

## UTT/12/5601/FUL – LITTLE SAMPFORD

**PROPOSAL:** Construction of a 29.96 hectare solar park, including installation of solar panels, transformer housings, security fencing and cameras, landscaping and associated works

**LOCATION:** Land at Spriggs Farm, Thaxted Road, Little Sampford

**APPLICANT:** Hive Energy Limited

**AGENT:** Pegasus Planning Group

**GRID REFERENCE:** 562855-232476

**EXPIRY DATE:** 7 February 2013

**CASE OFFICER:** Mrs K Denmark

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### **1. NOTATION**

1.1 Outside Development Limits.

### **2. DESCRIPTION OF SITE**

2.1 The application site is located to the south east of the B1051 between Thaxted and Little Sampford. It is accessed via a public right of way which runs between two properties known as Stack Yard and Silver Birches. The application site consists of 4 agricultural fields, totalling 29.96ha, which are divided by existing hedgerows. The north western boundary of the site is along the public right of way which runs to the south west towards Thaxted. This section of the site is open with no existing hedgerows. There is a further public right of way which runs adjacent to the northern boundary of the site, which is located in the adjacent field. Electricity pylons are located in the northern two fields and there is a further electricity line on wooden pylons running along the southern part of the site.

2.2 The application site is relatively flat with a difference in height across the site of approximately 7m. There is a slight fall on the site from the north west to the south east. Beyond the site to the south east are two areas of woodland, separated from the site by a further area of agricultural land.

### **3. PROPOSAL**

3.1 The proposal relates to the erection of a solar farm which would consist of rows of Photovoltaic (PV) panels running east-west across the site. Each array will be mounted on a simple metal framework which would have a maximum height of 3m above ground level. There would be 24 modules per structure and these would be installed at approximately 25 degrees from horizontal. There would be approximately 7.85m separating the ends of the panels, typically 11m between each frame.

3.2 The plans indicate that 12 inverters will be required throughout the site and a control room is shown located at the northern end of the site. The inverters would be cabinets measuring 1.905m by 1.522m and 2.55m high. The control building would measure 3.28m by 2.5m and 2.55m high. It is also proposed to erect a 2.4m high security fence

to restrict access to the arrays. This is shown as being of black mesh. Given the existing layout of the site the arrays would be divided into four areas within the existing field boundaries. The proposed fencing would be adjacent to existing hedgerows, where these exist, and new native species planting is proposed along the north western boundary to provide additional screening.

- 3.3 The plans also indicate that four swales would be constructed. These would be outside the fenced areas around the arrays and would be approximately 1m across and 300mm deep.

#### **4. APPLICANT'S CASE**

- 4.1 The application has been submitted with the following documents:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Ecological Appraisal
- Heritage Desk-Based Assessment
- Transport Statement
- Flood Risk Assessment
- Agricultural Assessment

- 4.2 Summary:

- 4.3 Current access to the site is provided by a track which runs from the B1051 and through land at Sprigg's Farm. The proposed access to the site will also utilise this track which is also a footpath. The site has no environmental designations. A SSSI lies to the north and west of the site at West Wood. At its closest point it lies approximately 500m from the boundary of the site. The area immediately around the site comprises agricultural land uses, areas of woodland and isolated farmsteads with settlements along roads. A substation is located in close proximity to the western boundary of the site. A public right of way runs adjacent to the northern boundary of the site and connects with the public right of way network in the surrounding area which is well developed.

- 4.4 The proposed development consists of a 12MW solar power generation park. The total area covered by development would be 29.96ha. At strategic points within the development, transformers situated within small buildings would collect the power generated before it is transferred to the national grid. They would be clad or painted to reflect a typical agricultural building and blend them into the site.

- 4.5 The proposed development would be located on agricultural land. It would be a significant net producer of renewable energy and would be designed in such a way as to help comply with relevant policies relating to landscape character and the desire to protect and enhance local landscape features and improve biodiversity. The proposed development would introduce a new energy infrastructure element into the landscape but would be visually contained due to woodland, roadside and field boundary vegetation both surrounding the site and in the wider area. The proposals would introduce new planting that would add to the site's landscape characteristics and enhance the character of the surrounding area. It is evident from the assessment that the zone of theoretical visibility associated with the proposed development would be extremely limited and any visual effects would be only in the immediate vicinity of the site, the footpaths on and adjacent to the site, glimpses from the B1051 and from top floor windows from residential properties in close proximity to the site. The proposed

development would be visible from a very limited number of locations in the surrounding area. These locations would generally be at a distance of less than 500m. It is evident that the proposed development would not harm the landscape elements associated with the site and that it would instead provide an opportunity to increase the amount of biodiversity on site that could in turn be beneficial to wildlife.

