

BOROUGH OF KETTERING

Committee	Full Planning Committee - 28/07/2015	Item No: 5.1
Report Originator	Rebecca Collins Development Team Leader	Application No: KET/2014/0655
Wards Affected	Welland	
Location	Eckland Lodge Farm, Desborough Road, Braybrooke	
Proposal	Full Application with EIA: Solar park	
Applicant	Stuart Howes & Son/Eckland Lodge Business Park	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The Local Planning Authority shall be notified in writing of the date when electricity from the development is first supplied to the grid and the development shall be removed from the site following the expiry of 25 years from that date: the solar panels shall be decommissioned and the panels and all related above-ground structures shall be removed from the site. Following the removal of the panels and structures, the land shall be re-instated in accordance with a Decommissioning Method Statement that shall first be submitted for the approval of the Local Planning Authority at least 18 months before the date of the decommissioning of the solar farm. That method statement shall include details of the manner, management and timing of the re-instatement works to be undertaken and shall be accompanied by a Transport Statement. The removal works and the reinstatement of the site shall not be carried out other than in accordance with the approved scheme.

REASON: In recognition of the expected life of the proposal and to prevent an unacceptable impact on the landscape and the surrounding environment in accordance with Policy 4 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

3. Prior to the erection of the solar panels, invertors and any other associated equipment exact details of their location, design, specification and colour shall be submitted

to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the proposal does not have a detrimental impact on quality of life or the natural environment in accordance with policy 7 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Any lighting associated with the construction, operation or decommissioning of the solar farm shall only be installed and used in accordance with a scheme that has first been submitted to and approved in writing with the local planning authority before the commencement of development.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 4 and 11 of the NPPF, and policy 13 of the North Northamptonshire Core Spatial Strategy.

5. All cabling shall be laid underground in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority prior to installation.

REASON: In the interests of protecting the natural environment and to minimise visual impact in accordance with policies 4 and 11 of the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The switchgear housing buildings, hereby permitted, shall not be erected until details of the siting, design, foundations and external materials for the building, and for any associated compound or parking area, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. If the solar farm hereby permitted ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the replacement, repair or decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the end of the cessation period. If the operation of the solar farm is to cease, then a scheme shall be submitted to the Local Planning Authority to include details for the restoration of the site. The scheme for either replacement, repair or decommissioning and removal of the panels and any other ancillary equipment shall be implemented within 18 months of the date of its agreement by the Local Planning Authority.

REASON: In recognition of the expected life of the proposal and to prevent an unnecessary impact on the landscape and the surrounding environment in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No electricity shall be exported to the local grid until details of a scheme, to limit and mitigate any negative impacts from glint and glare has been submitted to and approved in writing by the Local Planning Authority. The panels shall not be operated other than in accordance with the approved details.

REASON: In the interests of protecting residential amenity in the accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. No development shall take place until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall

include details of: (i) The timetable for works on site; (ii) The routing of vehicles to and from the site; (iii) Temporary warning signage; (iv) Expected levels and timings of development traffic; (v) Measures to control traffic, in and around the site; (vi) All loading and unloading areas which will be used for the delivery or despatch of materials related to the development; (vii) Measures to ensure that delivery vehicles and construction traffic will not park on the county highway for loading, unloading or waiting for site entry; and (viii) details of the location and composition of the onsite track layout. The development shall be carried out in accordance with the approved Construction Traffic Management Plan, or in accordance with any subsequent variation to that plan which has first been submitted to and approved in writing by the Local Planning Authority.

REASON: The construction method statement is necessary prior to the commencement of development in the interests of highway safety and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. Prior to the commencement of development a Great Crested Newt survey, to determine the presence of Great Crested Newt's, shall be submitted to and approved in writing by the Local Planning Authority. If any species are found a scheme providing details of the mitigation measures required to avoid any damaging effects during the development shall accompany the updated survey and shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved survey and mitigation measures.

