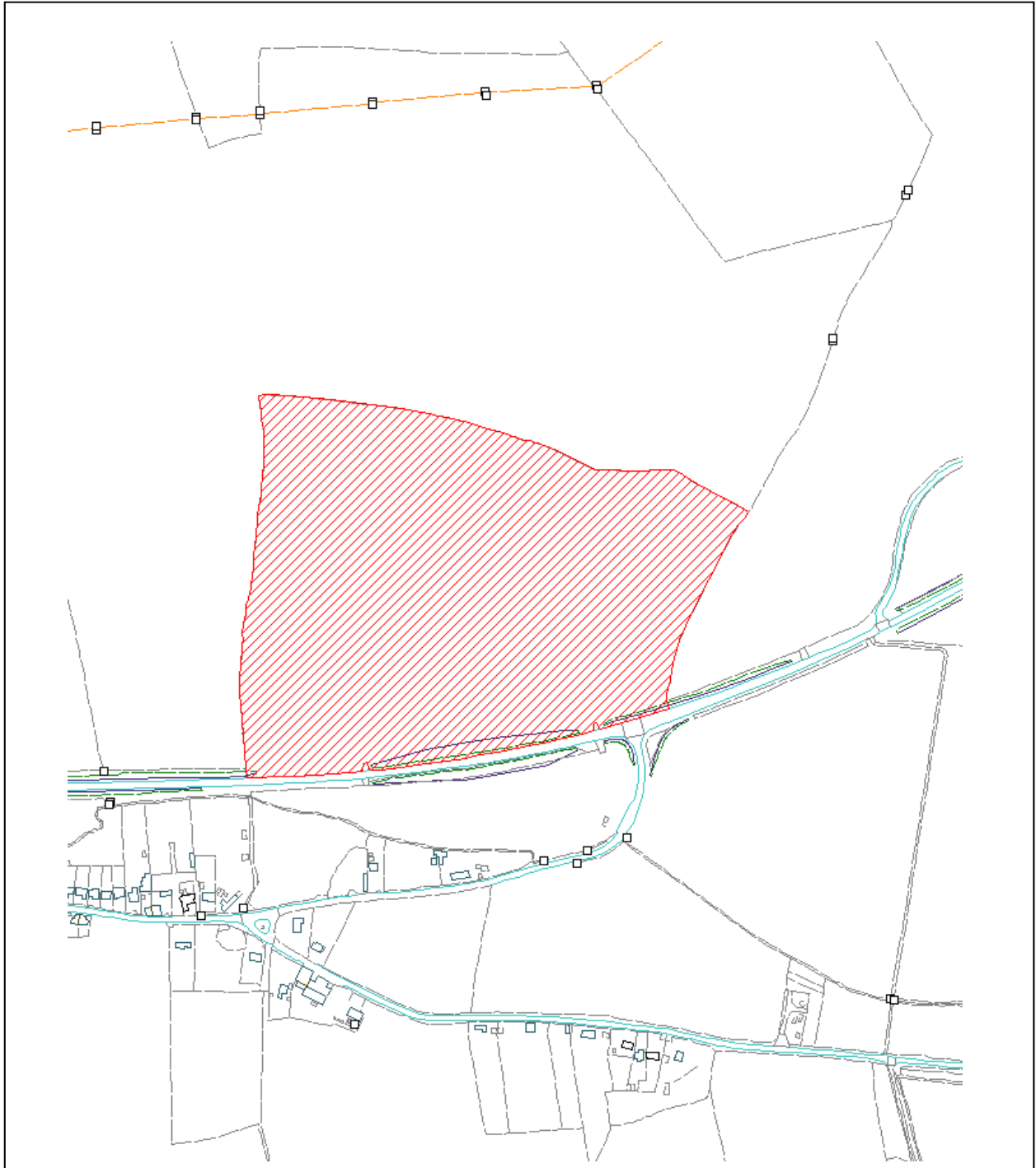


PLANNING COMMITTEE

28 APRIL 2015

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 15/00147/FUL - GREEN FARM, OAKLEY ROAD, WIX, ESSEX CO11 2SE



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Application:	15/00147/FUL	Town / Parish:	Wix Parish Council
Applicant:	Hive Energy Limited		
Address:	Green Farm, Oakley Road, Wix CO11 2SE.		
Development:	Construction of a solar development, to include the installation of solar panels to generate electricity with associated plant buildings, perimeter fencing & other associated works.		

1. Executive Summary

- 1.1 This application has been 'called in' to be determined by the Planning Committee by Councillor Patten (Ward Member for Bradfield, Wrabness and Wix).
- 1.2 This renewable energy proposal for the installation of a 5 MW solar park and associated infrastructure requires assessment of the impacts to be considered in the context of the strong in principle policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation. Paragraph 98 of the NPPF states that LPA's should approve an application if its impacts are (or can be made) acceptable. Any negative impacts would have to be very significant in order to outweigh this policy support.
- 1.3 The principle of this development is supported by policy and in this case, there is no adverse impact on heritage assets, ecology, residential amenity, highway safety or flood risk. There is also the opportunity to improve biodiversity. Weighed against this is the potential for the loss of grade 3a and 3b agricultural land for arable production for a period of 25 years. Landscape impact is considered to be relatively local, contained mainly to the A120, Spinnels Lane and the Public Rights of Way which bisect and run parallel to the site. This impact however is considered to be harmful. The mitigation would soften the impact but would not eliminate it entirely. However, the adverse impact would not be a wider impact.
- 1.4 The localised impact on the area is not considered to be sufficient to recommend refusal especially given the lack of harm in other respects and the benefits to biodiversity and the long term benefits to the landscape when the site is decommissioned by the planting mitigation retained. Therefore, although Officers have found some harm to the countryside, and this harm is contrary to Saved Policies QL9, QL11 and EN1 of the 2007 Local Plan, and Policies SD9 and PLA5 of the draft Local Plan, the localised extent of harm does not outweigh the national benefits derived from providing renewable energy.
- 1.5 Therefore conditional approval of the application is recommended.

