

**TUNSTEAD - PF/22/3026 - Installation of a ground mounted solar PV array (1083 kWp) consisting of 1900 panels and associated infrastructure (including fencing and CCTV) AT R & JM Pace Ltd, Church Road, Tunstead, Norwich**

**Major Development**

- Target Date: 04<sup>th</sup> April 2023

- Extension of time: N/A

Case Officer: Mr Mark Brands

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS:**

Countryside

Agricultural Land Classification Grade 1

Landscape Character Area - Description: Low Plains Farmland

**RELEVANT PLANNING HISTORY:**

Reference **PF/21/0048**

Description Agricultural building for water source heating equipment

Outcome Approved 19 March 2021

Reference **PF/20/1417**

Description Variation of condition 2(a) and 2(b) of planning permission PF/19/1833 to relocate approved agricultural building

Outcome Approved 13 October 2020

Reference **PF/19/1833**

Description Erection of agricultural building to house water source heating equipment

Outcome Approved 17 December 2019

Reference **NP/19/2104**

Description Prior notification of agricultural development – proposed clay lined reservoir

Outcome Refused 6 January 2020

Reference **PF/18/1760**

Description Erection of single bay extension to an agricultural building

Outcome Approved 28 November 2018

Reference **PF/17/0593**

Description Erection of a Agricultural Storage building

Outcome Approved 9 June 2017

Reference **PF/14/1664**

Description Installation of a ground mounted solar PV system

Outcome Approved 26 February 2015

Reference **PF/02/0249**

Description Erection of agricultural building and covered way

Outcome Approved 16 May 2002.

Reference **PF/96/1191**

Description Erection of agricultural building

Outcome Approved 30 October 1996

## **THE APPLICATION**

The proposal is for the installation of a ground mounted solar photovoltaic array (PV) with a capacity of 1,083 kilowatt peak (kWp), comprising 1,900 PV modules with a combined surface area of 4,905sqm on an area of 1.571ha and associated infrastructure (including fencing, underground cabling and CCTV) at Church Farm, Place UK Ltd.

## **SITE AND SURROUNDINGS**

The site is located in the countryside, currently comprising disused polytunnels. The site is located to the east of buildings related to Church Farm (Place UK) which is a large grower and processor of soft fruit, supplying major supermarkets. There are large units located to the west of the site, further polytunnel areas to the north and east of the site. To the South beyond the boundary is an existing solar array in the adjacent field, part of the same ownership as approved under PF/14/1664. Beyond this array is another small field with polytunnels, hedgerows on the boundary with Vicarage Lane to the south. The business is accessed via Church Road to the west of the existing agricultural units. There is hedging to the south and trees on the boundary of the site to the east, there are no public rights of way in the immediate vicinity and the area is flat, as such it is a contained site that is not visible from the public domain.

## **REASONS FOR REFERRAL TO COMMITTEE:**

On the basis of the Council's Scheme of Delegation as the output from the development exceeds the 250kw capacity threshold.

## **PARISH/TOWN COUNCIL:**

**Tunstead Parish Council – Supports**

## **CONSULTATIONS:**

**Norfolk County Council (Highways) - No objection**

**NNDC Landscape - No objection, subject to conditions**

**NNDC Environmental Health - No objection**

**NNDC Economic And Tourism Development Manager - Support**

## **REPRESENTATIONS:**

None received.

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

### **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

### **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

### **RELEVANT POLICIES:**

#### **North Norfolk Local Development Framework Core Strategy (September 2008):**

Policy SS 1 - Spatial Strategy for North Norfolk  
Policy SS 2 - Development in the Countryside  
Policy SS 4 - Environment  
Policy SS 6 - Access and Infrastructure  
Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character  
Policy EN 4 - Design  
Policy EN 6 - Sustainable Construction and Energy Efficiency  
Policy EN 7 - Renewable Energy  
Policy EN 8 - Protecting and Enhancing the Historic Environment  
Policy EN 9 - Biodiversity and Geology  
Policy EN 10 - Development and Flood Risk  
Policy EN 13 - Pollution and Hazard Prevention and Minimisation  
Policy EC 1 - Farm diversification  
Policy CT 5 - The transport Impact of New Development  
Policy CT 6 - Parking Provision

#### **Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (September 2011):**

Policy CS16 – Safeguarding mineral and waste sites and mineral resources

#### Material Considerations:

#### **Supplementary Planning Documents and Guidance:**

Design Guide Supplementary Planning Document (December 2008)  
North Norfolk Landscape Character Assessment (2021)  
Conservation of Habitats and Species Regulations 2017 (as amended).

