularly see barn-owls, deer, hares, foxes, bats, buzzards, hedge-hogs, badgers, sky-larks, pheasants, partridge and other wildlife which, if the application is granted, will be unable to access the land which will be ring fenced by unsightly security fences. The applicants have not sought to address the impact of the security fencing on local wildlife and the degree to which this would sterilise the land for biodiversity purposes. In addition, bees are abundant, particularly when the oil seed rape crop is in flower and, for many years, apiarists have kept beehives on our land.

Our farming methods protect and enhance the natural biodiversity. For example, the compost spreading has huge benefits to the soil as stated above and increases earth worm numbers significantly. Worms are nature's miracle workers creating up to a 1000 miles of burrows per acre and they can move 40 tonnes of soil per acre per year. They help to aerate the soil, improve rain infiltration and increase the nutrient availability within the soil for the crops. They are a vital source of food for birds and other mammals. (Source: Land Network (Melton) Ltd).

We deliberately leave our hedges wider at ground level to encourage wildlife and small mammals to flourish and ensure we don't cut during the nesting season. The solar application will see 2.5m deer fencing, 18 large inverter transformers (4.3m x 6m), CCTV on 3m poles, satellite dishes and bullet cameras surround the site. This security fencing will prevent wildlife accessing the land and will lead to a loss of natural habitat for certain wildlife.

In the past we have been in countryside stewardship scheme. The pond area at the north end of the farm (which sits in the proposal) used to be in a scheme. When the scheme ended, I deliberately left this part of the farm unfarmed to encourage wildlife, to re-wild and enhance our biodiversity as part of a well-managed farm. The uncertainty we face with this planning application has meant we have not been able to enter the new Soils Farming Initiative (SFI) programme or Environmental Land Management Scheme (ELMS). The benefit of such schemes are longer term and we need security of the land to make the schemes worthwhile both in terms of rejuvenation and economically.

We have 14 acres of rich pastureland at Eden Farm. We graze livestock on this land in the summer months which allows us to turn grass into high quality, nutrient rich beef. This land also provides a valuable habitat for many native wildlife species, that need open grassland to forage.

Actively managed pasture that is grazed by livestock is a good carbon sink, capturing CO₂ in the vegetation and storing carbon in the soil which could otherwise be released into the atmosphere.

We are increasing biodiversity every day on the farm through good land management, hedges, trees and positive farming methods yet the application makes no reference to the existing biodiversity and what damage will be caused during the construction phase of the development.

In Summary: I enhance and protect the biodiversity every day as part of a well-managed farm. The picture painted by the applicant is of an intensive farm with a monoculture which will be

greatly improved by the solar development. The reverse is true and I invite the Committee to undertake a site visit and understand the work we have undertaken to improve biodiversity.

8. COMPENSATION

During the course of this planning process people have said to me that we would be entitled to receive handsome compensation from Harmony and/or FTC as a result of losing the land in question. This is not the case.

The AHA requires a landlord to pay compensation to a tenant if he (the landlord) serves a Notice to Quit. However, the level of compensation is not assessed by reference to the tenant’s future loss or what he has invested in the land or what the landlord is to gain in consequence of the tenant’s eviction. Instead, it is calculated according to the amount of rent for the ‘lost’ land that the tenant would have paid to the landlord for the next 6 years, a calculation that bears no relation to what either party may have lost or gained. This is called ‘statutory compensation’.

Whilst the applicant has made an offer to make an annual payment, we are not permitted to discuss the detail. However, we can confirm that this would simply fail to compensate us for our financial loss if we were to lose 110 acres of our holding. In addition, it takes no account of:

- Leaves the farm unviable
- Costs of fixed assets
- Livestock implications (see paragraph 5)
- Green waste composting and the ongoing investment required
- Possibility of further solar development of the remaining land

The offer made bears no relation to the loss we would suffer and demonstrates the applicant has little knowledge of how a farming business such as ours is able to operate.

In summary: statutory compensation and an additional offer, falls well short of what would be necessary to compensate us for what we will lose if planning permission is granted.

9. FINANCIAL IMPACT

Ryedale Local Plan	
5.34	Land based economic activity is integral to the district’s economy, cultural heritage and identity.
SP18	Developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals: would not impact adversely on the local community, economy, or historical interests.