Recommendation: Approve

Conditions:

1. Standard time limit for commencement
2. Development to be carried out in accordance with submitted plans
3. Details of colour of fencing to be submitted
4. No other fencing on site
5. As requested by the Highways Authority (except PRow condition)
6. Landscaping to be submitted and approved

7. Colour of CCTV cameras and posts.
8. Colour and material of ancillary equipment
9. No External lighting
10. Flood Risk management and surface water drainage proposals to be carried out in accordance with submitted details.
11. No construction or decommissioning works outside the hours of 0730-1800 Monday to Friday and 0800-1300 Saturdays without prior written approval.
12. Fixed permission for 25 years when the use will cease and all solar panels and ancillary equipment shall be removed from the site in accordance with the Decommissioning Statement.
13. Solar park to be removed if ceases to export electricity to the grid for a continuous period of 12 months.
14. Recommended condition of ECC Archaeology
15. Details of an ecological management scheme and mitigation plan to include a scheme of biodiversity enhancement to be submitted and approved.
16. Landscape Management Scheme to be submitted and approved.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework

National Planning Policy Guidance (March 2014) – Renewable and Low Carbon Energy

Local Plan Policy:

Tendring District Local Plan 2007

QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL11	Environmental Impacts and Compatibility of Uses
EN1	Landscape Character
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN13A	Renewable Energy
EN23	Development Within the Proximity of a Listed Building
TR1A	Development Affecting Highways
TR2	Travel Plans

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD5	Managing Growth
SD8	Transport and Accessibility
SD9	Design of New Development
PLA1	Development and Flood Risk
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape
PLA6	The Historic Environment
PLA10	Renewable Energy Installations

3. Relevant Planning History

- 3.1 This application follows the refusal of application 13/01210/FUL. The previous application was for the installation of a 15 hectare solar renewable installation. The previous application was refused on the grounds of visual impact of the proposed development and the adverse impact on the character and appearance of countryside. The reason for refusal also notes the on-balance incongruous and unsightly nature of the development in the undulating landscape. Further reasons for refusal included the detrimental impact upon the character of footpath 183/1 which was proposed to be enclosed on both sides by 2m high fencing. The Council also considered that the cumulative impact of a number of renewable installations within the locality had not been addressed by the applicant.
- 3.2 After the refusal of the formal planning application officers received pre-application enquiry 14/30329/PREAPP which attempted to address the issues detailed above. The developable area on site was in effect halved allowing for only the western part of the application site to be developed. Alterations were also made to the fencing detail. It was recommended that the applicant submit an assessment of agricultural land quality and an assessment of the cumulative impacts of all renewable installations within the locality. Officer support was forthcoming given the above.

4. Consultations

- ECC SuDS Consultee No objection raised to proposed development.
- ECC Arch ology No objection with programme of archaeological works condition
- Highways Agency No objection, requested planting on site
- National Grid No comments received
- Essex Wildlife Trust No comments received
- TDC Public Experience (Environmental Services) No objection with advisory note during construction.

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| <ul style="list-style-type: none"> ECC Highways Dept | <p>From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:</p> <ol style="list-style-type: none"> Request for Construction method statement. Requirement for vehicular turning facilities on site. Order for diversion of right of way. Extend footpath to min 2m width and surface. |
| <ul style="list-style-type: none"> 2 no. informatives | |
| <ul style="list-style-type: none"> Environment Agency | No objection. EA do not comment on developments over 1 hectare |
| <ul style="list-style-type: none"> Anglian Water | No comments received |
| <ul style="list-style-type: none"> Highways Agency | <ol style="list-style-type: none"> Raised no objection to proposed development. Requested and received Glint and Glare Report. Would like to see more planting to the south of the site. See documents dated 13.02.2015. See additional documents dated 09 Apr 2015. |
| <ul style="list-style-type: none"> Natural England | (in summary) no objection |
| <ul style="list-style-type: none"> RSPB | No comments received |
| <ul style="list-style-type: none"> Essex Bridleways Association | No comments received |
| <ul style="list-style-type: none"> UK Power Network | No comments Received |
| <ul style="list-style-type: none"> The Ramblers Association | No comments Received |
| <ul style="list-style-type: none"> Mrs Emma Cansdale
Wix Parish Council | Gives full support to the application. |

5. Representations

5.1 Councillor M. R. Patten (Ward Member for Bradfield, Wrabness and Wix) has requested the application be determined by the Planning Committee for the following reasons:

- Incongruous and Unsightly: Its highly visible location makes it an incongruous and unsightly feature in the landscape causing a significant change to both the character and appearance of the countryside.
- Clustering: Wix and the immediate area already has too many major solar farms, which cumulatively are changing the character and nature of a traditionally rural area.
- High Quality Agricultural Land: This is yet another proposal on high grade agricultural land. The applicant's Sequential Analysis is a paper exercise which has not looked in sufficient detail or vigour to identify alternative sites.
- A120 Access: The proposed access directly onto the A120, Tendring's most dangerous road, appears foolhardy in the extreme.