REASON: Great Crested Newt survey is required prior to the commencement of development in the interests of protecting this protected species in accordance with policy 11 of the NPPF and policy 13 of the CSS.

11. In the interests of protecting local species and ecology the works shall be carried out in accordance with the following:

- Ecological/biodiversity retention, protection, enhancement measures and future management inputs as outlined within the Turnstone letter dated 12 January 2015 'Comment 7' and in the Ecological Survey Report dated August 2014.

REASON: Biodiversity protection and enhancement is necessary in the interests of protecting ecology and biodiversity in accordance with policy 11 of the NPPF and policy 13 of the CSS.

12. No development shall take place until details of investigative archaeological works, to be undertaken on the site including a geophysical survey and trial trenching, shall be submitted to and approved in writing by the Local Planning Authority. Those works shall be carried out as approved and the findings, together with details of any measures designed to protect archaeological remains, shall be reported to the Local Planning Authority within 3 months of completion of the investigative works. No development shall take place until the Local Planning Authority has given its written approval to the report and to any protective measures that it identifies for archaeological remains of significance. Protective measures shall be implemented in accordance with the approved details.

REASON: Archaeological works are required prior to the commencement of development in the interest of the historic environment in accordance with Policy 12 of the NPPF and Policy 13 of the North Northamptonshire Core Spatial Strategy.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan showing the existing landscaping to be retained and/or removed and a scheme of soft landscaping works which shall specify

species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of open space. The works approved shall be carried out in the first planting and seeding seasons following the erection of the first turbine hereby permitted. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: Landscaping is necessary prior to the commencement of development as it is integral to the success of the scheme to improve the appearance of the site in the interests of visual amenity in accordance with policy 11 of the NPPF.

14. No development shall take place on site until a landscape management plan, including short and long term design objectives, management responsibilities and maintenance schedules for all landscape areas including landscaping to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: A landscape management scheme is necessary prior to the commencement of development to ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features in accordance with policy 11 of the NPPF.

15. Prior to the erection of the solar panels hereby approved, a scheme detailing the security measures/standards including boundary treatment, to be incorporated within the development at construction and operation stage with reference to secure standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

REASON: To reduce the potential for crime in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

16. No electricity shall be exported to the grid until a scheme for the management of the use of the site for the grazing of sheep has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To sustain and enhance biodiversity in accordance with Policy 11 of the NPPF and the guidance outlined in the NPPG.

17. Prior to the erection of the solar panels hereby approved a scheme for the provision of bird and bat boxes shall be submitted to and approved by the Local Planning Authority. No electricity shall be exported to the grid until the approved scheme has been fully implemented.

REASON: In the interests of encouraging bio-diversity in accordance with policy 11 of the National Planning Policy Framework and policies 5 and 13 (o) of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0655

This application is reported for Committee decision because the applicant is a relative of a Council member and there are unresolved objections to the proposal.

3.0 Information

Relevant Planning History

KE/87/0217 – Change of use from agricultural buildings to small industrial units (approved).

KE/89/0383 – Storage of caravans (refused).

KE/97/0453 – Change of use from agricultural units to B1 light industrial/offices, craft workshop, toilet block and tea rooms (withdrawn).

KE/98/0353 – Additional farm units to include calf rearing unit, silage/sheep enclosure and shed (approved).

KET/2000/0181 – Change of use of buildings with consent KE/97/0732 for B1(c) to general B1 permission (approved).

KET/2000/0415 – New milling up barn and cattle feed store to replace existing old units to comply with regulations (approved).

KET/2004//0158 – Phase 3 conversion of redundant farm buildings into B1 business use (approved).

KET/2006/0764 – Renovation of redundant farm building to provide B1 office accommodation (approved).

KET/2008/0697 - Demolition of existing agricultural buildings and erection of office buildings with B1. Formation of a new vehicular and pedestrian access, parking areas and associated landscaping (refused).

KET/2009/0596 – Demolition of existing agricultural buildings and erection of office buildings with B1. Formation of a new vehicular and pedestrian access, parking areas and associated landscaping (approved).

