

## MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 October 2023

Item: 1.

<b>Application No.:</b>	22/02820/FULL
<b>Location:</b>	Land To The South of Valentines The Straight Mile Shurlock Row Reading
<b>Proposal:</b>	Installation of a solar energy park comprising ground mounted photovoltaic solar panels, power stations, a substation, ancillary buildings and associated plant and equipment, a new access from The Straight Mile (B3018), the installation of hardstanding, fencing, CCTV apparatus, landscaping and biodiversity enhancement for a period of 35 years.
<b>Applicant:</b>	Mr Bellm
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Waltham St Lawrence Parish/Hurley And Walthams
<b>If you have a question about this report, please contact:</b> James Overall on or at <a href="mailto:james.overall@rbwm.gov.uk">james.overall@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The application seeks planning permission for a solar energy park comprising ground mounted photovoltaic solar panels, six small power stations to support the PV arrays, a substation compound with two ancillary buildings (comprising a DNO Control Room and a Client Control Room situated within the substation compound) and other associated security (comprising 1.8m deer fencing). Additionally, the proposal seeks to provide biodiversity enhancements across an area of land measuring 17.9 acres.
- 1.2 The proposed solar energy park is proposed to operate for a period of 35 years. The PV panels would have an output of approximately 21.505 megawatts (MW) with an annual energy delivery of 25.41 gigawatts-hours. The applicant sets out that this would be the equivalent supply of 6,336 homes at peak output representing a saving of around 5,476 tonnes of CO<sub>2</sub> a year.
- 1.3 The Council's target is to go from 13.067 GWh/yr to ten times that (130.67 GWh/yr), which is an increase of 117.603 GWh/yr by 2025. The proposed solar farm therefore contributes 21.6% of the additional renewable capacity required to meet the 2025 target.
- 1.4 The applicant has agreed to establish a community fund, with the applicant making a financial contribution towards (based upon the number of MWs generated from the development. This contribution will be used for purposes which benefit the Borough's community i.e. combatting fuel poverty.
- 1.5 The proposal is inappropriate development within the Green Belt which is harmful. The scheme would impact upon the openness of the Green Belt and would result in encroachment which conflicts with one of the five purposes of the Green Belt. In this case the benefits of the scheme which consist of significant generation of renewable energy, a significant reduction in carbon emissions, which would help meet the Council' targets for carbon reduction, a community benefit through the establishment of a community fund, and a significant biodiversity net gain which are considered to amount to very special circumstances (VSC) which would clearly outweigh the harm to the Green Belt which is afforded substantial weight.

- 1.6 The application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA assessed the likely impacts and effects of the proposed development that would arise from the development on 12 receptors. The report concluded that the most significant impact from the proposed development would be from the Straight Mile (B3018); however, to minimise the impact of this, the scheme has sought to retain existing landscaping features as well as introduce new boundary hedgerows and planting to reinforce the landscape value.
- 1.7 The proposal was the subject of consultations, and no objections were raised following the receipt of amended plans and reports, from Highways, the Lead Local Flood Authority, and the Council's ecologist.
- 1.8 The proposal is recommended for approval subject to the satisfactory undertaking of a legal agreement securing the establishment of a community fund with contributions of £250 a year per installed MW, index-linked (circa £5,000 per year), for the 35-year lifetime of the Asset.

<b>It is recommended the Committee authorises the Head of Planning:</b>	
<b>2.</b>	<ul style="list-style-type: none"> <li>1. <b>To refer to application the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 with a recommendation to grant planning permission subject to the imposition of the planning conditions recommended in section 14 of the report and upon the satisfactory completion of an undertaking to secure the establishment of a community fund.</b></li> <li>2. <b>To refuse planning permission if a legal agreement to secure a community fund is not secured.</b></li> </ul>

**REASON FOR COMMITTEE DETERMINATION**

- 2.1 The application is classified as a 'major' application due to the size of the application site, and therefore this application should be referred to the Maidenhead Development Management Committee.

**3. THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is located to the south of The Straight Mile (B3018), comprising approximately 28.63 hectares of Grade 3 arable agricultural land; a mixture of Grade 3a and b, good to moderate). The site comprises three fields separated by hedgerows, trees and grass field margins. The land surrounding the application site is also primarily agricultural in nature. The M4 corridor is approximately 250m south of the application site. The village of Shurlock Row lies approximately 300m to the north-east of the application site.
- 3.2 The boundaries of the application site are largely bound by established hedgerows and trees, and there are numerous pockets of woodland in the area surrounding the application site, several of which are characterised as 'ancient'.
- 3.3 There are no residential properties immediately adjoining the site, with those nearest located approximately 150m to the north of the site, along The Straight Mile.
- 3.4 A Public Right of Way runs north-south adjacent the eastern edge of the land designated for biodiversity net gain.

## **4. KEY CONSTRAINTS**

### **4.1**

- Green Belt
- Minerals safeguarding
- TVERC Ancient Woodland
  - Surrell's Wood
  - The Gravelpits
  - Bushy Lees
- TVERC Local Wildlife Site
  - Surrell's Wood
  - The Gravel Pits/Old Gravel Pits
  - Bushy Lees
- Public Right of Way (PROW)
- Archaeology

## **5. THE PROPOSAL**

- 5.1 The application seeks planning permission for the installation of a solar energy park comprising ground mounted photovoltaic solar panels, six power stations (12.19m in length, by 2.44m in width by 2.90m in height), a substation and ancillary buildings to operate for a period of 35 years. As part of the proposal further landscaping and biodiversity enhancements are sought. The proposed landscaping and ecological enhancements will also need to be maintained to ensure compliance with the Ecological Mitigation, Enhancement & Management Plan (MM Arboriculture Ltd, August 2022).
- 5.2 The application site is divided into two main fields (east and west) with the western-most field hosting the solar arrays and the eastern-most hosting the biodiversity enhancements.
- 5.3 Within the western-most field, the solar arrays are to be situated in rows 1.5m away from one another, each tilted at an angle of 25° with a maximum height of 1.59m (from ground level). The bottom of the panels will be 0.63m above the ground to allow sheep to pass underneath. The substation compound will be in the south-east of this field, which will contain two outbuildings (a DNO Control Room measuring 10.87m in length, 4.7m in width and 4.775m in height; and a Client Control Room measuring 16.19m in length, 4.7m in width and 4.775m in height).
- 5.4 The eastern-most field will contain three SUDs in the form of two shallow flow ponds or clay lined scrapes planted with marginal aquatics; and one shallow depression bio-retention area or scrape planted with wild grasses. The biodiversity area will also contain beetle & bee banks/mounds with low grass; a collection of beehives; piles of logs, brash and leaves; and additional planting of native species within the existing hedgerow boundaries.
- 5.5 The solar farm will be contained within a 1.8m deer fence and access to the site is sought via a new access from The Straight Mile (B3018).
- 5.6 Whilst there are no official public rights of ways running through the applications site, there is a permissive dog walking route through the existing site which is to be

relocated and realigned approximately 10 metres further south to allow the extension of the Gravel Pits woodland, which runs along the northern edge of the biodiversity area.

