

UTT/14/2739/FUL GREAT DUNMOW

MAJOR

PROPOSAL: Installation of a Solar Farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm.

LOCATION: Tooleys Farm, Brookend Road Stebbing

APPLICANT: Lightsource Renewable Energy Ltd

AGENT: As Applicant

EXPIRY DATE: 16.12.2014

CASE OFFICER: Lee Smith-Evans

1. NOTATION

1.1 Countryside

2. DESCRIPTION OF SITE

1.1. The site is two agricultural fields which total 10.9 ha. These are relatively flat fields that are separated by a small wood named The Spring. Each field is bounded by a mature hedge with the exception of the western field where its southern boundary has some gaps. The fields are currently used for growing crops.

1.2. The site is approximately 1 km south west of the village of Stebbing and approximately 1.4 km west of Great Dunmow. Stansted Airport is 9km west of the site.

3. PROPOSAL

3.1 The application relates to the change of use of the site from agricultural use to a Solar Farm for the generation of renewable electricity.

3.2 The solar array will be laid out as rows of panels, each being a maximum of 2.1 meters above the ground with 0.8 meters of clear space below to allow the grazing of sheep below the panels. The panels are aligned in rows facing south for the greatest efficiency. The panels are coated to maximise daylight absorption and minimise glare. The application includes a number of buildings to house inverters, transformers and switchgear substations. The site is to be protected by a 'deer fence' at 2 meters high and a series of CCTV cameras which face into the site.

3.3 The application includes additional planting of native hedging to strengthen the existing boundaries and some ground works to provide drainage from the site.

4. APPLICANT'S CASE

4.1 The following is a summary taken from the Executive summary of the Design and Access Statement.

- The proposal is for a 5.32 MW solar farm, capable of generating enough clean electricity to power 1,493 typical households.
- The solar farm would avoid 2,540 kg of carbon dioxide emissions associated with electricity generation each year, thus reducing the carbon footprint of Dunmow, Stebbing and the wider Great Dunmow area. This is the equivalent of removing 566 standard cars from the road.
- It is evident from the detailed Landscape and Visual Impact Assessment that the proposed solar farm would not harm the landscape elements associated with the site. The significant tree cover and established hedgerows on and around the site would effectively obscure views of the proposed development from any properties or public right of ways in the vicinity of the site. Furthermore the additional planting as shown on the planting plan will offer additional screening of the development thus effectively further obscuring the views of the proposed development.
- The Ecological assessments undertaken conclude that the ecological value of the site overall is considered to be low. The site does not form part of any statutory or non-statutory designated sites and with the implementation of appropriate precautionary measures no impacts on protected habitats and species are anticipated. Precautionary measures have been recommended during the construction period to safeguard nesting birds.
- Measures to improve biodiversity are also proposed, including retaining all boundary hedgerow and trees, creation of grasslands and wildflower habitats. Implementation of these measures is considered to lead to a biodiversity gain at local level.
- The setting of the designated heritage assets in the wider area has been assessed in detail with the benefit of a ZTV analysis and a site visit. This assessment has shown that the proposed development would have no more than a negligible effect on the significance of the designated heritage assets in the surrounding area, due to the distance from the proposed development and favourable screening provided by the surrounding topography and vegetation.
- A sustainable drainage strategy, involving the implementation of SuDS in the form of swales, is proposed for managing the disposal of surface water runoff. Swales are proposed at the low points of the site to intercept extreme flows which may already run offsite. The proposed drainage strategy would ensure that the development would therefore have a negligible impact upon site drainage.
- A Glint and Glare analysis concludes that there is no potential to cause any nuisance to receptors. The safeguarding adviser at Stanstead airport has reviewed a copy of the analysis and has confirmed satisfaction with the survey results and no objection to the proposal.

A full agricultural land classification report was carried out to establish the agricultural land grade. The assessment concluded that the site comprises a mixture of Grade 2 (33.6%), Grade 3a (17.7%) and Grade 3b (48.7%) agricultural land. The intermixing of grades means that exploitation of the very good quality land separately from the poorer land is not possible and this intermixing is representative of the poorest quality likely to be available across the District.