KET/2014/0653 – Erection of workshop and machinery store (Approved).

KET/2014/0654 – The proposal is for the construction of a grain store and chemical/fertiliser store (Approved).

KET/2014/0531 – Screening Opinion – Solar Farm (21st August 2014 - EIA Required)

Referral to Secretary of State – 17th June 2015 – No EIA required

Site Description

Officer's site inspection was carried out on 18/11/2014.

The application site is to the south of Eckland Lodge farmhouse in open countryside between Braybrooke and Desborough. The site occupies a hilltop position and is visible from the new Desborough bypass (A6), linking Kettering to Market Harborough, and the old A6 (B576) linking Desborough to Market Harborough. Access to the site is via the old A6 (B576), Harborough Road.

The application site lies approximately 1km to the north-west of Desborough and 1.7km to east of Braybrooke. The Solar Farm would be located to the south of existing buildings associated with Eckland Lodge. There is a significant decrease in ground levels across this site towards the A6. There is a dense hedgerow to the western boundary of the site and beyond this the ground levels rise to a ridge, making views difficult as one approaches the site from the north. Clear views will be possible across the site from the A6, especially as one approaches the site from the south/Desborough. There is some screening to the eastern boundary but due to the difference in ground levels clear views to the site will be possible from Desborough to the north-east and along Braybrooke Road. Views to the site will be possible from the upper floor windows of properties off Arthingworth Road and Harborough Road. Views from Spinney Close site are likely largely blocked by the existing Leylandii Hedge along its western boundary. Currently the site is used for arable purposes.

Eckland Lodge Farm extends in excess of 120ha involving land surrounding the farm house as well as land on the opposite side of the A6. Eckland Lodge comprises of a variety of building styles and business uses. The buildings to the south of the application site are a former barn complex converted into 18 B1 business units resulting in Eckland Lodge Business Park. Planning permission was granted in November 2013 for the further construction of B1 office buildings including landscaping and vehicular access. Two new buildings to the east of the site were also granted planning permission in 2014 for a new grain and machinery store.

Proposed Development

The proposal is for the installation of a 2.87MW ground mounted solar array covering approximately 5.62ha (the overall size of the site is 8.23ha). The proposal includes the installation of ground based racking systems, mounted solar panels, power inverters, a building to house the low voltage switchgear / control panels, a step up transformer, security fencing and associated access gates, and CCTV security camera mounted on free standing support pole.

Solar panels are positioned in the landscape, facing south, to a maximum height of 2.6m. A total 11,040 are required within the main field. Framing for the panels is driven in to the ground rather than relying on concrete foundations. A total of 189 inverter panels are required, mounted on the rear/underside of the frame for the panels. Inverters and transformers are needed to change the direct current output from the panels to AC power for the National Grid.

The intention is that the field, once the panels are installed are used for sheep grazing, a low level stock fence will be installed around the perimeter of the site. The site security is maintained by pole mounted CCTV cameras. Two masonry structures measuring 5.4m x 3m x 2.85m, clad in timber, are required to accommodate the low voltage switchgear and control panels.

Access to the site will be off the private access track off Desborough Road, which serves the current farm operation. The deployment of the solar farm will take approximately 8 weeks.

Any Constraints Affecting The Site

Off a B Road

Stoke and Bowd Lane Woods SSSI (approximately 1.5km north-east of the proposed development site)

4.0 Consultation and Customer Impact

Parish/Town Council

Braybrooke Parish Council – 5th November 2015

Support the application as it is considered non obtrusive and acceptable visually, subject to no construction traffic passing through the village. All screening should be natural.

Desborough Town Council – 21st November 2015

No objection.

Desborough Town Council – 4th December 2015

No additional comments.

Brampton Ash Parish Council – 12th November 2015

No comments.

Highway Authority – 13th November 2015

No objection subject to conditions and notes with regards to access arrangements, hard-standing, visibility, a construction management plan, a routing plan for HGVs.