5.2 Three letters of objection have been received in regard to the planning application. Comments are summarised below:

- Impact on countryside
- No benefit to local area
- Consideration for brown-field sites
- Impact on visual amenity
- Impact of clustering of solar developments around Wix
- Dangerous access to A120

6. **Assessment**

6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Principle of Development;
- Renewable Energy and Planning Policy Context;
- Impact on the Countryside;
- Impact on Heritage - Listed Buildings and Archaeology;
- Impact on Biodiversity/Ecology;
- Impact on Highway Safety;
- Impact on Residential Amenity (including glint and glare);
- Impact on Agricultural Land;
- Impact on Flood Risk;
- Environmental Impact Assessment
- Other Issues.

Context and Background

6.2 The application site comprises an area of approx. 15 hectares encompassing one large field of gently sloping agricultural land which has been classified as being within Grade 3a and 3b quality. The site generally slopes towards the south-east corner of the site, from approx. 25 metres AOD in the north-west corner, to approx. 17m AOD in the south-east corner of the site. Whilst the application site has an area of just over 15 hectares, the development area is only the western half, an area of 7.4 hectares.

6.3 The site is located to the north of the main village of Wix, separated by the A120. The site is bound to the south by the A120 and to the north, east and west by field boundaries and agricultural land.

6.4 A Public Right of Way (PRoW) crosses the site from north to south; PRoWs also run along part of the northern boundary, and western boundary outside of the application site.

6.5 The character of the area is mainly open countryside with agricultural fields, with sporadic residential development.

6.6 The site is currently used for agricultural purposes (crop production). The site boundaries are marked by field ditches on the east, west and north, which are also sparsely populated with trees. The boundary with the A120 to the south is relatively open, except for a broad-leaved plantation woodland within the middle of the southern boundary, which is elevated on steeper land above the A120.

6.7 A high voltage overhead power line, including transmission towers (pylons) runs to the north of the site in the adjacent field.

- 6.8 The nearest residential properties to the site and with views of the site are Bowl Farm to the east of the site (approx. 300m away), Willow Hall Cottage to the north of the site (480m away), and New Farm House to the west (approx. 400m away).
- 6.9 The application site is located in the countryside, but is not located within any special landscape designations or sensitive areas as defined within the 2011 Environmental Impact Assessment Regulations.
- 6.10 The proposal was screened at pre-application stage against the criteria set out in the Town and Country Planning (EIA) Regulations and it was decided that due to the scale of the development and the position of the site away from sensitive areas (as defined in the EIA Regulations) an EIA was not required.

Proposal

- 6.11 The proposal is for the use of the site as a 'solar park' for a temporary period of 25 years. After this period the site would be decommissioned and the land returned to agriculture. This would include the construction of photovoltaic panels (PV panels) laid out in rows from east to west. The panels would be mounted on a metal frame at a maximum height of 2.4 metres. The panels would be orientated 20 degrees from the horizontal. The panels would be fixed structures, rather than tracking structures which would follow the path of the sun during the day.
- 6.12 The panels would be fixed to the ground using piles or 'ground screw' that are driven into the ground. There would be no concrete foundations. The panels would be connected to the grid and would likely generate up to 5MW of electricity, equivalent to the energy needs of just over 1100 average UK homes.
- 6.13 All works relating to the connection to the electricity distribution network will be progressed by the applicant and the local network operator. The panels will be connected to the local electricity distribution network in the agricultural field to the north of the site. No additional poles or pylons will be required to facilitate this connection.
- 6.14 There are currently two existing points of access to the site from the A120. These will be utilised for access.
- 6.15 Working and delivery hours (during construction) are expected to be between 7.00am and 18:30pm Monday to Friday, and between 7am and 1pm on Saturdays. The installation period is expected to last approx. 3 months. Due to the relatively short construction period, staff levels are expected to be quite high on site at the busiest times. A number of ancillary works would be necessary to facilitate the use of the site including:
- A 2 metre high perimeter security fence (deer fence), set back approx. 7m (minimum) from the existing hedgerows.
 - 6 inverter units and 1 transformer unit; 2.66m high, 8.06m deep, 3m wide (Invertors); 2.15m high, 4.8m deep, 2.5m wide (Transformers). Within these units the generated DC electricity will be converted to AC. These units will be steel construction with steel doors and ventilation grids.
 - 1 Distribution Network Operator (DNO) substation which will measure 4.5m long, 5m wide, and 2.8m in height. These will be set on concrete foundations and will be painted green.
 - Temporary internal access tracks are provided within the site. The construction of the internal access tracks will be approx. 4m in width.
 - 1 Control Room - 2.55m high, 5m deep, and 2.7m wide.
 - 23 no. CCTV cameras mounted on 3 metre posts.

- An extensive landscaping scheme is proposed comprising hedging and tree planting on the boundaries of the site, with a 300mm deep swale in the south-east corner of the site.