If this proposal is granted, it will take away around 40% of our crop-producing arable farmland, but the financial impact is much higher still. It will reduce our **net** income by around 75%. The reason for this discrepancy between the proportion of the land that will be removed from production and the financial loss is down to the amount of fixed overhead cost that is involved in running a farm business - over a quarter of the average annual costs are fixed, meaning that these same costs will arise even if the amount of land is reduced. The fact is Eden Farm will not survive the impact of this development and loss of land, if permitted.

On top of the fixed overheads, we also invest around £20,000 per year on the machinery and buildings that are needed to run a successful farm – machinery which will still be needed on the farm - to plant,

and to harvest, and to store our crops. But halving the size of the farm does not halve the cost of a tractor or the cost of continually maintaining and upgrading the yard and buildings.

This proposal means that it is very likely that the remainder of the farm will no longer be financially viable. I could no longer earn a sensible income and support my family from it. In real terms, it would generate significantly less than the average UK household income and as the farmer, I would be working for less than the national minimum wage.

In summary: the loss of 40% of our holding would result in a 75% loss of net profit and lead to our farming enterprise becoming unviable. The compensation proposed would not offset the loss.

10. PERSONAL IMPACT AND THE FUTURE

It is hard to put into words the impact this application has had on all our lives. We are a farming family, we do not take for granted that we live in a beautiful part of the countryside, we work hard in order that we are able to live here. Farming the land at Eden Farm is rewarding, to be able to work outside and enhance the natural environment every day is a wonderful job and it's the only life I have known. I am a good farmer, I take pride in my work, it's no accident our fields look good and yield well. If you make a good seed bed from the soil, you're half-way there to a good crop. In other words, if you put the hard work in, you reap the rewards.

Over the past 2.5 years, every seed I have planted, every crop I have nurtured, every tree or hedge I have planted, every piece of investment I have made, I have had to think twice. I have had to question whether I will have sufficient land to justify the investment. Farming is a long-term endeavour and can be challenging at the best of times, never mind with the stress of this solar application hanging over me.

I am deeply frustrated that my business, a good, robust business built up by me over the past 35 years could be destroyed. If this application is granted, I will not be left with a viable business. This will mean that I may not be able to continue farming at Eden Farm.

In farming I work long hours. During the quieter months, I try to focus as much time as possible on the other important part of my life, my wife and children. Emma and I have spent every spare minute of the past 2.5 years focusing on saving this land and our livelihood.

In doing so, our family life has suffered. There will never be any amount of compensation for the years we have spent challenging this development, and there are potentially many more months ahead!

The recent Parliamentary review on Agricultural Tenancies by Baroness Kate Rock stated that *“landlords do best when the tenants are thriving and tenants do best when the landlord is willing. We also want to highlight that tenant farmers have rights. They have the right to sanctity of contract, the covenant of quiet enjoyment of the rented land. they have the right to develop a viable business, and they have the right to a future livelihood.”*

Our mental health has certainly been pushed to the limits, due to the stress caused by the fear of losing our livelihood.

In summary: impact on my business, family, home, our future and loss of succession for next generation.

11. COMMUNITY INVOLVEMENT

The Governments Energy Strategy April 2022 which states renewable schemes must ensure communities have their say: *‘For ground-mounted solar, we will consult on amending planning rules to strengthen policy in favour of development on non-protected land, while ensuring communities continue to have a say and environmental protections remain in place.’*

The NPPG Low Carbon and Renewable Energy document is very clear on making solar work for communities. The feedback from Harmony Energy’s own consultation states that 79% of people are NOT in favour of the proposed renewable energy development on the land shown (at Eden Farm).

The Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013: *“Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more. But not at any cost... not in any place... not if it rides roughshod over the views of local communities... Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation.....involving communities in developing projects and bringing them with you...”*

Labour Leader, Keir Starmer said on 21 February 2023: *“I want to see more solar farms across the countryside. We’ve got high hopes for solar energy in our Green Prosperity Plan, there will be opportunities for farmer, opportunities for rural growth, cheaper bills and in the long-term real energy independence. But we can’t do it by taking advantage of tenant farmers, farmers producing good British food on carefully maintained fertile British land. They can’t plan properly if the soil beneath their feet isn’t secure.”*

12. THE LOCATION

Ryedale Local Plan

SP1	In the open countryside development will be restricted to that: -which is necessary to support a sustainable, vibrant and healthy rural economy and communities,
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In the Planning Statement points 6.17, 6.18 and 6.19, Harmony Energy make reference to the application being adjacent to land in the Local Plan Sites Document, specifically, *Policy SD12: New Employment Land Provision.*

This is not relevant to this application as 100% of the planning application is on tenanted farmland situated in the open countryside. None of this land has been identified for development.