- 4.6 The potential for impacts on protected and/or notable species including birds, terrestrial mammals, amphibians and reptiles are considered to be low. The arable land within the construction area is of low ecological value. Areas of higher ecological value will be retained within the project design. Habitat enhancement is proposed including hedgerow strengthening and native hedgerow planting plus creation of grassland habitat around the panels.
- 4.7 Development will not adversely affect the significance of any designated heritage assets.
- 4.8 Access to the site for both construction and the on-going maintenance will be from the existing field access from the B1051. During the construction/installation phase it is anticipated that there would be up to about 115 HGV deliveries for all equipment and materials to the site, resulting in at most 5 or 6 deliveries per day. The proposed development will have negligible trip generation during the operation stage, with all trips being associated with maintenance or cleaning of the site. It is considered that there should be no highway related objections to the proposed development.
- 4.9 The site lies entirely within Flood Zone 1. Rainfall falling onto the photovoltaic panels would run off directly to the ground beneath the panels and, due to the permeability of the underlying soils, infiltrate into the ground as it does in the site's existing Greenfield state. Swales are proposed along the north eastern boundaries of the site in order to intercept surface water run-off in the event of extreme flows and to reduce overall surface water flow rates from the site. It is emphasised that the swales are not required to provide specific drainage arrangements but simply to provide "betterment" in times of extreme flow by helping to intercept such run off. The development would therefore have a negligible impact upon site drainage and the natural drainage regime would be retained.
- 4.10 The proposed development involves the installation of a solar park across approximately 29.96ha of grade 2 agricultural land but does not involve the irreversible development of agricultural land. The proposed solar park will provide the occupying farm business with a stable income for the duration of the tenancy. The proposed development will have minimal effect upon the economies of scale across the holding. The site will be capable of continued agricultural use and for agri-environmental purposes, and the proposed solar park will not affect the ability of adjoining land to be used for continued agricultural production.
- 4.11 It is considered that the proposals are consistent with national, regional and local planning policy and that no unacceptable harm would be caused by the development proposals.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/1492/12/SCO – Screening Opinion: EIA not required.

## **6. POLICIES**

### **6.1 National Policies**

NPPF

## 6.2 Uttlesford District Local Plan 2005

Policy ENV15  
Policy S7  
Policy GEN7  
Policy E4  
Policy ENV5  
Policy GEN8

## 7. PARISH COUNCIL COMMENTS

- 7.1 The Sampfords Parish Council: Generally supports the principle of the solar park. Insufficient information to properly evaluate the development in terms of access and highway safety, particularly during the construction stage. Parish Council very concerned about highway safety along the B1051. Imperative that the applicant is able to demonstrate that the proposed access from Thaxted Road is of a suitable and adequate standard to accommodate the development. Object on highway safety grounds subject to a request that the applicant provides additional information.
- 7.2 Thaxted Parish Council: Concerns were raised about the height of the perimeter fence, the choice of material for fence construction and its visual appearance in the countryside. Concerns about loss of good quality agricultural land.

## 8. CONSULTATIONS

Natural England

- 8.1 No adverse impact on West Wood SSSI. Solar farms provide opportunities to incorporate features into the design which are beneficial to wildlife. The construction zone for this application is currently of low ecological value and thus the construction and operation of a solar farm could potentially deliver ecological benefits.

ECC Highways

- 8.2 Would not wish to raise any objection to the application.

Archaeology

- 8.3 No archaeological recommendations.

Energy Officer

- 8.4 The principle of generating decentralised energy in the district using renewable technologies is supported by the Council if it is in accordance with planning requirements. This development supports Government legislation on reducing carbon emissions and dependence on fossil fuels and will increase fuel security

## 9. REPRESENTATIONS

This application has been advertised and 1 representation has been received. Advertisement expired 26 December 2012.

- 9.1 Tile Hall is not documented in the application giving an incomplete picture of the historic nature of the landscape. Application includes landscaping work to screen the solar park from nearby properties and the road. See reassurance that this screening work will be appropriate in terms of hedgerow height, species and subsequent maintenance. Solar park development currently is planned for some 300m back from the road. Want to be assured that this distance is maintained should there be any future plans to extend the development at Spriggs Farm.
- 9.2 Comments on representations – Tile Hall Farm is referred to in the Heritage Desk-based Assessment at paragraph 1.4. The listed properties mentioned in this assessment would appear to be in line with the Council's records for listed buildings and scheduled ancient monuments.