6.16 The application is supported by:

- Landscape and Visual Impact Assessment (LVIA)
- Ecological Assessment including Extended Phase 1 Habitat Survey
- Flood Risk Assessment
- Design and Access Statement
- Planning Supporting Statement
- Transport Statement
- Agricultural Land Use Assessment
- Habitat Management Plan
- Environmental Management Plan
- Sequential Analysis Study
- Construction Environmental Management Plan
- Statement of Community Involvement
- Glint and Glare Study
- Archaeology and Cultural Heritage Assessment
- Arboriculture Survey and Assessment

Principle of Development

- 6.17 The National Planning Policy Framework (NPPF) contains the Government's planning policies and sets out how these should be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes. Specific references to relevant sections of the NPPF are referred to in the assessment later in this report.
- 6.18 Policy PLA5 of the emerging Tendring District Local Plan Proposed Submission Draft (November 2012) states that the quality of the district's landscape and its distinctive local character will be protected and wherever possible enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The Council will seek in particular to conserve a number of natural and man-made features which contribute to local distinctiveness including, amongst other things, ancient woodlands and other important woodland, hedgerows and trees. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement. Policy EN1 of the Tendring District Local Plan (2007) also follows these sentiments. It is therefore acknowledged that development can occur in the countryside, providing that development does not have an adverse impact on the character and appearance of the area.
- 6.19 Policy PLA10 of the draft LP states that the Council will support proposals for renewable energy schemes, and schemes should be located and designed to minimise increases in ambient noise levels; and visual impacts should be mitigated through siting, design, layout and landscaping measures in accordance with guidance set out in the National Policy Statement for Renewable Energy Infrastructure.
- 6.20 Policy EN13a of the 2007 LP states planning permission will be granted for development proposal for renewable energy generation, subject to there being no material adverse impact on the local environment in relation to noise; vibration; smell; visual intrusion;

residential amenity; landscape characteristics; biodiversity; cultural heritage; the water environment; the treatment of waste products and highway and access considerations.

- 6.21 This approach is supported in the National Planning Policy Framework which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. It is therefore clear that the planning system should facilitate the transition to a low carbon economy by, amongst other things, maximising renewable energy development. The NPPF does however state that the adverse impacts of renewable energy generation need to be addressed satisfactorily. It is the impacts of proposals for renewable energy generation that need to be considered rather than the principle of such development in the countryside. Appeal decisions support such an approach/interpretation.
- 6.22 The above approach in the NPPF also states that applicants do not need to demonstrate a need for a renewable energy proposal, that planning professionals should look favourably upon such proposals and that even if a proposal provides no local benefits, the energy produced should be considered a national benefit that can be shared by all communities and therefore this national benefit is a material consideration which should be given significant weight. It is within this context that a renewable energy proposal needs to be considered.
- 6.23 In addition to the NPPF, the Government has published a suite of National Planning Practice Guidance documents. Included within this suite of national guidance, is 'Renewable and Low Carbon Energy'. This guidance assists local councils in developing policies for renewable energy in their local plans, and identifies the planning considerations for a range of renewable sources such as hydropower, active solar technology, solar farms and wind turbines. As a result of this guidance document, the 'Planning practice guidance for renewable and low carbon energy' published by the Department for Communities and Local Government (DCLG) in July 2013 has now been cancelled.
- 6.24 This guidance document forms a material consideration. This guidance document provides a list of criteria which need to be considered in the determination of planning applications for large scale solar farms. Where a planning application is required, factors to bear in mind include:
- The importance of siting systems in situations where they can collect the most energy from the sun;
 - Need for sufficient area of solar modules to produce the required energy output from the system;
 - The effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas;
 - The colour and appearance of the modules, particularly if not a standard design.
- 6.25 Furthermore, this document states the particular factors a local planning authority will need to consider include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;

- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

6.26 In addition to this document, the Government under the Department of Energy and Climate Change (DECC) published in November 2013 its UK Solar PV Strategy Part 1: Roadmap to a Brighter Future, which sets out four guiding principles which form the basis of the Government's strategy for solar PV which includes the principle that "Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them."

6.27 DECC have published (April 2014) a follow up document entitled UK Solar PV Strategy Part 2: Delivering a Brighter Future, which builds on those 4 guiding principles in Part 1 which reiterates the guiding principle above in italics.

6.28 DECC states that they will promote DCLG's planning guidance on large-scale solar farms, and the guidance sets out particular considerations for solar farms, such as their visual impact, and underlines that it important that the planning concerns of local communities are properly heard in matters that directly affect them.

6.29 As a result, these issues, together with principle in support of renewable energy schemes, needs to be carefully balanced in reaching a decision to approve or refuse the application.

Renewable Energy and Planning Policy Context

6.30 It is important to consider the wider policy context before considering the impacts of the proposal as a balancing exercise will need to be undertaken where the inherent benefits of renewable energy are balanced against the impacts of the proposal. Key international and national policy considerations of note are as follows:

- Many reviews of climate change including the UN Climate Change Conferences in Bali (2007) and Cancun (2010) underlined the need to act now to reduce carbon emissions, renewable energy being one such possible means of doing this.

- The government commissioned Stern Review in 2007 which concluded that there is a pressing need to deal with climate change. The government has accepted these findings and also wishes to exploit the potential economic benefits of the new global green economy. Energy security was also identified as an important consideration.
- The European Union energy policy, to which the UK is signed up, sets a renewable energy target for each country with the UK's being 15% of energy from renewables by 2020. The country as of 2011 provides 9.4% from such sources.
- The Energy Bill 2012 -2013 aims to close a number of coal and nuclear power stations over the next two decades, to reduce dependence on fossil fuels and has financial incentives to reduce energy demand. Government climate change targets set out in the bill are to produce 30% of electricity from renewable sources by 2020, to cut greenhouse gas emissions by 50% on 1990 levels by 2025 and by 80% on 1990 levels by 2050.

The above are material considerations which weigh in favour of a renewable energy proposal.

- 6.31 In summary, there is strong in principle support for renewable energy proposals in light of the national and local policy context. This in principle support needs to be considered against the impacts of the proposal and the two 'weighed'. The weighing process is a matter of planning judgement. Consequently the assessment moves on to consider the impacts of what is proposed, the impacts will then be balanced against the in principle support and the inherent national benefits.