13. PROXIMITY TO GRID

Ryedale Local Plan

7.27	The majority of land in the District is in agricultural use and agricultural land in the area of Ryedale covered by this Plan generally falls within grades 2 and 3. Grade 2 Best and Most Versatile Land is predominantly located to the east and northeast of Malton and Norton and also along the Great Wold Valley. Although agricultural land is a plentiful resource in the District, climate change places an increasing emphasis on the need to support local food production and it is important that as a resource, the loss of productive land, particularly the loss of the Best and Most Versatile Land is carefully managed and avoided
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We do not accept this development cannot be located elsewhere. Our technical objection will deal with this in further detail. However, from my personal position as a layman, I would simply say that

there are many solar farm sites which are not located next to existing sub-stations and, by making this the prime factor in the location of the proposed development, the applicant has not properly considered viable alternative locations.

Paragraph 7.26 of Harmony Energy’s Planning Statement states that “in order for the development to be (financially) viable, the solar farm must be located in close proximity to the sub-station”. The location of a substation or financial viability is not a material planning consideration. An inspector in Planning Appeal number APP/W0530/W/15/3012014 & APP/W0530/W/15/3013863 considered whether the financial viability or, to put it another way, the profitability of a proposed scheme was a relevant planning consideration. He concluded:

Paragraph 76. ‘A connection to the national grid is an essential site requirement and the availability of a connection in a part of the network with capacity to accept the output is of assistance to the appellants but it does not bring a public benefit and adds no weight to the planning case for the proposals’.

However, even if financial viability is considered to be relevant, Harmony has not produced a shred of evidence about the anticipated cost of and income from the development to support this contention. Neither have they produced any evidence as to viability of alternative locations.

The only constraint here is the land which is owned by FTC whom the applicant has no doubt entered into a legal agreement with.

Harmony Energy state in their Planning Statement 7.26 that there is no other low-grade land available. Exactly what are the boundary distances of alternative sites investigated?

At the meeting of Malton Town Council on 21st February 2023, Harmony Energy confirmed they had not looked at any other sites. They state national mapping demonstrates much of the land in Ryedale is of high quality. As Ryedale District Council will cease to exist from 01 April 2023, it would make far more sense to focus our renewable ambitions on poor land, industrial land or rooftops across North Yorkshire. This approach is supported by Planning Appeal APP/N2535/W/15/300620.

In summary: the financial benefit to Harmony Energy does not justify the granting of planning permission for this development. The location of a substation is not a material planning consideration.

14. LANDSCAPE AND HERITAGE

Ryedale Local Plan	
7.1	The key elements of Ryedale’s environment – its landscapes, biodiversity and historic and cultural heritage are highly cherished by residents and valued and appreciated by visitors and tourists. Protecting and enhancing these assets is important. They have their own intrinsic value, but also frame this District’s unique identity and help to provide a ‘sense of place’. They contribute to the health and well-being of local residents, providing a familiar peaceful sanctuary in which to relax and play. These assets are also important economically and are especially important in attracting tourists to Ryedale.
7.4	There are a wide range of other historic buildings and features in the District which are not afforded statutory protection but which nevertheless contribute to the character of individual settlements and landscapes. Perhaps the most extraordinary illustration of this is the Vale of Pickering. Its prehistoric archaeological landscapes and ‘ladder’ settlements are considered by English Heritage to be of international significance and provide a unique record of the past on an entire landscape scale, yet much of the area remains undesignated and currently without statutory protection.

7.7	Where it can, the Council will also look to protect wider features of local historic value which are not afforded statutory protection. Negotiating and advising on the siting of new development or adaptations to buildings will be an important way in which this can be achieved and the decisions made over new land allocations will need to ensure that the historic character of settlements and their settings are not undermined. Encouraging an awareness of the value of the District's historic landscapes will also be an important way in which they are protected and this is something that this Strategy seeks to support.
SP13	Landscapes:- Outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally: The Vale of Pickering
SP18	Developments must be satisfactorily assimilated into the landscape, especially in respect of the setting of the North Yorkshire Moors, the Howardian Hills (and its setting), the Wolds and the Vale of Pickering. Developments would not have an adverse impact on local community, economy or historical interests.
SP20	Character: New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses

We believe the applicant understates the importance of the surrounding landscape areas, the significance of the setting and the impact such changes would have on the setting.