## 10. APPRAISAL

The issues to consider in the determination of the application are whether:

- A the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area (NPPF; ULP Policies S7, E4, ENV5, ENV8, ENV15)
  - B the development would have adverse impacts on neighbouring amenity (ULP Policies GEN2, GEN4)
  - C the development would result in adverse impacts on the local road network (ULP Policy GEN1)
  - D the development would have adverse impacts on biodiversity (NPPF; ULP Policy GEN7)
  - E the development would increase flood risk issues (NPPF; ULP Policy GEN3)
- A the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area (NPPF; ULP Policies S7, E4, ENV5, ENV8, ENV15)**

- 10.1 The application site is located outside the development limits and in an area where there is a policy restraint against development except that which needs to take place there. The land is currently in agricultural use and is Grade 2 land. Policy ENV5 seeks to protect the best and most versatile agricultural land. Sustainability considerations would weigh in favour of development of Grade 1 or 2 land where appropriate. Policy E4 allows for alternative uses for agricultural land providing certain criteria are met. Policy ENV8 seeks to protect landscape elements important for nature conservation such as hedgerows and linear tree belts.
- 10.2 The Companion Guide to PPS22 is still relevant policy and sets out the sustainability benefits of renewable energy proposals. However, in relation to this type of development proposal it states that these are "rare" in the UK and at the time of publication (2004) this was certainly the case. Notwithstanding this the principles of the Companion Guide are relevant to the sustainability principles set out in the NPPF and the encouragement given to renewable energy proposals. Paragraph 97 of the NPPF requires local authorities to have a positive strategy to promote energy from renewable and low carbon sources. Paragraph 98 states that when determining planning applications local planning authorities should "approve the application if its impacts are (or can be made) acceptable.
- 10.3 This proposal relates to the installation of a solar farm which would be capable of generating 12MW of renewable energy. This would make a significant contribution

towards the District and County's renewable energy production. The benefits of the proposal would need to be weighed against the impacts.

- 10.4 The application site consists of 4 agricultural fields which are sub-divided by existing hedgerows, although there is no hedgerow along the northern boundary of the site. The hedgerows are patchy in some places and there is a public right of way along the northern boundary. Given the relatively flat nature of the landscape at this particular point the site has a sense of enclosure with very limited views beyond the immediate locality. From the public rights of way there are views to the woodlands to the south east and it is possible to get glimpses of traffic on the minor roads to the east/south east. When walking along the public right of way along the northwestern boundary of the site in a south westerly direction there are limited views of the spire of Thaxted Church. The existing electricity pylons and the substation adjacent to the right of way are physical detractors within the landscape.
- 10.5 The proposal relates to the installation of rows of solar panels which will be within fenced enclosures. Each of these enclosures would be within the existing field boundaries and would ensure that the existing hedgerows would remain. The fences are shown to be of black mesh material, although from a visual perspective it is considered that these should be green in order to minimise the impact on the character of the rural area and this could be secured by condition.
- 10.6 Along the northern boundary it is proposed to plant a new hedgerow which would provide additional connectivity within the local landscape and mitigate the impacts of the proposals for users of the footpath. The proposals would have an adverse impact on the immediate locality and in particular users of the public right of way, including the obscuration of the limited views of the spire of Thaxted Church. However, these impacts would need to be weighed up against the positive benefits of the renewable energy provision. In terms of impacts within the wider landscape, given the topography of the site and the location and height of the proposed development it is considered that the impacts would be minimal. In this instance it is considered that the benefits would outweigh the harm and the proposed mitigation of additional landscaping would alleviate some of the detriment resulting from the proposals.
- 10.7 The proposed development would result in the loss of Grade 2 land for arable agricultural purposes. However, the nature of the development is such that the development could be removed from the site and the land reinstated to its previous use. The proposal as applied for is for a limited period of 25 years after which time the site would be reinstated or an alternative scheme could be put forward. The proposals are in accordance with the golden thread of sustainability set out in the NPPF and are in accordance with ULP Policies S7, E4, ENV5, ENV8, ENV15.

**B the development would have adverse impacts on neighbouring amenity (ULP Policies GEN2, GEN4)**

- 10.8 The proposed development would be located approximately 200m from the nearest residential property. The access to the site would be between two properties which is also currently used as a farm access and public right of way. In terms of impacts due to overshadowing, overbearing and loss of light, no such impacts would arise from the development proposals. During the construction phase the properties in the immediate vicinity are likely to suffer some loss of residential amenity due to noise and possibly dust. However these are short-term impacts and would be for a 2 to 3 month period. Post-construction the development has the potential to generate a low level of noise from the invertors and transformers which would be housed in cabinets on the site. Given the distance of the site from the nearest residential properties it is unlikely that

any adverse loss of residential amenity would occur during the operational stage due to noise. Any noise resulting from maintenance would be comparable to that currently experienced as a result of the farming activities within the site. The proposals comply with Policies GEN2 and GEN4.