Impact on the Countryside

- 6.32 Policy PLA5 of the draft Local Plan states that the quality of the district's landscape and its distinctive local character will be protected and wherever possible enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The Council will seek in particular to conserve a number of natural and man-made features which contribute to local character including, amongst other things, skylines and prominent views, including those of ridge tops and plateau edges; ancient woodlands and other important woodland, hedgerows and trees; and the traditional character of protected lanes, other rural lanes, bridleways, and footpaths. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement. Policy EN1 of the 2007 LP also follows these sentiments. It is therefore acknowledged that development can occur in the countryside, providing that development does not have an adverse impact on the character and appearance of the area.
- 6.33 The site, other than being within the countryside, is not located within any special landscape designation.
- 6.34 The application site is situated within the area defined in The Tendring District Landscape Character Assessment (LCA) as The Tendring and Wix Clay Plateau. The character of the landscape is described in the LCA as a gently undulating rural agricultural plateau with large scale, geometric fields divided by low, gappy hedgerows with occasional hedgerow trees. There is a network of narrow lanes that connect the scattered farms and villages with views of church towers and spires across the landscape.
- 6.35 The settlement pattern of the area is low density so the application site is not extensively overlooked. However in terms of the local landscape the land is low lying and can be seen from a number of nearby points, as identified in the applicant's Landscape and Visual Impact Assessment.

- 6.36 The Council's Landscape Management Strategy describes the condition of the landscape as declining with a moderate character. It identifies the need to conserve the rural character and settlement pattern and to enhance the condition of woodlands and hedgerows, and that plateau edges are particularly sensitive to development. With regards to sensitivity, the landscape here is visually sensitive as a result of its open and rural character and long views, but the gently undulating topography provides some opportunities to integrate development.
- 6.37 The application site sits immediately adjacent to the A120 on land currently being intensively farmed and planted with a winter cereal crop. The site slopes generally north-west to south-east except for a raised area in the centre section of the boundary with the A120.
- 6.38 The highway verge adjacent to the application site is reasonably well planted with trees and shrubs but the application site and adjacent agricultural land is not well populated with trees or countryside hedgerows. There are a few trees on the boundary of the application site that will not be adversely affected by the development proposal.
- 6.39 In terms of the impact of the development proposal on the character and appearance of the local landscape and taking into account the land form and condition of the trees and hedgerows on the boundary of the application site the proposed development will, from certain locations, be a prominent feature in the landscape.
- 6.40 As part of the planning application the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) prepared by Pegasus Planning (January 2015) which describes the existing baseline situation for topography, vegetation cover and land uses. The information submitted identifies soft landscaping to mitigate the potential harm caused by the installation of the solar array.
- 6.41 As previously stated, the developable area of the application site has been effectively halted. Now only incorporating the western half of the application site the development sits better within the landscape. This reduction in developable area also allows for the proposed planting to become more effective over a five year time period. Indeed, the conclusion to the LVIA states that only one of the six assessed viewpoints would have a major effect at year five, four viewpoints have minor effects at year five and the remainder have moderate effects at year five. The LVIA also correctly asserts that the impact on visual amenity will decrease over time as the planting matures. It is further agreed that the additional proposed planting, which would remain in place after decommissioning on the perimeter and within the site will have a net gain in biodiversity and habitat creation.
- 6.42 As a result, it is considered that, on balance, the development proposal will not be an incongruous and unsightly feature in the landscape, particularly after a five year time period. The proposed development would also not have a significantly detrimental impact on the character and appearance of the countryside.
- 6.43 It is however acknowledged that the greatest impact is likely to be on users of the A120 and whilst views from a vehicle are likely to be 'fleeting' the number of people affected is likely to be high. However given that views from highways are considered to be of low sensitivity, as opposed to high sensitivity from public footpaths, the impact on users of the A120 are not considered to be detrimental.
- 6.44 As previously stated, a further reason for refusal of the previous application was the impact upon the public right of way which bisects the site. The development area has subsequently been reduced to include land only to the west of the PRoW. It is considered that the detrimental impact referred to in the previous reason for refusal no longer exists and this impact is now acceptable.

Cumulative Impacts

- 6.45 The NPPG requires Local Planning Authorities to consider that cumulative impacts require particular attention, especially the increasing impact that this type of development can have on landscape and local amenity as the number of solar arrays in an area increases. As a result a cumulative assessment has been undertaken by the applicant within their LVIA. The guidance used for assessing landscape and visual impact recommends that cumulative effects of proposals should be considered against similar schemes which are already present, consented, screened for EIA or in planning awaiting a decision.
- 6.46 One of the reasons for refusal of the previous planning application was the lack of a cumulative impact assessment. The other solar farm developments within the locality of Wix/Bradfield are:
- To the west within 2km is Wix Lodge, with planning permission for a 15MW solar park granted on 15 November 2013 (LPA ref 13/00896/FUL). This site is operational.
 - To the north-west within 2km is Burnt Ash Farm, with planning permission refused on 1 August 2014 for a 13.5MW solar park (LPA ref 13/01340/FUL). This refusal has been appealed.
 - To the north-west is Barn Farm, Wix Road, Bradfield, with planning permission for a 5MW solar park (LPA ref 14/00918/FUL) – Approved at Planning Committee on 14 October 2014.
- 6.47 The applicant's LVIA considers these installations and their cumulative impact. Within the assessment it is stated that cumulative impacts of the three above developments and that now under consideration would be limited to members of the public using Spinnels Lane and PRoW 183/1 and 183/2. These impacts take the form of Sequential or Successive views and will reduce over time as planting establishes, which is part of all four developments assessed. The assessment also states that the limited visibility of the application site at a semi-local level means that any cumulative impacts will be no greater than that of the development now under consideration.
- 6.48 Officers are satisfied with the assessment of the cumulative impact of the proposal with those above states. It is agreed that the cumulative impact will only be very slight and could not form a sound reason for refusal.