Environment Agency – 2nd December 2015

No objections to the submitted flood risk assessment. Advice is given with regards to waste from the site and surface water drainage.

Natural England – 28th October 2015

No objection, Natural England is satisfied that the application will not damage or destroy the interesting features contained within the adjacent SSSI. Natural England has not assessed the application for impacts on protected species and instead refers the Local Planning Authority to standing advice. The Local Planning Authority should satisfy themselves that the application suitably addresses any impacts of the development on local wildlife sites.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as bird and bat boxes. This application may provide opportunities to enhance local character and distinctiveness of the surrounding built and natural environment.

Wildlife Trust – 18th December 2015

Strongly object to the application on the grounds there is insufficient ecological information and survey works to determine this application.

Wildlife Trust – 22 January 2015

Objects on the grounds that there is insufficient ecological information to determine the application.

Concern has been raised by the Wildlife Trust with regards to the suitability of the ecological survey works undertaken. The submitted study fails to address any non-statutory or potential wildlife site designations. The applicants have not done a Data Search Exercise with the relevant Local Records Centre resource, which is not a good practice approach. This means that the applicants are not aware of the potential constraints caused by local sensitivities and local conditions. The submitted Phase 1 Ecological Report study area does not extend to the entire site.

The applicants claim that '*no information with regards to rare plant species can be found*', a google search would easily address this.

The submitted information states that further surveys are required with regards to Great Crested Newts (GCN). It is unacceptable to leave these survey works to condition.

If the application is approved, suitably worded planning conditions with regards to GCN survey works and associated mitigation measures would be required. Also, any measures of mitigation and enhancement as outlined in the Ecological Survey Report should also form part of suitably worded conditions.

North Northamptonshire Badger Group – 25th November 2015

No comments.

Northamptonshire Police – 7th November 2015

No comments.

Environmental Health – 31st October 2015

No comments as the nearest noise sensitive properties are some distance away and the proposal is unlikely to cause impact on amenity.

Environmental Health – 19th December 2015

No comments.

Neighbours

One letter of support has been received from Barham Stone, a business on the site, stating they would support the application and it would be good for the future of the employment park.

5.0 Planning Policy

National Planning Policy Framework

The overarching aim of the NPPF is to help to achieve sustainable development. Within the NPPF there are a number of planning policies which contain relevant planning considerations to this application:

Policy 1. Building a Strong; Competitive Economy

Policy 3. Supporting a Prosperous Rural Economy

Policy 7. Requiring Good Design

Policy 10. Meeting the Challenge of Climate Change, Flooding and Coastal Change

Policy 11. Conserving and Enhancing the Natural Environment

Policy 12. Conserving and Enhancing the Historic Environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 5. Green Infrastructure

Policy 6. Infrastructure Delivery and Developer Contributions

Policy 9. Distribution and Location of Development

Policy 13. General Sustainable Development Principles

Policy 14. Energy Efficiency and Sustainable Construction

Local Plan

Policy 7. Open Countryside

Emerging Policies (Local Development Framework)

Joint Core Strategy

Site Specific Proposals LDD

SPGs

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle
2. Environmental Impact Assessment
3. Visual and Landscape Impact and Cumulative Effect
4. Impact on Ecology
5. Use of Agricultural Land
6. Amenity
7. Impact on Historic Assets
8. Highways and Access

- 9. Flood Risk
- 10. Other Matters

1. Principle

The proposed application site is located to the north-west of Desborough and is located outside of any designated settlement boundary within open countryside, where new development is restricted by policies 1 and 9 of the North Northamptonshire Core Spatial Strategy (CSS) and policy 7 of the Local Plan for Kettering Borough.

The National Planning Policy Framework (NPPF) supports the transition to a low carbon future in changing climate and encouraging the re-use of renewable resources. Policy 10 states this is central to the economic, social and environmental dimensions of sustainable development. Paragraph 97 aims to increase the use and supply of renewable energy through having a positive strategy; design policies to maximise renewable and low carbon energy whilst ensuring the adverse impacts are addressed, including cumulative landscape and visual impacts; and to consider identifying suitable areas for renewable and low carbon energy.