- A Sequential Analysis Study (SAS) has also been prepared. The SAS has been completed across the whole of the district, taking into consideration factors such as proximity of non-agricultural land or buildings, amount of previously developed land

and proximity of the grid connection and available grid capacity. The study concludes that there are no potential alternative sites of any poorer agricultural quality land.

- Sheep will be grazed under and between the rows of solar panels, which allows for a dual productive use of the site, through the generation of renewable energy and the continued agricultural use of the land.
- 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 There is no history associated with this application but an EIA screening option was requested earlier this year.

6. POLICIES

- National Planning Policy Framework (NPPF)

6.1 Relevant Government advice:

- DE&CC - "UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (Oct 2013)
- DE&CC – "UK Solar PV Strategy: Part 2: Delivering a Brighter Future (April 2014)- DCLG document "*Planning practice guidance for renewable and low carbon energy*" (July 2013)

6.2 Uttlesford District Local Plan 2005

- ULP Policy S7 - The Countryside
- ULP Policy E4 - Farm diversification: alternative use of farmland
- ULP Policy ENV2 - Development affect listed buildings
- ULP Policy ENV5 - Protection of agricultural land
- ULP Policy ENV8 - Other landscape elements of importance for nature conservation
- ULP Policy ENV15 - Renewable Energy
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 - Flood Protection
- ULP Policy GEN4 - Good neighbourliness
- ULP Policy GEN7 - Nature Conservation
- ULP Policy GEN8 - Parking

6.3 Uttlesford District DRAFT Local Plan (Pre-Submission Document, April 2014)

- Policy SP8 - Renewable Energy and Energy Efficiency
- Policy SP9 - Protection of the Countryside
- Policy SP11 - Protecting the Natural Environment
- Policy EN10 - Sustainable Energy and Energy Efficiency
- Policy C1 - Protection of Landscape Character

- Policy DES1 – Design
- Policy TA1 - Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

- 7.1 Great Dunmow Town Council - support the application
- 7.2 Stebbing Parish Council - No Objection

8. CONSULTATIONS

Environment Agency

- 8.1 Standing advice offered with no objection

BAA Aerodrome Safeguarding

- 8.2 No Objection

NATS

- 8.3 No Objection

Natural England

- 8.4 No Objection

Essex Highways

- 8.5 Awaiting new consultation response

Essex Ecology

- 8.6 No Objection

Saffron Walden Museum

- 8.7 No Objection

9. REPRESENTATIONS

- 9.1 Uttlesford CPRE representative

As I live in west Essex I am writing on behalf of CPREssex, to object to this proposed development which is in breach of both local and national planning policies.

The Application would be contrary to the Government Planning Policy Guidance for Renewable and Low Carbon Energy. This Application is on a green field site and does not allow for its continued long term agricultural use. In addition the development would have a considerable visual impact on the landscape quality of the area.

Earlier this month, Lynn Truss, the Environment Secretary stated: 'Food and farming is our number one manufacturing industry, the whole food chain represents £100 billion in our economy, and it is a real problem if we are using productive agricultural land for solar farms.'

I'm not against them per se – they're fine on commercial roofs and school roofs – but it's a big problem if we are using land that can be used to grow crops, fruit and vegetables. We import two-thirds of our apples, and using more land for solar panels make it harder to improve that.'

CPREssex advocates that solar panels should not be placed on agricultural land but instead should be mounted on buildings where the energy can be utilised directly by the occupants of the building. [Incidentally, school buildings make ideal candidates for such renewable energy generation where the educational opportunities associated with such systems ensure our future generations are more aware of energy generation and utilization].

This application is contrary to Local Plan Policy S7 '*Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there*'. This part of west Essex is a much appreciated landscape, of undulating land which has been farmed for many centuries and is quintessentially characteristic of this part of Essex. The site is close to several local footpaths which encourage local residents and visitors to explore this part of Essex. People use these access routes to view the landscape as it is, not to see industrialised intrusions such as solar farms. Solar panels are highly visible man-made structures which do not enhance the vistas of any agricultural landscape.