Impact on Heritage - Listed Buildings and Archaeology

- 6.49 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible.
- 6.50 Policy PLA6 of the draft Local Plan states that the Council will work with its partners to understand, protect and enhance the district's historic environment by, amongst other things, requiring archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. Furthermore, Policy PLA8 of the draft Local Plan states development affecting a listed building or its setting will only be permitted where it, amongst other things, does not have an unacceptable effect on the special architectural or historic character and appearance of the building or its setting. These sentiments are echoed in policies EN23 and EN29 of the 2007 LP.

- 6.51 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.52 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. In this instance the applicant has submitted a Heritage Desk-Based Assessment with the application. This assessment showed that the application site is likely to include the presence of below ground archaeological remains in the form of a post-medieval farm that has been identified on historic mapping.
- 6.53 Development of the site will potentially lead to damage or destruction of surviving below ground archaeological remains associated with the farmstead, and any earlier (medieval) predecessor, resulting in harm to the significance of this heritage asset. As a result, it is considered appropriate to attach a planning condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be agreed.
- 6.54 The desk based assessment indicated within a 2km study area one Scheduled Ancient Monument, one Grade I listed building, and 24 Grade II listed buildings. The proposed development is not considered to negatively contribute to the setting of any of the heritage assets within 2km of the site, largely due to height of the proposed development, solar panels being only 2.4m from ground level, and therefore the proposal would not lead to substantial harm to or total loss of significance of a designated heritage asset, as defined within the NPPF.

Impact on Biodiversity/Ecology

- 6.55 Both the Development Plan and NPPF support the safeguarding of protected species and their habitat. These documents also support the need to exploit opportunities to improve biodiversity in all developments where possible. To this end the applicants have prepared an ecological appraisal comprising both a desk based assessment and field survey assessment of the site and its hinterland. The report concluded that no notable species or the evidence of protected species were found within the application site, and the habitats within the application site were considered to offer low ecological interest, with moderately more interest provided by ponds and potential bat roost trees which are outside the application site.
- 6.56 With regards to these habitats, the applicant's ecological appraisal states that two trees with some bat roost potential (oak and ash) were identified, although they both were considered to offer low potential and lack of connectivity to higher quality bat foraging habitat. The grass margins, ditches and the plantation woodland may be used by foraging bats, although the limited size of these habitats makes them unlikely to support significant assemblages of flying invertebrate prey.
- 6.57 There are no water bodies on the site or within 100m of the boundaries. Two ponds were identified just beyond the application site however these were thought to be unsuitable for great crested newts. At least 25 additional ponds were located within 500m of the application boundary. Any amphibians using the site for dispersal and foraging are likely to be confined to the margins as the majority of the arable land is considered to be of poor ecological value to any relevant amphibian species. The ditches are unlikely to support breeding amphibians due to their ephemeral inundation. The plantation woodland could be used by sheltering and hibernating amphibians, but this is to remain.

- 6.58 Although the arable land on the site is intensely farmed and of poor ecological value the habitats surrounding the application site provide suitable habitat for common reptile species such as slow worm and grass snake. Reptiles may also be present within the woodland boundaries along the southern edge of the site boarding the fields.
- 6.59 No evidence indicating badger presence was recorded on the site or within 30m of the boundaries. The culvert in the south eastern corner appeared to be used by mammals as a means of bypassing the A120 and could potentially be used by badgers dispersing across their territory (if present in the area).
- 6.60 The applicant's ecological appraisal concludes that with appropriate mitigation and sensitive design measures, it is considered that impacts on protected and notable species can be avoided. A watching brief should be employed for dormouse if any hedgerow removal is to take place, and Reasonable Avoidance Measures (RAMs) are required to safeguard amphibian and reptile species.
- 6.61 If planning permission were to be granted, it is considered appropriate to place an informative on the permission advising the applicant/developer of their legal obligations and that badgers are protected from being disturbed while occupying their sett under The Protections of Badgers Act 1992. To ensure legal compliance with regard to nesting birds, appropriate measures must be undertaken to avoid the destruction of active nests during construction. This can be achieved by undertaking works outside of the bird nesting season (March to August) but if this is not possible it will be necessary for a suitably qualified ecologist to check for the presence of active nests prior to construction. As a result, again it would be considered appropriate to place an informative on the planning permission advising the applicant/developer of their legal obligations regarding nesting birds.
- 6.62 The perimeter fence line maintains a minimum distance of 7m from the perimeter of the field at all points. This is to allow farm vehicles and wildlife to pass through the area, and to ensure access and space for new planting and landscape management is achievable. Furthermore, notwithstanding the submitted fence details, a condition could be imposed requiring details of the perimeter fence to be installed to ensure it is designed to allow small mammals to navigate through the site (such as rabbits, hares, badgers, weasels, stoats, field voles, foxes etc).
- 6.63 In addition, the proposed development will remove the site from intensive agricultural production for a period of 25 years. With the correct management, the potential biodiversity of the site will be increased after the construction phase. Existing wildlife and potential habitats will be conserved as part of the site management, as well as the creation of new habitats to increase the sites biodiversity, by including the planting of new trees and hedgerows, and areas of sown wild flower mix and grassland using selected native species which will provide a rich feeding habitat for birds, bees, butterflies and a wide range of insects.