- 5.7 Originally the scheme sought to provide a hydrogen compound; however, due to many of the third-party letters objecting to this element of the scheme, the applicant removed this element of the scheme.

## 6. RELEVANT PLANNING HISTORY

- 6.1 None.

## 7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

### Adopted Borough Local Plan (2013-2033)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Development in Rural Areas and Green Belt	QP5
Historic Environment	HE1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Renewable Energy Generation Schemes	NR5
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Utilities	IF7

### Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)

<b>Issue</b>	<b>Neighbourhood Plan Policy</b>
<b>Sustainable Development</b>	<b>ENV1</b>
<b>Climate Change, Flood and Water Management</b>	<b>ENV2</b>
<b>Character and Appearance, including Special Character</b>	<b>Gen 2</b>
<b>Highways and Parking</b>	<b>T1</b>

## 8. MATERIAL PLANNING CONSIDERATIONS

### 8.1 National Planning Policy Framework Sections (NPPF) (2023)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 6: Building a strong, competitive economy
- Chapter 9: Promoting Sustainable Transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt land
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

### 8.2 Supplementary Planning Documents

- Borough Wide Design Guide

### 8.3 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

16 occupiers were notified directly of the application.

The planning officer posted two notices advertising the application at the site on 23<sup>rd</sup> November 2022 and the application was advertised in the Local Press on 10<sup>th</sup> November 2022.

12 letters were received objecting to the application, which can be summarised as follows:

Comment	Where in the report this is considered

1.	Proposal would impact on the Green Belt conflicting with NPPF policies	Section 10
2.	Proposal would cause light pollution	Section 10
3.	Noise and pollution arising from HGV vehicles accessing and passing the site	Section 10
4.	Height of the infrastructure is excessive	Section 10
5.	The area around the site is prone to flooding which the proposal will exacerbate	Section 10
6.	Concerns that the site are could be enhanced under future applications	Section 10
7.	The proposal would impact a green area and wildlife habitat	Section 10

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Natural England	No objections.	
Highways	Initial concerns have been addressed with amended plans. No objection to the proposal subject to the use of planning conditions	Section 10
LLFA	No objections subject to the use of planning conditions	Section 10

### Consultee responses

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	Berkshire Archaeological note the content of the desk based assessment and agree with its conclusions. Mitigation may be required in the form of a condition.	Section 10
Environmental Protection	The submitted CEMP has many aspects missing. Whilst these missing aspects would not mean an objection, we would require these to be managed through the application of a suitably worded condition (CEMP)	Section 10
Ecology	No objections subject to the use of conditions	Section 10

### Amenity Groups & Other

Consultee	Comment	Where in the report this is considered
Waltham St Lawrence & Shurlock Row Preservation Society	Excessive height	Section 10
	Inappropriate development within the Green Belt	Section 10
	Noise pollution	Section 10
	Light pollution	Section 10
	Bore hole is near ancient woodland and could impact the water table and the viability of habitats	Section 10
	New road will have a visual impact given the width of 31m, and may have highway safety issues	Section 10
	Outlook impact upon neighbouring residents	Section 10
	Should be located in industrial and commercial areas i.e. on rooftops - not in the Green Belt	Section 10

10.	Privacy intrusion from CCTV	Section 10
	Legal agreement required for duration, else no finality	Section 10
	Loss of food production	Section 10

### EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Green Belt
- ii Landscape and Visual Impact
- iii Climate Change, Sustainability & Renewable Energy Generation
- iv Effect on agricultural land
- v Trees
- vi Ecology
- vii Heritage assets
- viii Highways
- ix Impact on neighbouring amenity
- x Other material considerations
- xi Planning Balance

#### i. Principle of Development

##### Green Belt

- 10.1 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 and 150 of the NPPF (2023) states that new buildings and certain other forms of development in the Green Belt would be regarded as inappropriate development with some exceptions. The NPPF is the most up-to-date expression of Government intent and given significant weight. Adopted Borough Local Plan policy QP5 also sets out the exceptions to inappropriate development in the Green Belt., which is line with that set out in the NPPF.
- 10.2 The proposed development would not fall under any of the exceptions noted within paragraphs 149 and 150 of the NPPF (2023) nor within Policy QP5 of the Local Plan. Therefore, this development is deemed to be inappropriate development and would be, by definition, harmful to the Green Belt. The NPPF is clear that any harm to the Green Belt is given substantial weight.
- 10.3 Paragraph 151 of the NPPF (2023) goes on to say, *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider*

*environmental benefits associated with increased production of energy from renewable sources”.*

#### *Impact on openness and other purposes of the Green Belt*

- 10.4 In terms of openness, the judgement of *Europa Oil & Gas Ltd v Secretary of State for Communities and Local Government* (2014) confirms that the mere presence of development where there is currently no development should not be taken as a breach of the proviso of preserving openness. A broader interpretation of the preservation of openness should therefore be applied.
- 10.5 Paragraph 137 of the NPPF notes that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Openness has both visual and spatial qualities. The site consists of three fields, of which one is to host the solar arrays, one is to provide an access road to the solar arrays and the other is to provide on-site biodiversity. These fields are all enclosed by trees and hedge boundaries, including some woodland areas. In terms of topography, the site is within gently undulating land.