Paragraph 98 states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy; and approve applications if they can be made acceptable.

The National Planning Policy Guidance (NPPG), contains guidance on the delivery of large scale solar farm development. It states that although large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

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. Where a proposal involves greenfield land, when (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.

The NPPG goes on to say that relevant considerations include:

- Solar farms are temporary features and installations, which 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 on neighbouring uses and aircraft safety;
- 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;
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

- The energy generating potential;
- The approach to assessing cumulative landscape and visual impact of large scale solar farms. This is likely to be the same as assessing the impact of wind turbines. However, 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.

Policy 14 of the CSS requires all new development to meet the highest standards of resource and energy efficiency and a reduction in carbon emissions.

The Pre-Submission Joint Core Strategy emerging policy 26 outlines a number of criteria for renewable energy at this site, including ensuring the most appropriate technology is selected for the site; the development links to a decentralised energy network or where this is not possible, to the National Grid; avoid substantial harm to the significance of a heritage asset and its setting; landscape impacts are minimised and mitigated against; the siting of development does not create a significant noise or odour intrusion; not result in an adverse impact on the highways network; includes a managed programme of measures to mitigate against any adverse impacts; not create an overbearing cumulative noise or visual impact.

Given the size and scale of the proposed Solar Farm then it is unlikely that this type of development could fall within a designated settlement boundary in accordance with policies 1 and 9 of the CSS and policy 7 of the Local Plan for Kettering Borough. There is a strong policy presumption in favour of sustainable and renewable energy outlined in policy 10 of the NPPF, it is considered that the principle of a solar farm is acceptable, subject to mitigation of any of its potential impacts, which are further discussed below.

2. Environmental Impact Assessment (EIA)

The applicants requested a Screening Opinion for this site and on 21st August 2014, the Local Planning Authority issued a decision stating that any subsequent application should be accompanied by an EIA in terms of landscape and visual impact and the cumulative effects. The applicants subsequently referred this decision to the Secretary of State who, on 17th June 2015, determined that no EIA is required on the grounds that the proposal is unlikely to give rise to particularly complex or hazardous effects; and the site is sufficiently distanced from environmentally sensitive sites and heritage assets in the locality so as not to create a significant visual impact. Any potential cumulative impact is unlikely. The Secretary of State considered that although there is likely to be visual impact, it would not be so significant to warrant EIA.

3. Visual and Landscape Impact and Cumulative Effect

Policy 11 of the NPPF and Policy 13 (h) of the CSS seek to conserve and enhance landscape character, the historic landscape and designated built environmental assets and their settings, and biodiversity of the environment.

The application site is located on a south facing slope, where the ground levels slope significantly towards the A6. Clear views are available as you approach the site along most of the A6, especially as you approach from Desborough/Kettering. Also, clear views are available to the site from Braybrooke Road, again, especially

as you exit Desborough and also from points along Arthingworth Road where gaps in the hedgerow currently exist. Due to land levels it is possible to view this site from some distance and therefore views to the solar farm will be clearly available from much of the surrounding area.

The visual impacts from the site will therefore be wide ranging. However, there are limited receptors close to the site which will experience these impacts. There are no public rights of way running through or close to the application site, the nearest right of way to the site is over 600 metres to the north-west, the site is largely shielded from this direction by a ridge in the landscape and a dense hedgerow on the western boundary of the site. There is also a byway to the south-east of the site, over 1000 metres away. Views from this are possible. Given the distance of these rights of way from the site then the proposal is unlikely to have a significant visual impact on the users of these rights of way to warrant refusal of planning permission on this basis.

The railway line runs to the south of the site, where clear views are possible to the site. Views are also possible to the approved Gaultney Farm Solar Farm, currently under construction. It should be noted at this point the train will be travelling at speed and therefore views would be fleeting. However, the cumulative impacts of this need to be carefully considered especially as further sites are proposed along this line that could be visible.