Windmill Farm

Windmill Farm (house, yard and buildings) is part of my AHA tenancy and we sub-let this to the present occupants. The windmill at Windmill Farm is in the process of a listing application. We are awaiting a report from Historic England. We shall forward on any information as soon as it becomes available to the Planning Officer.

Acomb House

A grade 2 listed farmhouse with private access road and front facing, views south over arable land sits just 215m from the site boundary. The residents of Acomb House will have full view of the security fencing, CCTV, floodlights, solar panels for approximately 15 years 'until native tree belt planting grows to screen the view of the panels'. No photographs have been taken by the applicant from Acomb House.

Public Bridleways

Little reference is made to the popular public bridleways, their significance and value to the public and countryside setting. Freehold Lane, Borough Mere Lane, and particularly Great Sike Lane – are a valued part of the landscape and popular countryside lanes for walkers, cyclists and horse riders and forms part of the Malton – Pickering cycle route.

In summary: The development would have a significant impact on the setting of the two important buildings - Windmill Farm and Acomb House and the public bridleways.

15. VISUAL IMPACT

Ryedale Local Plan	
SP12	Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced.
7.32	Renewable and Low Carbon Energy - Opportunities for largescale energy generation are limited in Ryedale because of its high quality landscape, historic environment and significant biodiversity, but there is still some potential. Far greater opportunities exist at the smaller scale in association with community schemes, on farms, new developments and the existing built stock

NPPF 199/200	When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
NPPF 203/204/205	The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible 69.
SP20	Amenity: New development will not have a material adverse impact on the impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts can include noise, light flicker, privacy or be an overbearing presence.

Appendix 2 details a photomontage which helps to demonstrate the true visual impact from key locations such as Windmill Farmhouse, Great Sike Lane, Acomb House, Broughton Road and Amotherby Lane (within the Area of Outstanding National Beauty AONB).

Windmill Farm

Identified as a major to moderate level of threat in the initial assessment by the Visual Amenity surveys carried out by Stephenson Halliday on behalf of Harmony Energy.

It is simply not acceptable to state that a view which will be severely compromised in the short/medium and long term is mitigated by allowing the existing hedges to grow to 4 metres high. No amount of screening will hide the impact from a property 150 metres away from the development. The development will be viewable from both ground level and the upstairs windows. The impact and the change in environment, setting and experience for the residents at Windmill Farm, together with all those who use the public bridleway will be hugely significant.

Solar panels will be located 150m from Windmill Farm to the north and the site boundary in the Transport Plan is marked as 60m west, yet, so far as we know, no noise assessment appears to have been carried out.

Harmony Energy’s landscape experts Stephenson Halliday report states:

“Large scale adverse effects would be largely limited to the site itself. Where there would be a fundamental change in character from arable fields to solar farm, albeit with grazing pasture under the panels. A large scale of effect on landscape character would be typically experienced up to approximately 200m from the boundaries of the site where solar panels and perimeter fencing become a prominent feature of the immediate landscape. Within the site itself, the large scale adverse effects would remain for the duration of the development, but beyond the site boundaries these effects would reduce over a 10 year period”

The solar development with views of 3.1m high panels and the industrial appearance of 2.5m fencing, inverter transformers, 3m poles with satellite dishes, CCTV, would all be an over-bearing presence from Windmill Farm and Acomb House.

Eden Farmhouse

Figure 20 in the Glint and Glare Assessment highlights Eden Farm (dwelling 49) as being a receptor of solar reflections from the north end of the proposal for more than 3 months of the year. Figure 21 indicates the rear of the property is ‘not in living’. This is incorrect. This area at the rear of the farmhouse is widely used with a patio and children’s play area. No mitigation is proposed.

In summary: The development would have a significant impact on the setting of two important buildings, Eden Farmhouse, the public bridleways and the views of the North Yorkshire Moors and open countryside. The development would be easily visible from within the AONB.

16. TRANSPORT STATEMENT

Ryedale Local Plan	
SP20	New development will not have a material adverse impact on the impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts can include noise, light flicker, privacy or be an overbearing presence.