#### *Visual and Spatial Impacts*

- 10.6 From a spatial perspective, the proposed solar panels would introduce development into the area in terms of ground cover due to the quantity of arrays within the scheme (1,620 grounded mounted racks, each with 24 solar panels attached, totalling approximately 38,854 panels). Furthermore, the associated access track, substation, inverter stations, fencing and CCTV facilities would result in additional built form that would further diminish the openness of the Green Belt spatially.
- 10.7 Nevertheless, the proposed solar arrays would be relatively modest in height and would be spaced out at regular intervals reducing the overall scale of the development. Given this modest height of 1.59m, taking into consideration the topography of the landform and the extent of existing screening, the overall visual effect of the proposal from wider views (i.e. The Straight Mile, the PRoW and motorway crossing bridges) would be limited. In addition to existing screening, further planting is proposed which will further aid with restricting wider public views into the site (albeit taking time to mature).
- 10.8 The most prominent views into the site will be from the permissive dog walking footpath, which passes directly by the proposed deer fencing, giving full visibility into the solar array. These views are only possible given the short distances involved and the wider views as noted in the above paragraph will be relatively unaffected.
- 10.9 It is also important to consider the duration of a development, and its permanence when considering openness. The proposed development would be in place for a 35-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 35 years is a long period of time, it is not permanent. Therefore, the impact on the openness of the Green Belt would be impacted for a period of time, but after that the site would be reinstated to its former open character.
- 10.10 With regard to the degree of activity likely to be generated, the development would generate a higher level of activity during the construction period. Once built and operational, people would only need to visit for maintenance purposes which would



not be a regular occurrence, and so activity generation would be low during operation. Taking all of these factors into account, it is considered that the development would have a moderate impact on the openness of the Green Belt.

- 10.11 Paragraph 138 of the NPPF defines the five key purposes of the Green Belt. These are:
1. to check unrestricted sprawl of large built-up areas,
  2. prevent neighbouring towns merging,
  3. safeguard the countryside from encroachment,
  4. preserve the setting of historic towns, and
  5. assist in urban regeneration (by encouraging the reuse of urban land).
- 10.12 Given the location of the site is not close to a built-up area, it is not considered that the proposal would contribute towards urban sprawl or towns merging, and it would not affect the setting of historic towns. Nevertheless, the proposal would result in encroachment.
- 10.13 In terms of encroachment, the proposed scheme would place a large number of solar arrays across a field. Their operation would be supported by power stations, a main substation, 1.8m deer fencing and CCTV. Although maintaining some space between them, the arrays and associated equipment would fundamentally alter the appearance of the field. This would alter from an open green space to accommodating solar equipment, which would result in encroachment, and so the proposal conflicts with this purpose of the Green Belt.
- 10.14 A further purpose of the Green Belt is to deflect new development towards previously developed land (PDL) to assist in urban regeneration. The applicant notes that it would not be feasible to locate the scheme elsewhere as several factors were taken into consideration whilst identifying a site – principally due to its favourable technical characteristics, which include:
- space,
  - proximity to the grid connection point, and
  - the export parameters of the local electrical distribution infrastructure.
- 10.15 The importance of proximity of the connection point and export availability over the 132kv lines cannot be understated for a sustainable energy scheme of this nature. Even if an alternative area of land could be identified outside the Green Belt, it is not guaranteed that the technical aspects of such a site would be suitable. In particular, a grid connection is essential for any solar project as electricity generated must be exported to the end user. The connection point and availability of space on the Network are therefore critical factors in determining the suitability of the site. The local Distribution Network Operator (DNO), SSE, has confirmed that suitable capacity is only available on the 132kV system in this area. The application site has an existing oversailing 132KV power line which will act as the connection point for the solar farm and will be done using a point of connection mast. An alternative site without such a connection would require cabling to a substation, the nearest of which are located in Fleet and Wokingham. This would cause considerable disruption; environmental impacts and the expense would render the project unfeasible.
- 10.16 In addition to the above, Officers are of the opinion that the reuse of PDL for such a scheme would unlikely secure the most efficient or optimum reuse of such land for a temporary period of time. Accordingly, it is considered that the proposal would not be in conflict with the purpose of assisting in urban regeneration.

10.17 The proposal is inappropriate development, which is by definition harmful to the Green Belt. It would result in moderate harm to the openness of the Green Belt and would result in encroachment which conflicts with one of the purposes of the Green Belt. Accordingly, the proposed development would conflict with Policy QP5 of Borough Local Plan (BLP) and Chapter 13 of the NPPF. Planning policy is clear that substantial weight is afforded to any harm to the Green Belt, and a development should only be approved if there is a case of Very Special Circumstances which clearly outweighs the harm to the Green Belt and any other harm arising. The case of Very special Circumstances is considered in the planning balance at the end of this report.

## ii. Landscape and Visual Impact

10.18 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Achieving Well-Designed Places) and Local Plan Policy QP1 and QP3, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.

10.19 A Landscape Visual Impact Assessment (LVIA) was submitted with the application to assess the impact of the proposed development focusing on the impact and effects of the proposal once constructed, taking into account the proposed mitigation landscaping. Whilst the survey was undertaken during June and July 2022, it is unlikely that the site will be any further exposed during the winter months once the surrounding trees and hedgerows are not in leaf. This is due to the density of boundary hedging and woodland.

10.20 It should be noted that there is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

### *Landscape Character*

10.21 The site is included in the National Landscape Character Area (NCA) for the Thames Valley, although it is close to the south-eastern edge of the Chilterns NCA. The Thames Valley is mainly a low-lying wedge-shaped area, widening from Reading and including Slough, Windsor, the Colne Valley, and south-west London Fridges. The landscape within this NCA is very diverse, with the River Thames providing a unifying feature.

10.22 In the RBWM Landscape Character Assessment (LCA), Shurlock Row is described as containing “*wooded clay farmland*” with the following characteristics:

- Flat - gently undulating landscape of large open rectilinear fields, mainly of arable crops
- Framework of mixed woodland including coniferous plantations
- Extensive areas of mature woodland of ancient origin
- Dispersed settlement of traditional farmsteads and manor houses with some modern extensions
- Farm diversification for business, horsiculture and recreation purposes
- M4 motorway with its associated infrastructure
- Transmission lines
- Rural lanes

- Ditches and fishponds

- 10.23 The proposed development would locate solar arrays within the existing field pattern. It would retain and enhance field boundaries, leaving wooded areas intact. It would retain the structure of field boundaries and keep field patterns intact. As such, the proposal would have a largely non-invasive impact on the landscape features defined as important to the character areas.
- 10.24 The application site represents only a small proportion of the national and county character areas. At a district level, the impact on the landscape would be greater, but as the existing natural features of the site would be largely retained and enhanced, the overall landscape effect would be limited. Furthermore, the solar arrays would be low-lying, open sided features that would be temporary in nature, limiting the overall effect on the wider landscape. However, the proposed development would alter the landscape with the introduction of industrial development and equipment, which would result in some localised landscape harm. As a consequence, the scheme would result in a moderate adverse impact on the area's landscape character.