There are also clear views likely from the first floor windows of properties along Arthingworth Road and the new housing at the edge of the development off Harborough Road, as well as potential views from individual properties in the wider landscape including Lodge Farm, Upper Lodge and Wyndie Ridge Farm. Although, clear views are likely to be possible from a number of properties, these are likely to be from first floor windows and intermittent screening exists to help to protect ground floor windows and rear gardens.

On the edge of Desborough, Spinney Close is mainly screened by an existing Leylandii hedging.

The application includes with it a number of viewpoints and photomontages of the site with the Solar Panels located on the site. The viewpoints have obviously been taken during the summer months and show a 'best case' scenario. The applicants have since confirmed that the visual assessment did take place in June. It is the opinion of the LPA that this is a flawed approach. The photomontages are a best case scenario and this should be taken in to consideration when considering the landscape and visual impacts.

Following the initial Landscape and Visual Assessment the officer raised a number of concerns with the lack of wide spread visual assessment and viewpoints. The applicants have provided a number of additional viewpoints as requested and state that the landscape impacts from these viewpoints are considered to be moderate or minor significant.

Cumulative Impacts

A cumulative assessment of the landscape impacts has been submitted by the applicants. Concerns were raised by the officer that the cumulative impact assessment failed to consider the joint impacts of Solar and Wind Turbines within the landscape and also recommended that the applicants consider the impacts of proposed Solar Farms as well as ones with consent. The applicants state that the DCLG guidance does not require different types of development to be assessed alongside each other (i.e. wind and solar). The applicants also quote GLVIA3 which does not require schemes that are at pre-planning or scoping to be included in the cumulative assessment as insufficient information is available to properly assess the impacts. Therefore, the proposed Braybrooke Solar Farm (Screening and Scoping issued – KET/2014/0130 and 0281) and Desborough Airfield (now a submitted planning application reference KET/2015/0297) sites have not been assessed as part of the cumulative assessment. The applicants have submitted further information to state that a cumulative impact assessment has been submitted with the Desborough Airfield Solar Farm proposal which considers the joint impacts of Eckland Lodge, Gaultney Farm and the airfield. The cumulative assessment concludes there are no unacceptable cumulative effects. Also, the applicants state that this application is not subject to EIA and therefore further cumulative impact assessment is not required.

It is also stated that the cumulative impacts combined with the existing and already approved buildings for the site have not been assessed as they are a different type of development. However, the applicants state that it is considered that the solar panels can be integrated alongside other existing and proposed development in this area. The applicants go on to state that the proposed landscaping will help integrate both the approved buildings and the proposed solar panels in to the surrounding landscape.

An assessment of the impacts of the existing Gaultney Wood Solar Farm and this site has been made, the applicants state that the sites are approximately 3.2km apart only perceived fleetingly from the train. On this basis this will give rise to less frequent sequential effects or significant adverse cumulative impacts.

The applicants were also asked to consider alternative locations for the solar panels such as using the roof's of existing and approved buildings. The applicants state that this request is unreasonable and not in accordance with paragraph 98 of the NPPF, which states renewable energy projects should be approved as long as any impacts can be made acceptable. The guidance contained within the NPPG that the effective use of land should be encouraged by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.

It is considered that the cumulative impact assessment of the site, as submitted, is flawed as it fails to properly consider the impacts of all types of renewable energy within the local area, which when combined could have significant landscape impacts. The proposal also fails to properly address the impact of Eckland Lodge Business park as a whole with the solar farm, on the wider character of the area. Finally, it fails to properly consider alternative sites which would not involve the loss of agricultural land. Further information has been requested as to whether this is the

best and most versatile agricultural land (see section 5 of this report).

Despite the concerns raised with regards the submitted landscape impact assessment and the significant visibility of the site, there are limited receptors which would experience negative impacts from the proposal to warrant refusal of planning permission at this time, on this basis the proposal is considered acceptable in landscape and visual impact terms and is therefore recommended for approval in accordance with Policy 11 of the NPPF and Policy 13(h) of the CSS.