#### **National Planning Policy Framework (July 2021):**

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 6 - Building a strong, competitive economy  
Chapter 8 - Promoting healthy and safe communities  
Chapter 11 - Making efficient use of land  
Chapter 12 - Achieving well-designed places  
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  
Chapter 17 - Facilitating the sustainable use of minerals

**Other material documents/guidance:**

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy -  
Habitats Regulations Assessment Strategy Document (2021)

**National Planning Policy Guidance (NPPG):**

Climate Change (March 2019)  
Renewable and low carbon energy (June 2015)

**Government Strategy Documents:**

Net Zero Strategy: Build Back Greener (October 2021)  
Industrial Decarbonisation Strategy (March 2021)

**OFFICER ASSESSMENT:**

**MAIN ISSUES FOR CONSIDERATION:**

1. Principle of development
2. Design
3. Landscape
4. Biodiversity and ecology
5. Amenity
6. Highways
7. Drainage
8. Habitats Regulations Assessment
9. Planning Balance and Conclusion

**1. Principle of Development**

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) has demonstrated that '*human influence has unequivocally impacted on our changing climate*'. The Government has set out its net zero by 2050 target in legislation under the Climate Change Act 2008 (as amended) (CCA). In addition to this, the Net Zero Strategy: Build Back Greener was published in October 2021, and the Industrial Decarbonisation Strategy in March 2021. These Strategies outline the steps to be taken to meet the legally binding net zero targets under the CCA. The Strategy indicates an intended direction of travel with regards to decarbonisation and climate change mitigation.

The principle for renewable energy projects in the countryside is supported by Policies SS 1 and SS 2 of the Core Strategy on the basis that such large scale installations would require a rural location. Chapter 14 of the NPPF (paragraphs 152 – 158) set out that the supply of renewable and low carbon energy production should be supported in decision making and local plans. The local plan and the NPPF supports the principle of such schemes that make a positive contribution towards more sustainable energy generation and reducing greenhouse gas emissions. This includes opportunities for development to draw its energy supply from decentralised, renewable, low carbon energy supply systems. The NPPF sets out that the Local Planning Authority (LPA) should not require applicants to demonstrate the overall need and approve such applications where its impacts are or can be made acceptable.

Policy EN 6 requires all new development to demonstrate how it minimises resource and energy consumption by and encouraged to incorporate on site renewable energy sources. On sites of over 1,000 sqm there is a requirement for onsite renewable energy technology to provide at least 10% of the predicted total energy usage. The proposal is solely renewable energy development, which is predicted to generate a significant proportion of the energy needs of the business (in excess of the 10% recommended). Officers consider this is in accordance with Policy EN 6.

Local Policy EN 7 sets out that renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking into account the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the district. Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse impacts on the surrounding landscape and historical features, residential amenity, highway safety or designated nature conservation or biodiversity considerations. Additionally, for large scale renewable energy schemes, proposals should deliver economic, social, environmental or community benefits that are directly related to the proposed development and are of reasonable scale and kind to the local area.

Local Policy EC 1 supports development in the countryside for farm diversification where it can be demonstrated that the proposal would make an ongoing contribution to sustaining the agricultural enterprise as a whole where this is directly related to the agricultural business. Chapter 6 of the NPPF also sets out that decisions should enable the sustainable growth of all types of businesses in rural areas and support the diversification of agricultural businesses.

The scale of the enterprise means there is a significant amount of energy consumption on site for the various processes performed. As set out in the supporting documentation, the PV array would reduce the site load taken from the grid by 28.86%, with 88.65% of the PV used for self-consumption and 11.35% exported back to the grid. The proposal is expected to generate 947,711.01 kWh per year, offsetting approximately 192,500 kgCO<sub>2</sub> per year. This would result in a significant reduction to emissions, provide resilience to the business by providing a secure and sustainable source of energy on the site offering some protection against volatile energy prices and reducing outgoing operations costs of the sites. This would ensure the longer term sustainable growth and resilience of the business.

The proposal accords with Local Policies SS 1, SS 2, EN 6, EN 7, EC 1. The PV array is a renewable energy project that is one of the exemptions permitted in countryside locations. It will assist in decarbonising the business on the site through incorporation of the renewable energy project, support the existing business through the generation and reduce dependency and volatility from off site energy consumption. This will ensure the sustainability of the business without resulting in any adverse impacts on amenity, highway or landscape grounds, fully compliant with the Local Plan, NPPF and relevant guidance.

## **2. Design**

The PV modules would be mounted on a galvanised steel frame with a dual leg system with support posts driven into the ground to a depth of circa 1.5m every 3m along the west east axis. The frames would stand 2.2m tall at their highest point (supporting 2 rows of panels on each frame) with a 0.6m clearance from the ground, inclined at 20 degrees and facing 22 degrees from the south. The modules comprise N type monocrystalline solar cells, heat-tempered glass with antireflective coating and an anodized aluminium alloy frame, each

module measuring 2278mm by 1134mm, depth of 30mm. The PV array would be spread out across 14 rows, with inter row spacing.