### *Visual Impact*

- 10.25 Visual amenity relates to the direct visual impacts on receptors (people) rather than on the landscape.
- 10.26 The LVIA analyses the landscape visual impacts and effects from 12 viewpoints of various distances, namely short, medium and long. The most significant impacts and effects are from 'internal' viewpoints, which reflect the most exposed boundaries of the site; however, these viewpoints are not in areas that are open to the public.
- 10.27 Some minor visual impacts are anticipated from a few external viewpoints (including the Public Right of Way bordering the biodiversity element); however, these are all anticipated to be 'glimpses', which will in time become obscured through the proposed planting scheme of trees and hedgerows.
- 10.28 The proposal will be most prominent from the Straight Mile, which will be further emphasised when the vehicular access is opened up to service the solar farm. Along this stretch of road, there are no safe public footpaths running east west on both sides of the Straight Mile and with a national speed limit at this point, vehicles are unlikely to be driving a speed of which the solar farm will be in view for long.
- 10.29 The LVIA proposes mitigation measures of proposed tree and shrub planting to reinforce the surrounding hedgerows, which help alleviate visual harm. As a consequence, the scheme would result in a limited adverse visual impact.

### **iii. Climate Change, Sustainability & Renewable Energy Generation**

- 10.30 A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published.

- 10.31 The draft NPS EN-3 states that:  
*“solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer.”*
- 10.32 Both the existing and proposed NPSs state that the NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.
- 10.33 The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all.
- 10.34 In response to this UK Government declaration, the Council produced an Environment and Climate Change Strategy which was approved by cabinet on 17<sup>th</sup> December 2020. This strategy sets out the Council’s Vision and actions to achieve the borough’s net-zero carbon emissions target by 2050 and the five-year approach to working in partnership with local communities to tackle this challenge, which includes a target to increase renewable energy generation capacity within the borough to 130,670 Mw by Dec-26. Once fully operational, this scheme is anticipated to have a rated output of approximately 21.505 MW of energy. The Department for Energy Security and Net Zero monitoring showed that at the end of 2022 the Borough had only 12.7 MW of installed renewable electricity capacity, to make any progress towards significantly increasing installed capacity before 2026 the Authority must enable provision of additional capacity.
- 10.35 The UK Energy White Paper, Powering our Net Zero Future (2020), describes the costs of inaction as follows:  
  
*“We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79%, compared to a 5% chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years.*  
  
*At 3°C of global warming, the UK is expected to be significantly affected, seeing sea level rise of up to 0.83 m. River flooding would cause twice as much economic damage and affect twice as many people, compared to today, while by 2050, up to 7,000 people could die every year due to heat, compared to approximately 2,000 today. And, without action now, we cannot rule out 4°C of warming by the end of the century, with real risks of higher warming than that. A warming of 4°C would increase the risk of passing thresholds that would result in large scale and irreversible changes to the global climate, including large-scale methane release from thawing permafrost and the collapse of the Atlantic Meridional Overturning Circulation. The loss of ice sheets could result in multi-metre rises in sea level on time scales of a century to millennia.”*
- 10.36 The draft NSPs recognise that to meet the Government’s objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to ‘dramatically increase the volume of energy supplied from low carbon sources’ and reduce the amount provided by fossil fuels. Solar and wind are

recognised specifically in Draft EN-1 (para 3.3.21) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are 'likely to be composed predominantly of wind and solar'. The Government aims by 2030 to quadruple offshore wind capacity so as to generate more power than all homes use today. This would therefore be delivered in collaboration with solar energy, and other measures, to provide a robust supply.

- 10.37 Planning Practice Guidance (PPG), on renewable and low carbon energy, states that *"there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts"* (Paragraph: 005 Reference ID: 5-005-20150618).
- 10.38 The NPPF explains that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects, and should recognise that even small-scale projects can help reduce greenhouse gas emissions. Paragraph 158(b) of the NPPF also explains that such schemes should be approved if any impacts are, or can be made, acceptable. Furthermore, it identifies once areas have been identified for such projects, by local authorities in local plans, any subsequent applications should demonstrate how they would meet the criteria used in identifying suitable locations.
- 10.39 Policy NR5 of the BLP establishes locational principles that guide its consideration of suitable sites. It requires proposals to minimise adverse impacts on landscape, wildlife, heritage assets and amenity. The proposed development has been designed in a sympathetic way, providing a significant amount of planting to benefit biodiversity as well as minimise the impact this scheme will have upon the landscape. As such, Officers consider that overall, the proposed scheme conforms with Policy NR5 of the Borough Local Plan
- 10.40 The Council's Interim Sustainability Position Statement (ISPS) and Policies SP2 and QP3 of the Borough Local Plan require developments to be designed to incorporate measures to adapt to and mitigate climate change. The Interim Sustainability Position Statement requires a financial contribution be made in the form of a) Building Emissions, to make up any zero-carbon deficit; and b) Lifestyle, to account for carbon production as a result of the development use (e.g. vehicle movements).
- 10.41 Solar panels emit around 50g of CO<sub>2</sub> per kWh produced in their first few years of operation; however, by the third year of having solar panels, most become carbon neutral. Given the proposed 35-year operation of this scheme it is evident that the scheme would be carbon neutral and therefore a carbon offset contribution would not be required in this instance. Overall, the proposal would deliver significant benefits to addressing climate change and a large-scale renewable scheme of this nature is essential to ensure any meaningful progress is made towards the meeting the renewable capacity target in the Climate Strategy. Significant weight is placed on these factors.

#### **iv. Loss of Agricultural land**

- 10.42 Chapter 15 of the NPPF emphasises the importance of protecting and enhancing the natural environment through planning policies and decisions. It outlines various principles and considerations related to biodiversity, habitats, landscape, pollution, and other environmental aspects.