4. Impact on Ecology

Policy 11 of the NPPF and policies 5 and 13(o) of the CSS require new development to conserve and enhance local biodiversity and deliver a net gain in green infrastructure.

The Wildlife Trust object to the planning application on the grounds that insufficient information has been submitted to demonstrate that sufficient ecological surveys have taken place and the applicants have properly considered the potential impacts on local flora and fauna and Great Crested Newts (GCN) especially. The applicants agree that further survey works are required but at the time of submitting the application these surveys could not be undertaken till spring which would have unduly delayed the application. As the application has been delayed due to the EIA referral to the Secretary of State then survey works could have been undertaken. The applicants suggest that the survey works be dealt with via a condition. Planning permission should not be granted with conditions if the development does not have a reasonable chance of being able to go ahead. The applicants state that the presence of GCN is possible but unlikely. It is considered that the survey works are integral to works taking place on this site.

A GCN survey has been requested however has not been provided as the applicants state *'Whilst GCN are present, the operational phase of the solar farm will not have an adverse impact on GCN, and indeed will have a positive impact in terms of the creation of new habitat under and around the solar panels (the land is currently ploughed) and a new water feature is to be provided. Any mitigation necessary in connection with the solar farm will be in the construction phase to ensure no harm to any GCN found on the solar farm site. The ecologist refers to such mitigation in his email, which can be secured by planning condition if you see fit, although it is already provided for in the farm buildings permission'*. The submitted Ecological Survey Report states that although a pond suitable for GCN is located in close proximity to the site and the hedge on the eastern boundary could provide foraging for newts, this part of the site (the solar farm part) is not suitable for newts and the margin on the side of the hedgerow would provide suitable separation. The further advice of the Wildlife Trust has been sought and an update will be provided to Members at the Committee.

In the applicants original submission they failed to identify wildlife sites within 3km of the application site, they have since rectified this and state *'Stoke and Bowd Lane Woods SSSI is approximately 1.5km north-east of the proposed development site. This SSSI is designated for importance as ancient semi-natural broad-leaved woodland. The proposals will not affect this SSSI'*. The Wildlife Trust say that there are other potential wildlife sites within a 3km which have not been identified and

assessed in terms of the applications potential impacts. Furthermore, the applicants have not completed data search exercise. They state that as this is *'a small project'* and *'the data returned provides limited information for the cost incurred when compared to the considerations of a site specific Phase 1 Ecology survey and report which considers the potential for protected species in the surrounding areas but puts this in the context of the small scale development'*. The Wildlife Trust and the Local Planning Authority agree that a development in excess of 5ha, such as this, does not constitute a small project.

Finally, the Wildlife Trust has raised concerns that no proper research has been undertaken into rare plant species found onsite. The applicants state that this information is not easily available, despite the Wildlife Trust stating this information is readily available on the internet. The applicants state that *'Irrespective of the value of these plant species the field margins will not be affected by the proposed PV cells and will in fact be enhanced and retained in the long-term. This enhancement plans also includes a much wider field margin in the southern portion of the field where there will also be a new pond created. The proposals will in fact result in a long-term positive impact on flora and fauna'*.

Subject to matters with regards to newts being adequately resolved and mitigation measures secured by condition then the proposal could be considered in accordance with Policy 11 of the NPPF and Policy 13(o) of the CSS.

5. Use of Agricultural Land

The site has been assessed as Grade 3 agricultural land. The NPPG states that large scale solar farms should be focused on previously developed and non-agricultural land. Any use of agricultural land should be shown to be necessary and on poorer quality land; and that the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Grade 1, 2 and 3a agricultural land is generally considered to be the most versatile agricultural land. The applicants have been asked to demonstrate whether the land is Grade 3a and 3b. No soil classification exercise has been undertaken but Fergus Broadbent Chartered Surveyors have submitted a letter to say in their opinion that due to the poor drainage and fertility in this area then this land would be designated Grade 3b. However, an agricultural land assessment is necessary to ascertain whether this site is in fact Grade 3a or 3b land.