The perimeter fencing would comprise post and wire around the array, with mammal gates. The maximum height to the posts would be 1.6m. The CCTV towers in the four corners would have a maximum height of 4m with the distribution cabinet measuring 3m by 3m footprint with a maximum height of 2.747m, to be connected by underground cabling to the enterprise. The design, form and scale is considered acceptable in this contained location and would not adversely impact visual amenity of the surrounding locality.

The proposal accords with Local Policy EN 4 and paragraph 130 of the NPPF. The PV array location has been appropriately chosen in a contained area of the site where there will be no visual harm arising from the proposal as this will not be visible from the public domain. The layout is rational and makes optimum use of the land to provide a significant proportion of the energy needs of the business without adversely impacting neighbouring or visual amenity and retains important natural and landscape features.

### **3. Landscape**

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways. These include protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and wider benefits from natural capital and ecosystem, including the economic benefits of best and most versatile agricultural land, and minimising impacts on and providing net gains for biodiversity.

The site is readily contained from the wider landscape with the existing buildings of the enterprise to the west and north, hedgerow, trees and polytunnels to the east and south (with a small area of solar panels to the southwest in the adjacent field). The site is not visible from the public domain from the local highway network or public rights of way. The topography of the area is flat, a characteristic recognised in the Landscape Character Area for Low Plains Farmland that the site forms part of. Given the low scale of the proposed development replacing the existing polytunnels in situ and the contained nature of the site, while this is a large array, it would not be prominent or particularly visible on the wider landscape.

The Landscape Officer has raised no objections to the proposal, concurring with the findings in the Landscape Visual Appraisal that the proposal would have limited effects on the landscape. There would be no change to any visual receptors in the local or wider area, with the scheme assimilating into the surrounding built context. The hedgerows and trees on the eastern and southern borders are being retained, though potentially some minor cutting back of the canopies to reduce shading if required may be required.

NPPF (Chapter 15) Paragraph 174(b) requires that developments should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The proposal accords with Local Policies EN 2 and Chapter 15 of the NPPF. The proposal would conserve and enhance the natural and local environment and provide net gains for biodiversity including through additional planting measures. The development is in a contained location away from the road or public rights of way, so will not infringe on the enjoyment of the wider landscape and countryside, but assimilate into the existing context of the business.

#### **4. Biodiversity and Ecology (including loss of Grade 1 agricultural land)**

Policy EN 9 states that development proposals should protect the biodiversity value of land and minimise habitat fragmentation, maximise opportunities for natural habitat restoration and enhancement, and incorporate beneficial biodiversity conservation features. The policy further requires proposals not to have a detrimental effect on designated habitats sites or protected species, unless any harm can be satisfactorily mitigated.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways, including minimising impacts on and providing net gains for biodiversity. Paragraph 180 further states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

NPPF Paragraph 177 states that ‘Planning...decisions should contribute to and enhance the natural and local environment by...b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – **including the economic and other benefits of the best and most versatile agricultural land**, and of trees and woodland...’ {emphasis added)

The application is accompanied by an Ecological Impact Assessment (EclA) letter report in support of the application which sets out the mitigation and enhancement measures taking place on the site. The existing trees and hedgerows bordering the application boundaries to the south and east are to be retained, though may be subject to some minor cutting back of canopies to reduce shading if required. The existing habitat has been assessed for their potential to support protected species with a number of trees having low to moderate bat roosting potential, with the hedgerows may also have potential for supporting nesting birds and hedgehogs, informatives and conditions have been recommended which will be included on the decision notice to mitigate against any potential impacts on local ecology.

Officers recognise that the proposal will result in the loss of an area of land currently in agricultural use with fruit polytunnels and associated growing tables. The land (and wider site) sits within a larger area classed as Grade 1 agricultural land as defined by Natural England, which is the best and most versatile land. Officers consider the temporary nature of the proposal and its relatively light disturbance of the ground in terms of construction would not likely lead to a detrimental effect on the site’s future agricultural use potential. In balancing the loss of grade 1 land, Officers recognise that its use for solar electricity generation helps enable the effective use of other Grade 1 land at the farm through reductions in the cost of production.

The installation of the solar array would only require minor construction works. There would be additional planting around the site including the planting of 280m of native species hedgerow, and 8,918sqm of meadow grass around the array. This would increase the biodiversity and habitat value of the site and ensure a net gain is achieved in accordance with Policy EN 9 and paragraphs 174 and 180 of the NPPF.

#### **5. Amenity**

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The nearest neighbouring residential properties are significantly distanced from the siting of the solar panels, with the closest being Church Farm Cottages and Church Farm, 185m and 210m northwest of the site and both within the same ownership as the wider site. Orchard Cottage and Holly Cottage are again in the same ownership located to the north, 230m and 242m respectively. The nearest properties outside the applicants ownership are The Bungalow and Church Cottages, located 257m and 285m north.