- 10.43 Paragraph 174(b), of the Framework, places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The Framework's Glossary defines Best and Most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a.
- 10.44 With regard to the loss of agricultural land, paragraph 175 of the NPPF states that plans should distinguish between the hierarchy of international, national, and locally designated sites and allocate land with the least environmental or amenity value, where consistent with other policies. Footnote 58 notes that when significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred over those of higher quality. This indicates a preference for safeguarding higher-quality agricultural land.
- 10.45 Policy QP5 of the Adopted Local Plan notes, "*The rural areas in the Royal Borough are defined as land within the Metropolitan Green Belt [and]...within rural areas, proposals should not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a)*".
- 10.46 The application site comprises a mixture of Grade 3a (good) and 3b (moderate) agricultural land; however, the applicant has not specified figures for the amount of land falling into each Grade 3 category, a precautionary approach has been applied and it is assumed that all the land is grade 3a – 'good' quality agriculture – and therefore the Officer's assessment is based on this. Policy QP5 (2) states, "*Within rural areas, proposals should not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a)*".
- 10.47 The proposal would remain in place for 35 years. In a recent appeal decision (APP/W1525/W/22/3300222) in Chelmsford, Essex for a solar farm, the Inspector gave consideration to the temporary nature (40-years) of the proposal, setting out that the likelihood of the scenario was that the land would revert back, or have the option to revert back to arable land meaning that the loss was not absolute (see Appendix C). The planning statement explains that resting the soil and improving the biodiversity of this site (including through the creation of enriched grassland) for the lifetime of the proposed solar energy park is anticipated to help improve the quality and nutrient content of the soil, so that once returned to agricultural use, the soil within this field will be more fertile and more productive than it is as present Whilst it is accepted that there would be a loss of agricultural land this would not be irreversible as set out in Policy QP5 (2) as the land would be returned to its current condition after the 35 year period. Due to there being some loss of Grade 3a agricultural land, albeit it is not an irreversible loss, there would be some conflict with planning policy, but for the reasons set out above this is afforded limited harm.

#### **v. Trees**

- 10.48 The application site is between three ancient woodlands:
- Surrells Wood – west (adjacent the application site boundary)
  - The Gravelpits – north-east (adjacent the application site boundary)
  - Bushy Lees – 125m south-east
- 10.49 The Gravelpits and Bushy Lees are also protected by Tree Protection Orders, as well as a couple of smaller woodlands east of the public right of way along the eastern side of the site.

- 10.50 Ancient woodland are areas that have been wooded continuously since at least 1600 AD. It includes:
- ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.
  - plantations on ancient woodland sites - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi.

10.51 Paragraph 180(c) of the NPPF states, *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient veteran trees) should be refused, unless there are wholly exceptional reasons and a compensation strategy exists”*.

10.52 The NPPG notes recommendations with regard to buffer zones for ancient woodlands. It states, *“the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic”*.

- 10.53 Additional guidance regarding buffer zones states, *“Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. Where possible, a buffer zone should:*
- *contribute to wider ecological networks*
  - *be part of the green infrastructure of the area*
  - *A buffer zone should consist of semi-natural habitats such as:*
  - *woodland*
  - *a mix of scrub, grassland, heathland and wetland*

*The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone”*.

10.54 The proposal seeks to provide a 20-metre buffer zone along the shared boundary with Surrells Wood. This 20-metre buffer zone is upheld for the whole length of the application site, except at the proposed entrance where the splays erode this slightly, bringing the buffer zone to a minimum of 11 metres. It should however be noted that, the applicant intends to submit a revised plan to bring the access away from the buffer zone, so that it is not eroded at all. This revision is anticipated to be received prior to Committee and will be addressed via a committee update. Noting that T053 (Common Ash – Category C1) lying within this eroded area of the buffer zone is to be removed, it is unlikely that bringing the access across this area will have any wider impacts. A condition for tree removal will be imposed to ensure care is taken during these works to ensure the protection of other trees (and their roots) in the vicinity. The remainder of the buffer has a minimum distance of 18+ metres between the ancient woodlands and the access road, which would be sufficient to ensure there would not be any risk posed to the long-term health of trees within the ancient woodland. Further to this the supporting landscape input sets out that trees and hedgerows are to be largely untouched which collectively contribute to the visual and ecological value of the site. The other ancient woodlands are sufficiently far enough away to not be impacted by the proposed development.

10.55 The scheme does require the removal of other trees namely, T035 (Goat Willow – Category C2), T047 (Pedunculate Oak – Category U), T054 (Sycamore – Category U),

a section (approx. 52m<sup>2</sup>) of H001 (Mixed Species Group x200 – Categories C1, C2 and C3) and a section (approx. 73m<sup>2</sup>) of H005 (Common Hawthorn x100 – Categories C2, C3). These removals are required to facilitate the proposal; however, none of them have High or Medium amenity value as such the impact of the removal shall be negligible to the local landscape. The proposal seeks to provide a substantial amount of new planting within landscape layout as such the loss shall be mitigated.

- 10.56 Having regard for the detailed protection of existing trees and woodland features within the proposed scheme as well as the proposed planting schedule of further native species, it is considered that the proposal would both protect and enhance landscape features of high amenity value which in turn protects their habitat value. As such, no policy-based concerns are raised in this regard.

## **vi. Ecology**

### *Biodiversity*

- 10.57 Policy NR2 of the Borough Local Plan (Biodiversity) states:  
*“Development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Development proposals shall also avoid the loss of biodiversity and the fragmentation of existing habitats, and enhance connectivity via green corridors, stepping stones and networks. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric”.*
- 10.58 The application site comprises arable fields, hedgerows (priority habitats), ditches and trees. The site is surrounded by fields and hedgerows with tree lines and woodland priority habitat including ancient woodlands. The site falls within the Waltham to Binfield Woodlands Biodiversity Opportunity Area (BOA) and bounds three local wildlife sites. The identification of Berkshire's BOAs was a detailed assessment process funded by all Berkshire's Unitary Authorities and was undertaken by Thames Valley Environmental Records Centre (TVERC). This process took into account existing concentrations of habitat; important areas for rare species of principal importance; land with potential for habitat restoration; and several other factors (including geology, topography and hydrology). BOAs identify where the greatest opportunities for habitat creation and restoration lie, enabling the efficient focusing of resources to where they will have the greatest positive conservation impact.
- 10.59 The information provided within the plans and associated reports sets out that hedgerows and field margins which are of higher ecological value and support breeding birds are to be retained. A tree which was noted as have moderate potential for bats is to be retained which protects its ecological value. The proposal includes landscaping and biodiversity enhancements as set out in the supporting reports. The enhancements include provision of habitats for a wide range of fauna and a mosaic of flora for bees, butterflies, amphibians, reptiles and nesting birds. Habitat features are to be created which would connect to the existing oak trees on site, as well as new mixed hedgerows. Following detailed correspondence between the applicant and officers, it has been confirmed that the only native species of local provenance will be planted. The submitted plans show the numbers and types of vegetation/trees to be planted and the submitted tree & shrub planting schedule specifies heights and other details.