Policy 10 of the NPPF prevents Local Planning Authorities from questioning the need or productivity of Solar Farms. The NPPG refers to advice outlined in the Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015. This statement states that *'Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference*

to land of a higher quality'.

There is very limited justification within the application for the location of the solar farm or the use of this land. It is considered that this is a wasted opportunity to use the roofs of existing buildings to locate the panels to avoid the use of agricultural land. Without a clear steer as to whether this could also be Grade 3a agricultural land then it is considered that the proposal does not accord guidance outlined in the NPPG. The applicants have agreed to undertake such an assessment and the findings will be presented to members of the Planning Committee.

The applicants have stated that the land will be grassed over and grazed for sheep, which is supported by the NPPG. A condition could be applied to any subsequent approval to ensure the site is adequately managed for these purposes.

Subject to the land being found to be Grade 3b agricultural land then the proposal is considered acceptable and in accordance with the NPPG.

6. Amenity

Policy 13 (l) of CSS states that new development should not result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The closest residential building to the proposal is Eckland Lodge Farm House which is in the ownership of the applicant. Other residential properties are significantly distanced from the application site so as not to be impacted detrimentally in amenity terms. Subject to conditions with regards to glint and glare, lighting, a construction method statement including hours of works. The proposal is not considered to have an unacceptable impact on amenity in accordance with policy 13(l) of the CSS.

7. Impact on Historic Assets

The NPPG states that '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'.

There are no Listed Buildings in close proximity to the application site. There are a number of Listed Buildings located within Desborough Town Centre within the Desborough Conservation Area. However, these are sufficiently distanced from the application site so as not to be negatively impacted in terms of their significance, setting or character and appearance in accordance with Policy 12 of the NPPF and Policy 13(h) of the CSS.

8. Highways and Access

The Highways Authority raises no objection to the application subject to conditions with regards to access arrangements, hard-standing, visibility, a construction management plan, a routing plan for HGVs. However, as the existing access is of a suitable width and visibility then conditions in this regard are not considered necessary. Conditions with regards to a construction management plan and a

routing plan for HGV's along with relevant notes will be added to any subsequent planning permission. The proposal is therefore considered in accordance with Policy 13 of the CSS in terms of its impacts on highway safety and access arrangements.

9. Flood Risk

The Environment Agency has raised no objections to the submitted flood risk assessment. Notes will be added any subsequent permission with regards to managing waste from the site and surface water drainage. Subject to this the proposal is considered in accordance with Policy 10 of the NPPF which seeks to mitigate flood risk.

10. Other Matters

Public Consultation

An open day was held on 21st May 2014 for occupants of the business park and additional meetings were held at Braybrooke Parish Council and Desborough Town Council on 27th August 2015. Approximately 20 people visited and 7 responses were received in favour of the development. A summary of the responses received is outlined in the submitted Design and Access Statement but the full responses have not been included with the application.

Grid Connection

The Local Planning Authority has contacted Western Power the District Network Operator for this area. Currently a renewable energy generating project needs to apply to make a connection to the Grid. If capacity is available an offer is made, if there is no capacity then the project will queue until capacity becomes available and an offer can be made. Capacity can become available if a previous offer expires or technical upgrades are made to the Grid. The capacity of the grid is dynamic and ever changing. The applicants state they have a grid connection available.

Community Benefits

Though not a material planning consideration, the applicant has made no offer of community benefits with this application.

Conclusion

Subject to matters with regards to the agricultural land classification and ecology being suitably resolved before the decision is made at Committee, the proposal will serve to increase the use and supply of renewable energy in accordance with policy 10 of the NPPF. Despite the landscape and visual impacts from the proposal, given the limited number of receptors and the temporary nature of the proposal then it is considered in accordance with the local and national policy and is recommended for approval on this basis.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Rebecca Collins, Development Team Leader on 01536 534316

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