Impact on Highway Safety

- 6.64 The operation of the site would not result in significant traffic movements (only security and maintenance vehicles between 10-20 times a year). This level of activity is considered to have a negligible impact on the highway network.
- 6.65 However it is expected that during the pre-construction period, whilst preparing the site for the installation of the panels, works within the site would result in significant movements with upwards of 8 HGV movements a day, in addition to the generation of car, van, motorbike, mini bus journeys to the site daily from the construction workers (construction takes approx. 3 months). This would be for a short period of time, with the movements

decreasing as the construction period begins. No abnormal loads are required as part of the construction.

- 6.66 The site would be served by the existing site accesses off the A120 for both construction and on-going operational purposes.
- 6.67 The Highway Authority has reviewed the application and has raised no objections from a highway safety aspect. The impact on highway safety is considered to be acceptable, subject to the imposition of standard conditions.
- 6.68 The Highways Authority did request the applicant to submit an Order to amend the location of the PRow running through the application site. It has been made apparent that the Ordnance Survey, Definitive PRow maps and the path on the ground are all different. The applicant has chosen to align the PRow to the Definitive maps. The Highways Authority were agreeable to this.
- 6.69 The Highways Agency has reviewed the application and requested the submission of a Glint and Glare report to assess these features on users of the A120. This report was submitted and the Highways Agency commented upon it. The Agency suggested further planting to the south of the site that can be controlled by condition. The Agency raises no objection to the proposed development.

Impact on Residential Amenity (including glint and glare)

- 6.70 Policy SD9 of the draft Local Plan states new development should be compatible with surrounding uses and minimise any adverse environmental impacts, and that development (amongst other things) will not have a materially damaging impact on the amenities of occupiers of nearby properties. This sentiment is echoed in policy QL11 of the TDLP.
- 6.71 The array is entirely passive during operation, has no moving parts and emits no carbon, noise, smell or light. Once installed, the system itself needs minimum maintenance and will be unmanned.
- 6.72 It is acknowledged that the substation, inverters and transformer stations will be acoustically rated, but even so they emit very little noise. It is considered given that the distances involved from residential properties, the amenities of these properties will be safeguarded from any adverse 'break out' noise.
- 6.73 The panels themselves, being only 2.4 metres in height, are not considered to be overbearing in relation to proximity from existing residential properties, and the use of the site would not result in unreasonable noise and disturbance. A condition requiring a construction management plan would control the impacts during the assembly of the site.
- 6.74 Furthermore, the solar panels are designed to absorb light rather than reflect light, and so although the surface is glass, it is not reflective in the same way as a mirror or window, and therefore the solar panels are not considered to adversely affect nearby residential amenity by way of adverse glint or glare. A recent appeal decision in Northamptonshire supported such a conclusion.
- 6.75 There would be no external lighting of the site, again this could be secured by condition, so there would be no impact on the countryside or residential amenity in this respect.

Impact on Agricultural Land

- 6.76 Concern has been expressed that this development is reducing the land supply to meet the population's food needs.
- 6.77 The application is for a temporary period of 25 years. Planning conditions would secure this and the remediation of the site back to agricultural land once the use ceases. This would all be at the expense of the applicant. It is acknowledged that the site is currently in arable production, presumably sprayed with chemicals, and therefore it is very likely that following this period of 25 years, and given the potential for sheep grazing within the site to keep the natural grasses and wildflowers down, the quality of the soil is likely to improve, and therefore be beneficial for agricultural production.
- 6.78 Policy EN4 of the 2007 LP states where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely classified as grades 1, 2 or 3a) unless special justification can be shown. Although the Council is keen to discourage loss of best and most versatile agricultural land, it recognises the economic importance of farm diversification schemes. Although there is no specific policy which deals with this issue in the emerging Local Plan, policy PLA10 'Renewable Energy Installations' has been amended to include the following:
- 6.79 Proposals for 'solar farms' will be permitted on low grade agricultural land and other land with no agricultural function. The use of the best and most versatile agricultural land (grades 1, 2 and 3a) will be permitted where it can be demonstrated, with evidence, that lower quality land is not available or practical for this use and the benefits of the development outweigh any concerns over the loss of agricultural land.
- 6.80 This amendment to the policy has been requested by Members of the Council. Given that the amended policy is currently only at a draft stage and may well receive further amendments, it is considered limited weight can be given to this amended policy at this time.
- 6.81 National policy does require the use of the best agricultural land to be considered as a last option, but this relates more to the permanent loss of agricultural land by, for example, developing it for housing. Paragraph 112 of the NPPF states LPAs should take into account the economic and other benefits of the best and most versatile agricultural land, and where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of a higher quality.
- 6.82 The applicant has also produced an Agricultural Assessment prepared by KERNON Countryside Consultants Ltd (January 2015). This assessment considers the impacts of the proposed development on the national resources of agricultural land, on the farm business in question and assesses national and local planning policies for agriculture.
- 6.83 Agricultural land is graded on its quality from 1 (excellent) to 5 (very poor). Grades 1, 2 and 3a are considered to be the best and most versatile (BMV) agricultural land. Provisional maps produced in the 1970s and 1980s show the application site in an area of Grade 2 and 3. These maps however are only indicative and DEFRA recommend survey work to gain a better understanding of the Grading for an individual site. The site was surveyed in December 2014 and was found to contain Grades 3a and 3b soils with one sample showing an isolated area of Grade 2.