- 10.60 These enhancements proposed will result in a biodiversity net gain of 22.84% in habitat units and 24.58% in hedgerow units. The proposal has demonstrated that it would not harm existing habitat features as well as providing opportunity to enhance the current arrangement on site. As such, the proposal would not conflict with the aims of Policy NR2 of the Local Plan (2022), or the context of Chapter 15 of the NPPF (2023). A condition securing the net biodiversity gain is recommended (see condition 7). This condition will also require details for the long-term maintenance and management of the proposed landscaping and ecological enhancements.

### **vii. Heritage**

- 10.61 The National Planning Policy Framework highlights the importance of conserving and enhancing heritage assets, which range from local historic sites to internationally recognized World Heritage Sites. Paragraph 189 of the NPPF notes their irreplaceable value and calls for their conservation according to their significance.
- 10.62 Designated heritage assets, including Conservation Areas and listed buildings, must be protected and their significance sustained (Paragraph 196 of the NPPF). The impact of development on heritage assets must be carefully considered; giving significant weight to conservation, particularly for assets of higher significance (Paragraphs 199-201 of the NPPF).
- 10.63 Paragraph 202 of the NPPF states that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use*”.
- 10.64 The Borough Local Plan also prioritises heritage assets with Policy HE1 highlighting the need to conserve and enhance the historic environment, requiring development proposals to preserve or enhance the character and significance of heritage assets.

#### *Shurlock Row Conservation Area*

- 10.65 In considering the application special regard has been paid to the desirability of preserving the buildings and conservation area, or their setting, or any features of special architectural or historic interest which they possess, as required Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.66 Whilst the application site is not situated within the Shurlock Row Conservation Area, extensive heritage assets, such as landscapes and townscapes, can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own. A conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated (explicitly recognised in green belt designations).
- 10.67 Officers consider that given the location of the proposed development, there will be some impact on the wider rural setting of the Conservation Area; however, the Conservation Area lies 245m north-east of the proposed solar arrays, which is a sufficient distance to ensure any harm resulting from the solar farm would be de minimis. It is considered the proposal would not harm the setting of the Shurlock Row Conservation Area.

## *Archaeology*

- 10.68 The submitted Archaeological Desk Based Assessment has been reviewed and Berkshire Archaeology who agree with its conclusions that there is archaeological potential at this site. Therefore, mitigation may be required; however, with appropriate wording this can be conditioned.
- 10.69 Berkshire Archaeology have agreed with the applicant and their archaeological consultant (AOC) that a Written Scheme of Investigation (WSI) will be drawn up and submitted to Local Planning Authority by condition (9).

## **viii. Highways**

- 10.70 Paragraph 111 of the NPPF (2023) states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". As part of the consultation process, the Councils highways team were consulted on the proposal.
- 10.71 Concerns have been raised through representations as to the impact of Heavy Goods Vehicles (HGVs) on the highway network which reflected some of the concerns raised by highways officers. Amended plans were provided by the applicant to address these concerns. These included demonstrating adequate visibility splays of at least 2.4m x 215m and turning areas within the site to ensure there was no conflict with highway safety by allowing vehicles to exit the site in forward gear thereby.
- 10.72 The route for construction traffic to take has been reviewed in detail by both Officers at RBWM and the adjoining authority of Wokingham. The route agreed on by both Authorities is for construction traffic to turn right at Diamond Jubilee Way roundabout and follow the Northern Distributor Road until it meets Reading Road, turn right and head northbound until the Winnersh Triangle and join the A329M there. This route is contained within a detailed Construction Management Plan.
- 10.73 Subject to appropriate highway conditions to ensure the gate set-back distance from the highway(20m), bonded surface material, there are no concerns from a highways perspective.

## **ix. Impact on neighbouring amenity**

- 10.74 Paragraph 130 (f) of the NPPF (2023) and Policy QP3 of the Local Plan states that development works should not cause an unacceptable impact on the amenities of the immediate neighbouring properties.
- 10.75 Houses to the north of the application site would have views towards the proposed solar farm from their rear elevations; however, the loss or change to a view would not itself be a reason for refusal. Furthermore, at a distance of approximately 150 metres it is considered that it would be difficult to argue that the proposed solar panels would adversely affect outlook on the nearby houses to the east.
- 10.76 Additionally a combination of existing and extensive new tree and shrub planting will provide a visual buffer to screen the development.

- 10.77 It is considered that the solar panels on the would not result in any direct loss of outlook to any neighbouring property. The Environment Protection Team has not raised concerns about noise nuisance from the solar panels.
- 10.78 Construction traffic was considered by the Environment Protection Team to be main potential loss of amenity arising from the development, which is suggested to last upwards of 20 weeks. The submitted Construction Environmental Management Plan (CEMP) has been reviewed by the Environment Protection Team who conclude that it covers some of the required aspects, such as the requirement for road maintenance to prevent traffic noise, construction hours of working, speed limits and white noise alerts for reversing vehicles; however, many aspects are missing. However, the condition recommended by Environmental Protection for the CEMP requires details that are covered by other legislation, as such this condition is not recommended as it is not considered necessary.

#### **x. Other Material Considerations**

##### Minerals

- 10.79 The site lies within a mineral safeguarding area for sand and gravel in the Central and Eastern Berkshire Joint Minerals and Waste Plan.
- 10.80 Policy M2 of the Plan states that “*Non-minerals development in the Mineral Safeguarding Area may be permitted where it can be demonstrated through the preparation of a Mineral Resources Assessment, that the option of prior extraction has been fully considered as part of an application...*”. In this instance the proposed use is not permanent and does not preclude the future extraction of the resource. Paragraph 210 of the NPPF seeks to ensure that minerals resource “*are not sterilised by non-mineral development*” and in this case as a temporary use there would not be permanent sterilisation of the land would not conflict with the aims of policy M2 of the Plan or the NPPF.
- 10.81 The foundations of the ground mounted solar arrays would be less than 1.5m in depth. The proposed temporary development will not disturb and impact upon the resource. Any ground disturbance necessary to facilitate the solar energy park are likely to be akin to those associated with past agricultural practices on the site and, as no substantial excavations are proposed, any mineral resources in this location would be preserved as they are in situ and would not be permanently sterilised (in accordance with section 3(b) of Policy M2).
- 10.82 As such due to the shallow and temporary nature of the proposed development and the intention to return the land to arable use once the lifetime of the solar park has expired (with the exception of the Biodiversity Net Gain area which is to be maintained in perpetuity for the benefit of the environment and community), the resource will remain in situ for further extraction if the future minerals plan allocates the site and there is landowner desire and market demand for extraction.

