

UTT/13/0561/FUL – FELSTED

PROPOSAL: Installation and operation of a ground mounted solar photovoltaic facility

LOCATION: Land East of Milch Hill Lane, Felsted

APPLICANT: Lightsource Renewable Energy Ltd

AGENT: Lightsource Renewable Energy Ltd

EXPIRY DATE: 14 June 2013

CASE OFFICER: Mrs K Denmark

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site is located to the east of Felsted and west of Braintree and is located very close to the administrative boundary. It is located between Bartholomew Green and Willows Green. Access to the site is via an existing farm access track, which also forms a public right of way, starting adjacent to a property known as Blackleys Farm. The application site is located approximately 160m from the highway. It consists of two fields totalling 15.56 hectares. There is boundary screening around the site and public rights of way exist adjacent to all the boundaries and these connect Felsted to the nearby Notley Country Park which lies to the north east. A hedgerow runs through the middle of the site separating the two fields.

2.2 The application site is relatively flat with a difference in height across the site of approximately 8m. There is a slight fall on the site from the north east to the south west. The area around the site is used for agricultural purposes, as is the site currently. There is an overhead powerline running east-west through the site.

3. PROPOSAL

3.1 The proposal relates to the erection of a solar farm which would consist of approximately 24,500 Photovoltaic (PV) panels set out in rows covering approximately 4.28 hectares. Each array will be mounted on a simple metal framework which would have a maximum height of 2.5m above ground level. The modules would be installed at approximately 25 degrees from horizontal. The site would have a generation capacity of approximately 6 megawatts (MW), which is enough to power 1650 typical homes and save approximately 2,825,000kg in CO2 emissions per annum.

3.2 The plans indicate that 5 inverters will be required throughout the site and a control room and associated buildings are shown located adjacent to the entrance to the site. Indicative details for the inverters are shown to be cabinets measuring approximately 6m by 2.5m and 2.65m high, with a sedum roof. The indicative details for the Auxiliary building indicate that this would be of a similar size as the inverters. This would form one of the buildings in the compound adjacent to the entrance, together with the Communications Building and the DNO substation. The indicative details for the

Communications Building show that this would measure 7.2m by 3m and 2.4m in height. The indicative details of the DNO substation show that this would be 9.4m by 5.3m with a small 1.7m by 1.5m section on one end. The overall height of this building is shown to be 3.64m. The final design, size and materials of the various buildings are subject to change depending on the requirements of the Distribution Network Operator (DNO). The operator has permitted development rights to construct buildings with a volume of 29 cubic metres or less.

- 3.3 It is also proposed to erect a 2m deer fence surrounding the site. This would also act as a security measure. Additional security would take the form of CCTV cameras which would be positioned around the site to ensure full coverage of the boundary. This would operate with infra-red cameras and would not require the use of floodlighting.

4. APPLICANT'S CASE

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

- Planning and Design and Access Statement
- Landscape and Visual Impact Assessment
- Extended Phase 1 Habitat Survey
- Archaeology and Cultural Heritage Assessment
- Flood Risk Assessment

- 4.2 Summary:

- The proposal is for a 6MW solar farm, capable of generating enough clean electricity to power 1650 typical households.
- The solar farm would avoid 2,825,000kg of carbon dioxide emissions associated with electricity generation each year, thus reducing the carbon footprint of Felsted parish.
- It is considered that there is little visual impact outside the adjacent public footpaths, due largely to the presence of extensive vegetation (as well as the additional planting proposed). In the immediate vicinity, the footpaths surrounding the site will retain open views, however it is proposed to utilise these views in a positive light, by creating an information/education route.
- Whilst the potential for some protected species has been identified onsite, there is nothing identified which will preclude the proposed development. Additional surveys are currently being undertaken for Great Crested Newts – if found these will be relocated to nearby habitats prior to construction. Biodiversity will be enhanced through the strengthening of existing boundary vegetation, and the introduction of additional planting along the western and southern boundaries.
- The development is not located in a flood risk area, and will not affect flood risk in the area.
- There is no adverse impact on heritage in the area. A watching brief has been proposed during construction to ensure that any unrecorded sub-surface assets exposed are appropriately dealt with; this is considered sufficient to address any potential for adverse effect.

- At the end of the solar farm's life, the site will be decommissioned, with all infrastructure removed from the site, and the site restored to its original condition for future agricultural use.
- The majority of the components of the solar farm can be recycled or reused at the end of the solar farms operational life.
- The proposed solar farm is consistent with national and local policy, and will contribute to the country's renewable energy generation targets.