- 6.84 The assessment further states that Green Farm equates to about 44 hectares on a number of different sites. It is stated that the landowner intends to continue using the application site for agriculture whilst the solar farm is in operation with sheep grazing on the land. Benefits of this are noted as being a steady income which can be uncertain in agricultural production.
- 6.85 Whilst it is the case that there is BMV land on site, it is stated that this is patchy and not distinct from the 3b land, therefore not allowing for separate cultivation. It is also recognised that the land will not be permanently lost and therefore it is considered that there is no material loss of BMV land.
- 6.86 As the development proposed is a temporary, reversible use of the land which would not result in the permanent loss of good quality agricultural land the sequential test is considered to have less significance, as significant development of agricultural land will not occur, and the land will not be permanently unavailable for agricultural use. A appeal decision in North Dorset supported such a conclusion, and Natural England on a different solar farm proposal (13/00775/FUL) confirmed this view that it would not be a ground for objection.
- 6.87 Given the cancellation of the previous DCLG planning guidance on low carbon renewable energy schemes, with the publication of NPPG – Renewable and Low Carbon Energy, a move towards a more robust justification for the use of agricultural land appears to have been promoted (although it is noted no reference to the need for a sequential test is outlined in the NPPF or NPPG). Moreover, in an appeal decision in Suffolk determined in January this year, the Inspector stated that there is no policy or guidance which refers specifically to the need for a formal sequential test.
- 6.88 Given that Tendring is a predominantly rural district, Greenfield sites are most likely to come forward for this type of development. In this instance, the proposed development would result in the continued use of the site for agricultural production (sheep grazing) and biodiversity improvements have been identified and could be conditioned, and therefore the proposed development would not be contrary to published government guidance.

Impact on Flood Risk

- 6.89 The majority of the site falls within Flood Zone 1, and is therefore not considered to be at risk of flooding. However, the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. As a result the applicant has provided a Flood Risk Assessment.
- 6.90 The FRA has been reviewed by the Environment Agency. They state that the installation of the solar panels should not have a significant effect on runoff volumes as generally it will only lead to a small increase in the percentage of impermeable surface area across the site. The EA recommends that vegetation beneath the panels is maintained and that a buffer strip or swale be placed below the most down gradient row of panels to intercept any overland flows.
- 6.91 The FRA proposes the use of swales at the low points of the application site to intercept extreme flows. The FRA considers that the provision of swales would lead to an overall reduction in surface water flow rates from the site and mitigate any increase in run-off due to the minor reduction in the overall permeable area of the site. The implementation of swales could be controlled by planning condition.
- 6.92 The overall conclusions of the FRA are that future users of the development would remain safe throughout the lifetime of the proposed development, the development would not increase flood risk elsewhere and would reduce flood risk overall.

Other Issues

- 6.93 It is generally accepted that glare from a solar PV array of this nature does not pose a risk from ground level. In December 2010 the Civil Aviation Authority (CAA) provided interim guidance on the impact of solar PV on aviation. This document recognised that "the key safety issue regarding solar PV is perceived to be the potential for reflection to cause glare, dazzling pilots or leading them to confuse reflections with aeronautical lights". Numerous international airports have installed solar PV, including Gatwick, Munich, Prescott, Arizona and San Francisco, highlighting that glare is not considered enough of a risk to preclude installation. The application site is more than 40 miles away from the nearest major airport (Stansted) and the site is not on available published flight paths. It is acknowledged that Clacton Air Field is approx. 8.1 miles due south of the application site (as the crow flies), and Great Oakley Airfield is approx. 2 miles due east (as the crow flies), however it is considered that the risk to aviation in this case is negligible.

Crime and Disorder

- 6.94 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues. The site would be secured by perimeter fencing.

Biodiversity and Protected Species

- 6.95 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.
- 6.96 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case minor amendments were allowed to the ancillary equipment on site to improve visual impact.

Environmental Impact Assessment

- 6.97 The site has been screened by the Council under the 2011 regulations where it was found that the development is not EIA development and did not require an Environmental Statement at application stage.

Conclusion

- 6.98 The assessment of a renewable energy proposal requires the impacts to be considered in the context of the in principle policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation. The starting point in the assessment, as outlined in paragraph 98 of the NPPF, is when determining planning applications, LPA's should approve the application if its impacts are (or can be made) acceptable, however weight should be given to advice published in the NPPG 'Renewable and Low Carbon Energy', and the UK Solar PV Strategy Part 2: Delivering a Brighter Future (DECC), and that views of the local communities should be listened to.
- 6.99 In this case, there is no adverse impact on heritage assets, ecology, residential amenity, highway safety or flood risk. There is also the opportunity to improve biodiversity. Weighed against this is the potential for the loss of grade 3a and 3b agricultural land for arable production for a period of 25 years.

- 6.100 The landscape impact is considered to be relatively local, contained mainly to the A120, Spinnels Lane and the Public Rights of Way through and within the site. This impact however is considered to be harmful. The mitigation would soften the impact but would not eliminate it. However, the adverse impact would not be a wider impact. An appeal decision in Northamptonshire by the Secretary of State concluded that a localised impact, although harmful, was not sufficient to outweigh the in principle support for renewable energy.
- 6.101 The localised impact on the area is not considered to be sufficient to recommend refusal especially given the lack of harm in other respects and the benefits to biodiversity and the long term benefits to the landscape when the site is decommissioned by the planting mitigation retained. Therefore, although Officers have found harm to the countryside, and this harm is contrary to Saved Policies QL9, QL11 and EN1 of the 2007 Local Plan, and Policies SD9 and PLA5 of the draft Local Plan, the localised extent of harm does not outweigh the national benefits derived from providing renewable energy.

Background Papers

None.