##### Flooding and drainage

- 10.83 In line with Paragraphs 167 and 169 of the NPPF and Borough Local Plan NR1 there is a requirement for the provision of a sustainable drainage system as the site is over 1 hectare in area (therefore a major development).

- 10.84 The application was supported by a Flood Risk Assessment prepared by Brighton Consulting engineers Ltd. The application site is located within Flood Zone 1 which sets out that the risk of fluvial flooding is low, even where there may be an extreme flood event. The supporting report sets out that the site is at low risk of surface water flooding although it is acknowledged an area at the proposed entrance to the site is classified as medium to high.
- 10.85 The proposed biodiversity area contains three SUDs in the form of two shallow flow ponds or clay lined scrapes planted with marginal aquatics; and one shallow depression bio-retention area or scrape planted with wild grasses.
- 10.86 A recommendation for a pre-commencement condition for the submission of a surface water drainage strategy has been recommended by the LLFA, and a condition (13) is recommended to secure the detailed design.

### Glint & Glare

- 10.87 From an aviation perspective the glint and glare assessment concluded that the proposed development is acceptable in this regard without the need for any mitigation measures.
- 10.88 From a residential dwelling perspective, the glint and glare assessment concluded that reflections are geometrically possible; however, due to existing screening (which will block the view of the reflective areas), no impact is foreseen and therefore no mitigation measures are necessary. Although additional planting is proposed within the hedgerow boundaries, which will assist with mitigating this regardless of the glint and glare assessment conclusions.
- 10.89 From a road receptor perspective, the glint and glare assessment concluded that reflections are geometrically possible towards 14 of the 19 identified road receptors along the B3019 (The Straight Mile), which is the equivalent of circa 1.4km. With that said, when taking into consideration the existing screening this is reduced to a 100m section of road. With regard to the M4, the glint and glare assessment concludes that reflections are geometrically possible towards 7 of the 22 identified road receptors, which is the equivalent of circa 700m. With that said, when taking into consideration the existing screening and terrain, there will be no impact. Regardless, additional planting is proposed within the hedgerow boundaries, which will assist with mitigating any glint and glare towards both The Straight Mile and the M4. No impact is foreseen upon drivers travelling across the M4, and no mitigation is required

### EIA

- 10.90 The proposed development is not considered to require an Environmental Impact Assessment (EIA). Under the EIA regulations proposed solar panels are not classed as 'Schedule 1' development, for which all proposals will require an EIA. As such, a criteria-based approach is used to determine if 'Schedule 2' development requires EIA. In Schedule 2, Part 3 (a), the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, defines what is classified as Schedule 2 development in relation to the proposed form of development. Column 1 - Description of development: '(a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1);' Column 2 - Applicable thresholds and criteria: 'The area of the development exceeds 0.5 hectare.'

- 10.91 The thresholds are meant to be indicative for the purposes of assessing whether an EIA is required and are not definitive. In this particular case, whilst the overall area of the site as outlined in red is 28.63 ha; given the nature of the proposal it is not considered that the development requires the submission of a separate EIA Statement. Indeed, the impacts of the proposal can be adequately assessed via the planning application.

#### Security Matters

- 10.92 The application proposal has been designed to include security features such as CCTV on high poles and fencing 1.8m in height constructed from galvanised steel fencing, supported by wooden stakes to be installed around the perimeter of the solar array.
- 10.93 The previously noted appeal, which was allowed (paragraph 10.46) in Chelmsford, England also referenced that a local police force had identified that solar farms, within other parts of the UK had been the target of theft. Whilst the Inspector considered there was no compelling evidence that the proposal would be especially vulnerable to theft, the Inspector recognised the need for security whereby natural surveillance is not viable owing to the isolated location of the site.

#### Section 106 contributions

- 10.94 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 agreements to be:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 10.95 Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

#### *Community Fund*

- 10.96 Following discussions between officers and the applicant, the applicant has agreed to provide a community fund to be established of £250 a year per installed MW, index-linked (circa £5,000 per year), for the 35-year lifetime of the Asset. The provision of the community benefit is a significant benefit arising from the proposed development, which has been considered in the planning balance. This community fund would be secured by legal agreement.

### **xi. Planning Balance**

- 10.97 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 and 150 of the NPPF (2023) states that new buildings and certain other forms of development in the Green Belt would be regarded as inappropriate development with some exceptions.

- 10.98 The proposed development would not fall under any of the exceptions noted within paragraphs 149 and 150 of the NPPF (2023). Therefore, this development is deemed to be inappropriate development and would be, by definition, harmful to the Green Belt. The NPPF is clear that any harm to the Green Belt is given substantial weight.
- 10.99 Paragraph 151 of the NPPF (2023) states, *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”*.
- 10.100 The proposal would result in inappropriateness development within the Green Belt which must be afforded substantial weight, conflicting with the purpose of encroachment. From an openness perspective, the assessment sets out that moderate harm is awarded in this regard. In addition, the proposal would result in some moderate harm to the landscape character and wider area and would have a limited adverse visual impact. The proposal would also result in the loss of a small proportion of grade 3a (good agricultural land), although officers would afford this limited harm.
- 10.101 RBWM does not have any allocated sites for renewable energy however, Policy NR5 of the BLP does establish locational principles that guide its consideration of suitable sites. It requires proposals to minimise adverse impacts on landscape, wildlife, heritage assets and amenity. The proposed development has been designed in a sympathetic way, providing a significant amount of planting to benefit biodiversity as well as minimise the impact this scheme will have upon the landscape. As such, Officers consider that the proposed scheme conforms with Policy NR5 of the Borough Local Plan and the wider environmental benefits associated with the production of energy from renewable sources strongly weighs in favour of the scheme.
- 10.102 The proposal would deliver a renewable energy facility that would create up to 21.505 megawatts (MW) of power per year. This would provide power for around 6,336 homes and result in a likely carbon dioxide displacement of around 5,476 tonnes per year. The challenges of emissions are embedded within the NPPF (2023) and Local Plan (2022) in accordance with the Climate Change Act (2008). Section 14 of the NPPF (2023) sets out the government strategy to supply renewable and low-cost energy and as such, the delivery of such projects are key to the countries move towards a low carbon future. In addition, there are no other sites identified within the development plan for similar proposals. At the end of 2022 the Borough had only 12.7 MW of installed renewable capacity, this is one of relatively few projects which has the potential to meaningfully contribute towards the 2026 renewable generation objective set out within the Boroughs Environment and Climate Strategy. The applicant anticipates this scheme to be installed prior to 2026 should permission be granted. As such the delivery of a renewable energy scheme that would deliver significant carbon savings and generate significant amount of renewable energy over the lifetime of the development is given substantial weight as a benefit.
- 10.103 The applicant has agreed to establish a community fund, to which a contribution of £250 a year per installed MW, index-linked (circa £5,000 per year), shall be provided for the 35-year lifetime of the Asset. Moderate weight is given to this benefit of the scheme.
- 10.104 Furthermore, the proposal results in a significant uplift in biodiversity enhancement within the site which would weigh in favour of the scheme. It is intended that the biodiversity area will be publicly accessible, thereby creating a community asset which