Tooleys House, a Grade II listed building, stands just 280m from the site and the impact of solar panels on the immediate surroundings to such a building need to be taken into consideration. Such buildings are likely to have foundations which can be damaged by vibrations caused by nearby HGV movements.

Tourism is considered to be one of the important economic drivers for economic growth in the area and permitting the spoliation and degradation of the very vistas of this most attractive and delightful agricultural landscape which tourists come to view is not the way forward. To allow a solar farm here would definitely be a scar on this attractive landscape.

A third of the proposed site is Grade 2 agricultural land and the remainder 3a or 3b all of which are currently farmed as productive arable land. The Local Plan Policy ENV5 protects the best and most versatile agricultural land which should be retained for agricultural purposes. Grade 2 land is high quality land yielding a good harvest and the remaining land is still productive. Consideration of the issue of food security should be higher on the agenda for those responsible for the future wellbeing of our society and it is important to safeguard agricultural land to meet the current and future needs of the growing UK population. No farmland of Grade 2 should be sacrificed to uses other than food production. In July this year, The Cambridge Institute for Sustainability Leadership published a report: the Best use of Agricultural Land which stated that there is a short fall of 7 million hectares of productive farm land if the UK is to provide food for its growing population. Every hectare lost to development diminishes this country's long term ability to provide food for future generations. I have attached a copy of this report for your information; it contains some alarming statistics!

I note that there is a suggestion that grazing would be possible on this site. Many farmers in Essex have switched to arable production as this reduces labour costs. The suggestion of returning to a regime of animal husbandry is unlikely to be cost effective in this case.

Currently this 10 hectare site is a green field. This land is providing valuable ecological services to the local community by storing carbon and absorbing rain water for slow

release into the nearby watercourses. The nearby trees in the copse will of course will be producing vital oxygen as well as capturing carbon as well as providing oxygen and the vegetation growing around the field margins will be supporting a wide variety of wildlife thus adding to the biodiversity potential of the locality.

Earlier this year, The Lake District National Park Authority issued a useful guide to *Managing your land for Carbon, What's in it for me?* This provides information about the levels of carbon storage for different habitats within the UK. The current best estimate for carbon stored per hectare of arable agricultural land is 44 tonnes, with the growing crops storing a further 1 tonne of carbon per hectare. Disturbing the ground by installing solar panels alters this carbon balance and inevitably the potential loss of a third of the site to solar panels will result in a loss of carbon uptake by the site. Adding hard standing in the form of buildings and other associated infrastructure to a site removes its potential for absorbing rain water too!

Access to this site is along a narrow single track private road and then across public footpaths which are totally unsuited to heavy construction traffic. The proposed fencing of the site is a visual intrusion and the glinting of solar panels will certainly spoil the vista of a green and pleasant landscape.

To permit this application to proceed would potentially open the way for other applications to be made thus leading to the ruination of the very countryside that is treasured by many local residents and visitors to the area.

Whilst CPRE is firmly in favour of exploring all possible options for sustainable projects to deliver renewable energy, for the reasons listed above I would urge you to think carefully about this proposal and recommend refusal as it is inappropriate in the countryside.

9.2 22 representations were received with 15 supporting the application and 7 objectors. A summary of the objectors reasons are:

- The impact on listed buildings
- The disruption from the construction and decommissioning processes
- Loss of agricultural land
- Amenity of the footpaths spoilt
- Highway safety
- Potential post residential use
- This will serve a catalyst for more solar farms
- Glare from panels
- Industrialisation of the countryside

10. APPRAISAL

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

- A Whether the use of the site as a solar park would be appropriate in terms of land use / impact of proposal on rural character (NPPF, ULP Policies S7, E4, ENV5, ENV8 and ENV15);**
- B Whether access arrangements would be satisfactory (ULP Policy GEN1);**
- C Whether the development would have an adverse impact on neighbouring amenity (ULP Policies GEN2 and GEN4);**
- D Whether the development would increase flood risk (ULP Policy GEN3)**

E Whether the development would have an adverse impact on biodiversity/protected species (ULP Policy GEN7).

F Whether the development would affect the setting of Listed Buildings.