Four farmers will require access at all times to Freehold Lane and its junctions.

In the Transport Statement page 34, The Vehicle Swept Path Analysis (SPA) drawing LTP 4160/01 crosses over the boundary onto agricultural land belonging to me as the tenant of Eden Farm and land that does not sit within this application.

The red line also passes through the centre of Windmill Farmyard and an agricultural building which houses young cattle. Again, land which belongs to me and does not form part of this application. Frankly over 3300 vehicles driving alongside the back of the agricultural sheds over 5 months will be too distressing to the cattle and will cause me a great deal of business interruption.

The proximity of the access track to Windmill Farm cottage is alarming. Again, as far as we know, no noise tests have been carried out. It is disappointing that such little consideration has been given to the fact this part of Ryedale is working countryside.

17. CONCLUSION

In conclusion, we must stress that we fully support the concept of solar energy in principle, but it must be in the right location. We invite you to refuse this application for the following reasons:

1. My personal circumstances and the impact that the proposed development would have on our farming business should be taken account of in consideration of the application.
2. I am a long-standing protected tenant and should be protected from the consequences of a non-agricultural planning permission particularly where the ability to obtain planning permission is much easier for solar development than other forms of development, as it is viewed as a ‘temporary’ development in planning terms.

3. The tenancy comprises good land which should be protected from development. The proposed development will not improve soil health, quite the reverse and the proposed stripping and bunding of the topsoil will cause significant and long-lasting damage to the organic matter and structure of the soil which has taken many years to develop. The proposed development will have significant and permanent adverse effects on soil health and future productive capacity.
4. Unlike the proposed development, my farming business supports the local economy and contributes to national food production.
5. I provide a significant environmental benefit for Ryedale through recycling green waste and the proposed development would significantly undermine these benefits.
6. I enhance and protect the biodiversity every day as part of a well-managed farm. The picture painted by the applicant is of an intensive farm with a monoculture which will be greatly improved by the solar development. The reverse is true, and I invite the Committee to undertake a farm visit and understand the work we have undertaken to improve biodiversity.
7. Statutory compensation and an additional offer, falls well short of what would be necessary to compensate us for what we will lose if planning permission is granted.
8. The loss of 40% of our holding would result in a 75% loss of net profit and lead to our farming enterprise becoming unviable. The compensation proposed would not offset the loss.
9. The impact on my business, family, home, our future and loss of succession for next generation.
10. The financial benefit to Harmony Energy does not justify the granting of planning permission for this development. The location of a substation is not a material planning consideration.
11. The development would have a significant impact on the setting of two important buildings - Windmill Farm and Acomb House, Eden Farmhouse, the public bridleways and the views of the North Yorkshire Moors and open countryside. The development would be easily visible from within the Area of Outstanding Natural Beauty.

Yours faithfully

Robert and Emma Sturdy

Encs

Appendix 1: Organic Matter Soil Results

Appendix 2: Photomontages

Appendix 3: Images of Eden Farm

Appendix 4: Images of real solar farms

APPENDIX 1

ORGANIC MATTER ANALYSIS RESULTS (SOIL)

EDEN FARM, OLD MALTON

21 MARCH 2023

Analysis Results (SOIL)

Customer	JO&RW STURDY EDEN FARM OLD MALTON N YORKS	Distributor	AGRII - STEVE BURTON COSTA BECK MARTON LANE PICKERING YO18 8LP
Sample Ref	FIELD 4	Date Received	21/02/2023 (Date Issued: 06/03/2023)
Sample No	G108398/01		
Crop			

Analysis	Result
Org. Matter - LOI (%)	5.9

Please Note

Whilst every care is taken to ensure that the Results from Analysis are as accurate as possible, it is important to note that the analysis relates to the sample received by the laboratory, and is representative only of that sample. No warranty is given by the laboratory that the Results from Analysis relates to any part of a field or growing area not covered by the sample received. It is important to ensure that any soil, leaf, silage or fruitlet sample sent for analysis is representative of the area requiring analysis and that samples are obtained in accordance with established sampling techniques. A leaflet containing instructions on how to take soil, leaf, herbage, silage and fruit samples for analysis is available from the laboratory on request. Uncertainty measurements of results are available on request.

This report has been generated by Yara's Megalab™ software.