will also help to support the health and wellbeing of local residents. These benefits are afforded substantial weight in favour of the scheme.

10.105 As such based on the benefits of the scheme summarised above and the weight attached to these benefits, collectively these are considered to amount to Very Special Circumstances that clearly outweigh the harm to the Green Belt and the other harm identified.

## **11. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

11.1 The development is not CIL liable.

## **12 CONCLUSION**

12.1 The application is recommended approval subject to conditions detailed in Section 14 and the signing of a legal agreement to secure the community fund.

## **13. APPENDICES TO THIS REPORT**

- Appendix A – Site location plan and site layout
- Appendix B – Plan and elevation drawings
- Appendix C – Appeal decision APP/W1525/W/22/3300222

## **14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

1 The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The planning permission hereby granted shall be limited to a period of 35 -years commencing from the date electricity generated by the solar panels is first exported to the National Grid. The applicant shall advise the Local Planning Authority of the date of first export of electricity within 10 days.

Reason: The development is found acceptable on the basis will operate for a 35 year period.

3 At the end of this 35-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory restoration of the land back to its former state.

4 Prior to any equipment, machinery or materials being brought onto the site in association with the construction of this permission, tree protection fencing in accordance with British Standard 5837 and the approved tree protection plan shall be erected and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and

surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).

- 5 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones" including a minimum 15 meter buffer from ancient woodland.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include all mitigation measures recommended in section 9 of the Preliminary Ecological Appraisal report (John Wenman Ecological Consultancy, August 2022, ref: R3111/b).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with Paragraphs 174 and 180 of the NPPF.
- 6 No external lighting is to be installed without the prior written permission of the local planning authority. Any external lighting shall be undertaken in accordance with the details approved by the LPA.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with paragraph 185 of the NPPF.
- 7 No development shall take place until full details of a Biodiversity Net Gain (BNG) Plan for onsite delivery (including a 15 meter buffer from all ancient woodland), monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the local planning authority. The plans shall deliver a measurable increase in habitat units which will be clearly demonstrated therein (using calculations from an appropriate metric such the DEFRA 4.0) and their maintenance for a period of 35-years. The BNG Plan shall include (but not be limited to) the following:
  - a) A habitat management plan
  - b) Long term aims and objectives for habitats and species
  - c) Detailed management prescriptions and operations for newly created habitats, locations, timing, frequency, durations, methods, specialist expertise (if required), specialist tools/ machinery or equipment and personnel as required to meet the stated aims and objectives
  - d) A detailed prescription and specification for the management of the new habitats
  - e) Details of any management requirements for species specific habitat enhancements
  - f) Annual work schedule for at least a 35-year period
  - g) Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives
  - h) Details of proposed reporting to the council and council ecologist and proposed



review and remediation mechanism

i) Proposed costs and resourcing and legal responsibilities The Biodiversity Gain and Habitat Management Plan shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To ensure the provision of a net gain for biodiversity, in accordance with the NPPF and local policy NR2.

- 8 The biodiversity enhancements shown within the Landscape, Planting and Habitat Proposals for New Biodiversity Site (Drawing no 411/06B, 26/08/22) and described in the Ecological Mitigation, Enhancement and Management Plan (Matthew Game Consultancy), but that will not be included in the biodiversity net gain plan, to include (but not limited to) beetle banks, beehives, log piles, and bird and bat boxes, shall be installed under the supervision of a suitably qualified ecologist, prior to the first use of the solar farm hereby approved.
- 9 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. The WSI shall include an assessment of significance and research questions; and:
- 1.The programme and methodology of site investigation and recording
  - 2.The programme for post investigation assessment
  - 3.Provision to be made for analysis of the site investigation and recording
  - 4.Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - 5.Provision to be made for archive deposition of the analysis and records of the site investigation
  - 6.Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.
- Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric Roman and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.
- 10 The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (9).The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric Roman and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.
- 11 Any gates provided shall open away from the highway and be set back a distance of at least twenty (20) metres from the nearside edge of the carriageway of the adjoining highway.
- Reason: To ensure that all vehicles associated with the site can be driven off the highway before the gates are opened, in the interests of highway safety. Relevant Policies - Borough Local Plan QP3 and IF2.
- 12 The access hereby approved shall be surfaced with a bonded material across the entire width of the access for a distance of at least twenty (20) metres measured back from the highway boundary.

Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Borough Local Plan QP3 and IF2.

- 13 No development shall commence until a surface water drainage scheme for the development, based on the sustainable drainage principle, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details;
  - b) Details of the Maintenance arrangement relating to the proposed surface water drainage systems, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
- Reason: To ensure the development is safe from flooding and does not increase flood risk elsewhere in accordance with paragraph 165 of the NPPF.
- 14 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
- Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **Informatives**

- 1 Any incidental works affecting the adjoining highway shall be approved and a licence obtained before any work is carried out within the highway, through contacting The Highways and Transport Section at RBWM. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.
- 2 No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 3 Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works in The Straight Mile. The section can be contacted via email at [HighwaysDC@RBWM.gov.uk](mailto:HighwaysDC@RBWM.gov.uk) to receive the initial email.
- 4 The development hereby approved must be carried out in compliance with relevant Environmental Protection Acts.