10.1 The NPPF advises that all communities have a responsibility to help increase the use and supply of green energy, but adds that this does not mean that the need for renewable energy automatically overrides the environmental protections and the planning concerns of local communities, adding that as with other types of development that it is important that the planning concerns of local communities are properly considered in matters that directly affect them. The Government has brought out new planning practice documents for renewable and low carbon energy schemes (UK Solar PV Strategy Parts 1 and 2 October 2013 and April 2014) to be read alongside the NPPF, which includes guidance on solar energy, and replaces the previous Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) This latest guidance states in paragraph 68:

Decisions on the granting of approval for large scale solar PV installations (less than 50 MWp) will continue to be taken through local planning processes in accordance with local plans and any relevant material considerations, including national planning policy and practice guidance. Local planning remains the most appropriate vehicle for such decisions and ensures that the voices of the local communities in which developments are proposed are heard as part of the planning decision. The Department for Communities and Local Government, in association with DECC, published revised planning guidance for renewable energy developments in England in July 2013.

10.2 The maintained principles within this earlier document are relevant to this application. Paragraphs 26-28 of the document deals specifically with large scale ground-mounted solar PV farms where it is stated that *“The deployment of large scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”*. The document provides a list of particular factors which it states that an LPA will need to consider, namely:

- If a proposal involves greenfield land that it allows for continued agricultural use and/ or encourages biodiversity improvements around arrays
- That planning conditions are used to ensure that installations are removed when no longer in use and the land is restored to its previous use
- The effect on the local landscape and on neighbouring uses/aircraft safety
- The need for and impact of security measures, such as lights and fencing
- Protection of heritage assets
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- The energy generating potential of a solar park scheme

10.3 The practice document goes on to advise that there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations it advises that LPA's will need to ensure that they take into account the requirements of the technology, and, critically, the potential impacts on the local on the local landscape environment, including from cumulative impacts where the views of affected local communities should be listened to. However, Paragraph 28 states that *“In the case of ground-mounted solar panels it should be noted that with effective*

screening and appropriate land topography the area of a zone of visual influence could be zero.”

- 10.4 The application site is located outside development limits in an area defined within the adopted local plan as being countryside. ULP Policy S7 of the local plan states that the countryside will be protected for its own sake and that permission will only be given for development that needs to take place there or is appropriate to a rural area. The policy adds that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. The applicant has submitted a sequential site analysis that has considered the availability of previously used land and other potential sites. Following negotiation with the officers of the council the sequential test was expanded to evaluate potential sites in Braintree District which are geographically in proximity to this site. The findings of this report concluded that there are no other sites of better suitability.
- 10.5 The site is currently used for arable farming purposes and is classified as a mixture of Grade 2 agricultural land (33.6%) Grade 3a (17.7%) and Grade 3b (48.7%). ULP Policy E4 states that alternative uses for agricultural land will be permitted if (a) the development includes measures for landscape and nature conservation enhancement, (b) the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, (c) the continued viability and function of the agricultural holding would not be harmed and (d) the development would not place unacceptable pressures on the surrounding rural road network. ULP Policy ENV5 states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for possible alternative development locations on poorer quality agricultural land except where other sustainability considerations suggest otherwise. ULP Policy ENV8 seeks to protect landscape elements important for nature conservation, such as hedgerows and linear tree belts. ULP Policy ENV15 states that renewable energy development schemes will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity.
- 10.6 The Council's screening opinion for the proposed site concluded that the scheme would not have a significant impact on the local landscape. A detailed Landscape and Visual Assessment submitted with the application has analysed the impact of the layout of the array and the proposed scheme of visual mitigation from within a zone of visual impact. This document illustrates how the existing terrain together with the existing and proposed hedging will minimise the visual impact of the scheme from the majority of publicly assessable vantage points. The proposals include the planting of selected grasses within the site to allow the grazing of sheep. The site would be enclosed by a 2m high timber post and wire stock fence. As an amendment the applicant has now mounted the CCTV cameras on wooden poles to be more in keeping than the originally proposed galvanised ones first specified.