**C the development would result in adverse impacts on the local road network (ULP Policy GEN1)**

10.9 The development would result in some impacts on the local road network, predominantly during the construction phase. It is envisaged that there would be approximately 10 to 12 HGV movements to and from the site over the 2 to 3 month construction period. Additional vehicle movements from the construction staff would also take place. However, the level of vehicular movements would be easily accommodated within the local road network and no adverse impacts are envisaged.

10.10 The Sampfords Parish Council has raised concerns about the adequacy of the access to accommodate the development during the construction phase. Their concerns are appreciated however the access is currently used for agricultural machinery. The level of movements would be relatively low during the construction phase and the Highway's Authority raised no objections. On that basis it is considered that the proposals comply with Policy GEN1.

**D the development would have adverse impacts on biodiversity (NPPF; ULP Policy GEN7)**

10.11 The application site is currently used for arable agricultural purposes and therefore has limited ecological value. The areas of highest ecological value are the hedgerows and the area of semi-improved grassland running through the centre of the site. These areas are likely to provide suitable habitat for nesting birds and foraging for bats. There could also be some potential of suitable habitat for dormice in these areas. The development proposals would ensure that these areas of ecological value would remain and the survey recommends that these be protected during the construction phase of the development.

10.12 The proposals include the planting of a new native species hedgerow along the north western boundary of the site. This would improve the biodiversity of the site and the connectivity of the habitats. As such the proposals are considered to be in accordance with the NPPF and Policy GEN7.

**E the development would increase flood risk issues (NPPF; ULP Policy GEN3)**

10.13 The development proposals would introduce new buildings and areas of built form onto land currently used for agricultural purposes. The area of new building would be minimal, amounting to around 43 square metres. The solar arrays would cover a substantial amount of the 29.96 hectares but the nature of the development would result in large gaps between each row of panels. The panels would be at an angle and rain water would run off the panels and onto the ground. Given the nature of the development this would have a minimal impact on the permeability of the ground and therefore unlikely to increase surface water run-off rates. Notwithstanding this, it is proposed to introduce areas of swales adjacent to the eastern boundary of the site. These would represent betterment rather than a necessary drainage scheme as a result of the proposals. As such the proposals would comply with the NPPF and Policy GEN3.

**11. CONCLUSION**

## RECOMMENDATION –CONDITIONAL APPROVAL

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.  
REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.
3. Prior to the commencement of development hereby permitted the detailed specification of the solar panels to be used, their number and positioning within the site shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved specification. The specification shall conform to the following parameters:  
  
Maximum panel height from ground level – 3m  
Minimum distance between rows (measured panel to panel) – 5.4m  
Minimum distance between piles (measured pile to pile) – 8.3m  
REASON: The proposed development has been deemed to be acceptable against the parameters set out above. To ensure that the development does not introduce any additional adverse effects in terms of its visual impact in accordance with Uttlesford Local Plan Policies S7 and GEN2 (adopted 2005).
4. Prior to the commencement of development hereby permitted full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
REASON: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Uttlesford Local Plan Policies S7 and GEN7 (adopted 2005).
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. If within a period of five years from the date of the planting, ore replacement planting, any tree or plant is removed, uprooted, destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.  
REASON: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Uttlesford Local Plan Policies S7 and GEN7 (adopted 2005).



6. The development hereby permitted shall be implemented in accordance with all identified flood alleviation and protection measures as set out in the Flood Risk Assessment.  
REASON: To prevent the increased risk of flooding in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).
7. Prior to the commencement of the development hereby permitted details of the boundary treatment shall be submitted to and approved in writing by the local planning authority. The details shall include the location, design, materials, colour and type of boundary treatment to be erected. The boundary treatment shall be carried out in accordance with the approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order amending, revoking or re-enacting that Order) no additional boundary treatments shall be erected on the site without the prior written agreement of the local planning authority.  
REASON: To ensure that the appearance of the site does not detract from the character of the rural area in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).
8. Prior to the commencement of the development full details of the materials to be used for the control room and inverter cabinets shall be submitted to the local planning authority and agreed in writing. The buildings shall be constructed in accordance with the details shown on plans H.0038\_05-A, H.0038\_04A.  
REASON: To safeguard the character and appearance of the countryside, in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).
9. No lights shall be erected within the site without the prior written agreement of the local planning authority.  
REASON: To safeguard the character and appearance of the countryside, in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).
10. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.  
REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).