5. RELEVANT SITE HISTORY

5.1 UTT/13/0160/SCO – Screening Opinion: EIA not required.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy ENV15
- Policy S7
- Policy GEN1
- Policy GEN2
- Policy GEN3
- Policy GEN4
- Policy GEN7
- Policy E4
- Policy ENV2
- Policy ENV4
- Policy ENV5
- Policy ENV8

7. PARISH COUNCIL COMMENTS

- 7.1 The Council welcome the concept of alternative forms of energy generation but do not consider that this is the most appropriate site for this use because:-
1. In accordance with NPPF Paragraph 112 and the UDC Local Plan 2005 Policy ENV5 authorities should "seek to use poorer quality land in preference" but this site is Agricultural Land Grade 3 and as such does not, we feel, fit into the category of "poorer quality land".
 2. This site is surrounded by footpaths which are used extensively because they have direct access from the Great Notley Country Park and Discovery Centre as well as from Willows Green. This development would have a major impact on the visual amenity of footpath users.
 3. Access to the site is via a narrow farm track running along the side of Blackleys Farm. The surface of this track is unmade up and it seems unlikely that it would

be adequate to cater for the number of HGV's and heavy equipment, including a crane that would require access during construction.

For the above reasons this Council consider that this is not a suitable site for this type of development.

8. CONSULTATIONS

Natural England

- 8.1 Further survey effort is required in accordance with Great crested newt mitigation guidelines and you should request additional information from the applicant. We note 6.2.2 of the Planning and Design and Access Statement (March 2013) submitted with this application, which states that additional survey work is being undertaken for great crested newts.

ECC - Ecology

- 8.2 This development would involve the reversion of a significant area of arable land to species-rich grassland for a period of at least 25 years. I recognise that this proposal has the potential to provide significant biodiversity gains. However, insufficient information has been provided about the potential impacts of the construction phase on Great Crested Newt, a European Protected Species, and further information is required before determination of the application.

Additional comments: The detailed interim Great Crested Newt report demonstrates that it is very unlikely Great Crested Newts will be found. However, a Priority species (Common Toad) was found. Condition recommended.

Environment Agency

- 8.3 Our Flood Map shows the proposed development to be located within Flood Zone 1, classed as low probability risk, as defined in Table 1 of the Technical Guidance to the National Planning Policy Framework (NPPF). The site area for the site is given as 15.56 hectares. After review we do not consider flood risk to increase as a result of the proposal. As such we have no objection to the proposal but do take the opportunity to offer advice in respect of surface water drainage.

ECC Highways

- 8.4 The Highway Authority would not wish to raise an objection to the above application subject to conditions.

Archaeology

- 8.5 Archaeological Monitoring and Excavation condition required.

9. REPRESENTATIONS

- 9.1 This application has been advertised and 2 representations have been received. Notification period expired 18 April 2013.

- Access to proposed site will be extremely dangerous
- The area is currently a quiet rural hamlet and does not need to be turned into a limited energy generating development site.

- The production from the solar panels seemed a very small amount compared to the environmental and visual impact.
- The boundaries are surrounded by footpaths which are well used by walkers as it is close to the country park.
- Concerns about the wildlife.

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; Policies S7, E4, ENV2, 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, ENV2, 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 3 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.
- 10.2 Policy ENV2 seeks to protect the setting of listed buildings. Policy ENV8 seeks to protect landscape elements important for nature conservation such as hedgerows and linear tree belts.
- 10.3 Policy ENV15 relates to small scale renewable energy schemes and states that these will be permitted provided they do not adversely affect the character of sensitive landscapes, nature conservation or residential and recreational amenity. The Companion Guide to PPS22 is also 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.
- 10.4 This proposal relates to the installation of a solar farm which would be capable of generating 6MW of renewable energy. This would make a significant contribution towards the District and County’s renewable energy production. It would also contribute towards the reduction in the carbon footprint of the parish and the District.