B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);

- 10.7 The access to the site is along a private drive from Brookend Road. This access is used by the private residencies within the farmstead and for the current operational use of the farm and employment uses. The access beyond the existing road will be surfaced to accommodate the construction traffic. The construction period is expected to be 6 to 8 weeks and will involve 100 deliveries by HGV's spaced between 2 to 4 deliveries per day. The delivery vehicles are of similar size to those that currently

facilitate the current agricultural use. A Construction traffic management strategy accompanies the application.

10.8 ECC Highways have been consulted on the proposal and a revised transport study. Highways have not raised any objections subject to conditions. It is considered that the proposal would therefore comply with ULP Policy GEN1. It should be noted that the track is already used by farm vehicles and HGV's for normal farm business.

C Whether the development would have an adverse impact on neighbouring amenity (ULP Policies GEN2 and GEN4);

10.9 The site is in an isolate rural position and is well screened by the existing hedgerows and trees. When the proposed planting has established the screening effect will be significantly enhanced. The neighbouring residential properties are within the farmstead of Tooleys, the closest being approximately 280 metres to the south. The houses are well screen from the existing farm complex and fields by extensive yet immature planting of hedging and trees. The application is accompanied by a noise report which concludes that the amenity of the neighbours is not adversely affected.

D Whether the development would increase flood risk (ULP Policy GEN3)

10.10 The site comprises farmland with deep drainage channels to the site boundaries, two of which extend off the site in an easterly location. The submitted Flood Risk Assessment indicates that the site is within a Flood Zone 1 area where the site is not prone to flooding and where it is stated that the proposal would not increase this risk given the nature of the proposal.

E Whether the development would have an adverse impact on bio-diversity/ protected species (ULP Policy GEN7)

10.11 The ecological assessment submitted with the application. The report finds that the main area of the site, which is currently arable land, has a low ecological interest. The adjoining woodlands and hedge rows have a higher quality habitat and also provide linkages to other area. Essex ecology have not objected to the findings of the report with regard to protected species and also welcome the enhancements proposed. These include;

- the retention of existing hedgerows
- Supplementary hedge planting/strengthening and grassland creation.
- A pre-construction badger survey will identify any new sets within 30 metres of the site.
- The installation of 8 bird boxes on trees on the boundary of the site.
- Badger gates, which have subsequently been enlarged, to allow several I species to pass through the site and the deer fence enclosure.

F Whether the development would affect the setting of Listed Buildings.

10.12 A Heritage Asset Report has been submitted with the application and a subsequent amendment has been produced that provides more evidence as to the negligible impacts on the heritage assets within the zone of influence of the proposal.

11. CONCLUSION

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

- A** The proposal would lead to the loss of 18.65 ha of Grade 2 arable agricultural land. However, the nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area, where these would be most experienced by users of the adjacent public rights of way. However, this is considered not to be significant given the location and lie of the land and the impact of the proposal needs to be weighed against the benefits of the provision of renewable energy where this is encouraged through national policy subject to safeguards and in this instance the benefits are considered to outweigh the constraints.
- B** The impact on the local highway network is regarded to be low where vehicle movements to and from the site are likely to be minimal during construction works and reduced further once the solar farm is operational.
- C** The proposal would not result in a material loss of neighboring residential amenity in terms of outlook, noise or disturbance.
- D** The proposal would not increase the risk of flooding.
- E** The proposal would not have a harmful effect on wildlife or protected species where an opportunity exists to enhance local bio-diversity through the introduction of boundary hedgerows and wildflower meadow
- F** The proposal does not affect the setting of the Listed Buildings in the vicinity.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

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. No site clearance, site preparation or construction shall be carried out on site between March and August inclusive in any year, unless a survey for ground-nesting birds has been undertaken, submitted and approved in writing by the Local Planning Authority which confirms that no species would be adversely affected by the clearance, preparation or construction.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

3. 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.

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. The development hereby permitted shall be carried out in accordance with the Construction Management Programme prepared by Lightsource

REASON: To minimise disruption to the local highway network and on residential amenity in accordance with ULP Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

6. 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).

7. Prior to commencement of the development, a vehicular turning facility of at least size 2 dimensions for service and delivery vehicles, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety, in accordance with policy GEN1 of the ULP 2005.