Released by **Chris Lindley**.....Laboratory Manager on behalf of Lancrop Laboratories

Analysis Results (SOIL)

Customer JO&RW STURDY
EDEN FARM
OLD MALTON
N YORKS

Distributor AGRII - STEVE BURTON
COSTA BECK
MARTON LANE
PICKERING
YO18 8LP

Sample Ref FIELD 3

Date Received 21/02/2023 (Date Issued: 06/03/2023)

Sample No G108398/02

Crop

Analysis	Result
Org. Matter - LOI (%)	4.9

Please Note

Whilst every care is taken to ensure that the Results from Analysis are as accurate as possible, it is important to note that the analysis relates to the sample received by the laboratory, and is representative only of that sample. No warranty is given by the laboratory that the Results from Analysis relates to any part of a field or growing area not covered by the sample received. It is important to ensure that any soil, leaf, silage or fruitlet sample sent for analysis is representative of the area requiring analysis and that samples are obtained in accordance with established sampling techniques. A leaflet containing instructions on how to take soil, leaf, herbage, silage and fruit samples for analysis is available from the laboratory on request. Uncertainty measurements of results are available on request.

This report has been generated by Yara's Megalab™ software.

Released by**Chris Limley**.....Laboratory Manager on behalf of Lancrop Laboratories

Analysis Results (SOIL)

Customer	JO&RW STURDY EDEN FARM OLD MALTON N YORKS	Distributor	AGRII - STEVE BURTON COSTA BECK MARTON LANE PICKERING YO18 8LP
Sample Ref	FIELD 5	Date Received	21/02/2023 (Date Issued: 06/03/2023)
Sample No	G108398/03		
Crop			

Analysis	Result
Org. Matter - LOI (%)	5.2

Please Note

Whilst every care is taken to ensure that the Results from Analysis are as accurate as possible, it is important to note that the analysis relates to the sample received by the laboratory, and is representative only of that sample. No warranty is given by the laboratory that the Results from Analysis relates to any part of a field or growing area not covered by the sample received. It is important to ensure that any soil, leaf, silage or fruitlet sample sent for analysis is representative of the area requiring analysis and that samples are obtained in accordance with established sampling techniques. A leaflet containing instructions on how to take soil, leaf, herbage, silage and fruit samples for analysis is available from the laboratory on request. Uncertainty measurements of results are available on request.

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APPENDIX 2

PHOTOMONTAGES

View 1

View from Windmill Farmhouse first floor facing north onto the public bridleway - Great Sike Lane and shows the field directly opposite the farmhouse where 3600 solar panels are proposed and 2.5m security fencing.

View 2

View at ground level on Great Sike Lane looking west and shows the impact of solar panels on both sides of the public bridleway with 9600 panels proposed on the left-hand side and 28,200 panels on the right of the public bridleway, a new proposed access road, 1 of the 3,300 vehicles crossing the public bridleway and Malton to Pickering cycle route during construction and CCTV cameras.

View 3

This is taken at ground level on Great Sike Lane looking north towards Acomb House. The view from this part of the public bridleway will be 28,200 panels and a new concrete road. 1 of the 18 inverter transformers (4.3m x 6m) will also be highly visible from this point.

View 4

Photo taken from the first floor at Acomb House a grade 2 listed building looking south towards Windmill Farm and Eden Camp Heritage Museum.

View 5

Photo from Acomb House first floor shows the view of the panels.

View 6

View of the proposed solar farm from Amotherby Lane demonstrating the major impact within the Area of Outstanding Natural Beauty.

View 7

View of the proposed solar farm taken from Broughton Road demonstrating the major impact on the landscape and nearby housing developments.



Malton Solar Farm - View 1 - Windmill Farm
Image 7819





Malton Solar Farm - View 2 - Windmill Farm
Image 7834





Malton Solar Farm - View 3 - Great Sike Road
Image 7840





Malton Solar Farm - View 4 - Acomb House
Image 7867





Malton Solar Farm - View 5 - Acomb House
Image 7873





Malton Solar Farm - View 6 - Amotherby Lane
Image 7897





Malton Solar Farm - View 7 - Broughton Road
Image 7927



**APPENDIX 3 - SOME OF THE CROPS AND COUNTRYSIDE IN THE PROPOSED LOCATION
AT EDEN FARM**



Wheat



Barley



Oilseed Rape



Grass Track

APPENDIX 4 - PHOTOGRAPHS OF SOLAR FARMS AND BATTERY STORAGE