- 10.5 The application site consists of 2 agricultural fields which are sub-divided by existing hedgerow. There are hedgerows along the field boundaries surrounding the site resulting in an enclosed landscape with very limited views beyond the immediate locality. Public rights of way run around the site and these connect Felsted to the nearby Notley Country Park. There is an electricity line with pylons running east-west across the site. It is not proposed to remove any hedgerows and additional planting is proposed in respect of the southern and western boundaries. The proposals are in compliance with Policy ENV8.
- 10.6 The proposal relates to the installation of rows of solar panels which will be within a fenced enclosure. The proposals would have an adverse impact on the immediate locality and in particular users of the public right of way. 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. However, there would be significant adverse impacts for the users of the public rights of way around the site. In relation to these adverse impacts the developer proposes to install information boards thus creating an education/information pathway. The boards would detail the benefits of renewable energy and provide information on how solar energy works. The alternative would be to plant a new hedgerow adjacent to the fence but this would create a corridor effect and could be perceived as being more harmful and could introduce a fear of crime as visibility would be restricted. It is acknowledged that this would not mitigate the adverse impacts but it is hoped that this would alter the perceived effect from potentially negative to informative and positive.
- 10.7 The proposal would not result in any significant impacts on the setting of listed buildings, although they would be seen on the approach to some listed properties. 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.
- 10.8 The proposed development would result in the loss of land for arable agricultural purposes. The land is classified as Grade 3, which is the lowest grade of agricultural land within the Uttlesford district. 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 expected to have a life expectancy of between 25-30 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, ENV2, ENV5, ENV8, ENV15.

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

- 10.9 The proposed development would be located approximately 140m from the nearest residential property. The access to the site would be via an existing 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 12 to 15 week 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. This noise level is stated

as being around 35dbA which is the level expected within a bedroom at night. 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)

10.10 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 80 HGV movements for the delivery of components over the construction period, which would equate to approximately 6 to 8 movements per day. 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. The proposals comply with Policy GEN1.

10.11 The Highways Department has requested three conditions be imposed on any approval. Conditions 1 and 3 are matters which are controlled under other legislation and therefore not appropriate. Condition 2 relates to the submission of a construction traffic management plan. A Construction Method Statement has been submitted but excludes these details. A condition requesting a revised Construction Method Statement would be appropriate.

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

10.12 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 field margins within 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. In addition, there are four ponds within the vicinity of the site and a network of ditches. These have been assessed and surveyed to establish whether they would provide suitable habitat for great crested newts. The surveys indicated that no newts were present and the habitat is unsuitable. The development proposals would ensure that the 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 additional hedging along the western and southern boundaries. Within the site and around the solar panels it is proposed to sow tussock mix which would provide additional habitat. These measures 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.

10.13 The County Ecologist has requested a Biodiversity Management Plan to be submitted and approved. Biodiversity has been covered in the Construction Method Statement but is not as far reaching as the Ecologist requests. A condition requiring a revised Construction Method Statement would be appropriate.

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

10.14 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 0.09 hectares. The solar arrays would cover approximately 4.28 hectares of the 15.5 hectare site and 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. As such the proposals would comply with the NPPF and Policy GEN3.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The proposals relate to the use of agricultural land for the purposes of a solar farm. The land is Grade 3 and of the poorest quality within Uttlesford and the proposed use would be an appropriate farm diversification scheme. The proposals would have limited impacts on protected hedgerows and the setting of listed buildings. Whilst the proposal would result in adverse impacts on the users of the public rights of way, the benefits of the proposal would outweigh the impacts and as such the proposal is in accordance with policy.
- B The proposals are unlikely to significantly impact on the residential amenity of nearby properties due to the separation distances and the proposals are in accordance with policy.
- C The level of vehicular movements would be easily accommodated within the local road network and no adverse impacts are envisaged. The proposals comply with Policy GEN1.
- D Following further survey work it has been demonstrated that there would not be any significant harm to protected species as a result of the proposals. The proposed development would represent a biodiversity gain and is in accordance with policy.
- E The proposals would not result in an increase in flood risk to the local area and is in accordance with policy.

RECOMMENDATION – CONDITIONAL APPROVAL

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. 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, one 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).

3. Prior to the commencement of the development full details of the final location, design and materials to be used for the control room and inverter cabinets shall be submitted to the local planning authority and agreed in writing.
REASON: To safeguard the character and appearance of the countryside, in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).
4. 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).
5. 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).
6. Prior to the commencement of development a revised Construction Method Statement shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details. The revised Construction Method Statement shall include details of delivery lorry routeing, and a Biodiversity Management Plan covering the protection and management of arable field margins, grassland and hedgerows.
REASON: To ensure the development protects the residential amenity of neighbours and biodiversity, in accordance with Uttlesford Local Plan Policies GEN4, GEN7 and GEN1.
7. The development hereby permitted shall be carried out in accordance with the Method Statement in Appendix 1 of the Great Crested Newt Interim Survey Report (dated 24 April 2013).
REASON: To make appropriate provision for conserving biodiversity within the approved development in the interests of the natural environment and in accordance with Uttlesford Local Plan Policy GEN7.