8. The Construction Traffic Route Plan as detailed within the Transport Statement shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

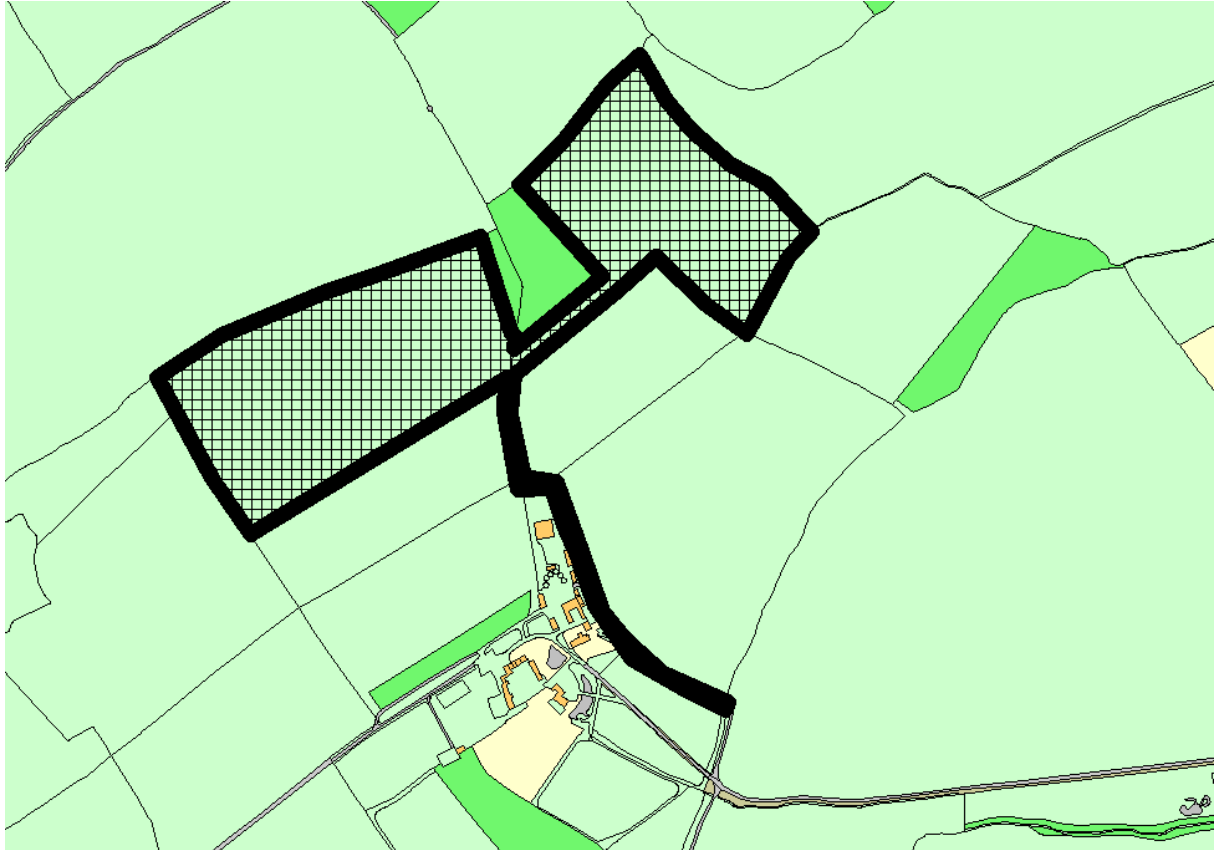
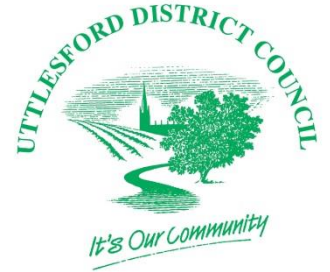
REASON: To ensure that the adjoining highway is not obstructed by construction activity in the interest of highway safety in accordance with policy GEN1 of the ULP 2005

9. The development hereby permitted shall be carried out in accordance with the Biodiversity Management Programme prepared by Lightsource

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/2739/FUL

Address: Tooleys Farm, Brookend Road Stebbing



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