The main consideration regarding impact to distanced neighbouring amenity would be potential for glint and glare impacts. The panels comprise black tempered glass with anti-reflective coating to maximise light absorption for optimal energy generation and prevention of glint and glare. The orientation of the panels are facing southeast, which is away from the nearest residential properties, further northwest (there are no dwellings within 1km located to the southeast). The background noise would also have a negligible impact on neighbouring amenity, with the only noise generation when operational coming from the inverters which is expected to be below the World Health Organisation's recommended noise level of 45 decibels. As this is a large enterprise with background noise from other plants, and units it is unlikely the noise would be noticeable given the scale of the enterprise and distance to neighbouring properties.

The Environmental Protection Officer has raised no objections to the scheme and do not foresee any adverse impacts associated with the development, the proposal would not adversely impact neighbouring amenity regarding glint and glare and noise impacts, as such, Officers consider the proposal to be in accordance with Policy EN 4.

## **6. Highways**

Policy CT 5 requires that developments will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. NPPF (Chapter 9) Paragraph 111 further states that developments 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. Policy CT 6 requires that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development.

The Highways Authority has raised no objections to the proposed scheme, the existing business would generate traffic of various vehicle sizes, other than some temporary additional traffic during the construction period, once constructed the development would generate little traffic in its own right. There is sufficient manoeuvrability and space on site to accommodate the construction traffic, as such the proposal is considered to accord with local policies.

## **7. Drainage**

The site is in Flood zone 1 as defined by the Environment Agency. While the area covered by the development is large the raised panels are supported on a steel frame, with only the support posts driven into the ground, as such only a negligible proportion of the ground would become impermeable. The rest of the land including under the panels would remain permeable to allow surface water to drain naturally in what would become a meadow following the planting. The proposal therefore would not increase on-site or off-site flood risk, complying with Policy EN 10.



## **OTHER MATTERS**

### **Habitats Regulations Assessment**

This application does not provide overnight accommodation nor does it contribute to water quality concerns within the Broads SAC and Ramsar site catchment and is therefore **not** qualifying development in relation to GI RAMS or Nutrient Neutrality. Therefore, there is no requirement for additional information to be submitted to further assess any potential effects. The application can be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

## **9. Planning Balance and Conclusion**

This application proposes the erection of a ground mounted solar photovoltaic array with associated infrastructure. The proposal would help support an existing agricultural enterprise by providing a secure and sustainable source of energy, offering resilience against volatile energy prices, reducing operational costs with the on-site generation. This would significantly reduce the emissions and greenhouse gasses generated from the business, and would ensure a more sustainable business.

There are no adverse impacts arising from the proposal on amenity, landscape or ecology (ecology wise the measures set out would enhance the site). The proposal is considered to be in accordance with Policies SS 1, SS 2, SS 4, SS 6, EN 2, EN 4, EN 6, EN 7, EN 8, EN 9, EN 10, EN 13, EC 1, CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

## **RECOMMENDATION:**

### **APPROVAL subject to conditions as set out below and any other considered necessary by the Assistant Director - Planning**

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):

- Site location plan 1835 1 C received 23 December 2022
- Proposed plans and elevations 1835 2 C received 23 December 2022
- Proposed site plan 1835 3 C received 23 December 2022
- Application form received 23 December 2022
- Design and access and planning statement received 23 December 2022
- Landscape visual appraisal received 23 December 2022

Reason:

For the avoidance of doubt and to ensure the development is carried out in accordance with the expressed intentions of the application and to ensure the

satisfactory development of the site, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy

3. Within six months of the solar PV array ceasing to be used for the generation of electricity, all plant and apparatus shall be removed and the land restored to its former agricultural condition.

Reason:

In the interests of protecting the Countryside from the visual impact of derelict equipment, in accordance with Policy EN 2 of the adopted North Norfolk Core Strategy.

4. Prior to the first use of the development, a Landscape Implementation and Management Plan for the seeded areas and the new hedge planting shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a specification and timetable for ground preparation, seeding and hedge planting, schedule of aftercare establishment and maintenance for a minimum of ten years following implementation, including replacement of plant failures.

Reason:

To protect and enhance the visual amenities and biodiversity of the area, in accordance with the requirements of Policy EN 4 and EN 9 of the adopted North Norfolk Core Strategy

5. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced in the same place during the next planting season following removal with another of a similar size and species as that originally planted

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

6. The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in the Ecological Impact Assessment (EclA) letter report prepared by Norfolk Wildlife Services dated 19/12/2022

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

7. The development hereby approved shall be carried out in strict accordance with the measures set out in the Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement received 23 December 2022.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

Final wording of conditions to be delegated to the Assistant Director – Planning.

