

Hindolveston - PF/23/0153 - Installation of a ground mounted solar PV system, at Church Farm Land North East Of, Dairy Barn, Fulmodeston Road, Hindolveston

Other Minor Development

- Target Date: 24th July 2023

- Extension of time 24th July 2023

Case Officer: Mr Mark Brands

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Within a Countryside Location

Grade 3 Agricultural Land Classification

Site contains areas susceptible to Groundwater Flooding

Within the Nutrient Neutrality Catchment

Within multiple Zones of Influence as contained within the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

RELEVANT PLANNING HISTORY:

PF/99/0303

Erection of general purpose agricultural building

Approved 29.04.1999

PF/11/0398

Erection of agricultural storage building

Approved 01.02.2012

PF/12/0743

Variation of Condition 2 of planning permission reference: 12/0265 to permit conversion of barns to farm manager's dwelling (revised scheme)

Approved 15.08.2012

THE APPLICATION

The proposal is for the installation of a ground mounted solar photovoltaic (PV) system with a capacity of 51.46 kW. This will comprise 124 solar panels, ground mounted at 30 degrees angle, consisting of 31 panels in two double rows covering total area of 406.98sqm.

Amended plans received during the course of the application

Following the comments from the landscape team, further details were received:

- Updated design and access statement and cable plan received 24 March 2023 to clarify where this is located.
- Preliminary Ecological Appraisal received 25 May 2023, following further conversations following a review from the landscape this was updated 23 June 2023 to include enhancements in the form of the wildflower meadow.

SITE AND SURROUNDINGS

The site is located in the countryside, comprising a cluster of agricultural buildings to the west and agricultural land around the site. There are hedgerows and trees on the field boundaries around the site, and along the public highway which is significantly distanced from the application site further north. The site is not in close proximity to footpaths, as such there are limited views from the public domain. There is also a pond to the south (previously the dairy farm slurry pond).

REASONS FOR REFERRAL TO COMMITTEE:

This application is before members on the basis of the Council's Scheme of Delegation as the site area exceeds the 0.5 hectare threshold set out within paragraph 6.2 (4) (b).

CONSULTATIONS:

Parish/Town Council – **No objection**. However, concern was raised about the loss of arable land.

Landscape – **No objections** (Final Comments) subject to conditions.

County Council Highways - **No objection**

REPRESENTATIONS:

1 objection received from CPRE main concerns below (full comments available on public site);

- Loss of land for food production
- Impact on the landscape

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 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

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 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**

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. The proposal is solely renewable energy development, which will generate electricity and support the existing business. 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 wider 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 proposal would generate up to 51.46 kW. As set out in the supporting documentation the estimated annual electricity generation from the ground mounted solar PV system is 56,410 kWh/year which would equate to carbon savings of up to 13.14 tCO₂e/year. This would result in a significant reduction to emissions, provide resilience to the business by providing a secure and sustainable source of energy generation 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 site has been selected following an appraisal by virtue of its topography, location and technical performance, with a low impact on the surrounding countryside.

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 would 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 would help 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

There would be 124 photovoltaic (solar) panels would be installed on ground mounted frames. The panels sit approximately 600mm from the ground at the front and 2307.91mm at the rear. Each panel is approximately 1m in width and 1.762m in length, the panels are mounted in two double rows of 31x2x2 = 124 modules. The panel would be connected to a UKPN kiosk.

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 would be no visual harm arising from the proposal as this would 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 nearest Public Rights of Way are Hindolveston FP6 and Hindolveston RB11, which lie 240m north and 280m east of the array, respectively, from which visibility would be minimal due to intervening hedgerows and treelines. Based on the limited visibility towards the site, the proposal would not be prominent or particularly visible on the wider landscape.

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 would not infringe on the enjoyment of the wider landscape and countryside, but assimilate into the existing context of the business.

4. Biodiversity and Ecology

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 a Preliminary Ecological Appraisal, which sets out no impacts upon designated sites are foreseen, site habitat had potential to be used by protected species such as foraging/commuting bats, breeding birds, reptiles and hedgehogs in a minor capacity. A nearby pond was assessed as being of poor suitability for great crested newts due to the presence of major populations of waterfowl and fish. Mitigation measures includes sensitive lighting design and any works to hedges and trees to be undertaken outside of the nesting bird season (or following a nesting bird survey) and following best practice precautionary construction methods. Additionally, enhancement will include the creation of a wildflower grassland beneath the solar arrays and for a 5m buffer around them.

The landscape team is satisfied with the assessment and mitigation and enhancement measures outlined in the report and recommends these details are conditioned against. The proposed development would accord with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 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. There is a farm managers dwelling to the west of the site, which is separated by hedgerow planting and in the same ownership. The nearest neighbouring properties are some 200m northeast. Given the spatial distance and intervening landscaping, and other neighbouring agricultural buildings and scale of the development, there would be a negligible impact on neighbouring amenity. 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 as its not considered to significantly impact existing vehicular movements on the local highway network.

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).

Loss of Grade 3 Agricultural Land

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 site is located within an area of Grade 3 (good to moderate quality) Agricultural Land, as defined by Natural England. However, Officers note that the site is not utilised for commercial agriculture and that as a result, the proposal is not considered to remove any useable Grade 3 agricultural land from circulation. If the site were to be used for agriculture, Officers further 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.

Planning Balance and Conclusion

This application proposes the installation of a ground mounted solar PV system and associated infrastructure. The proposal would help support an existing agricultural enterprise by providing a secure and sustainable source of energy and reduce greenhouse gas emissions.

There are no adverse impacts arising from the proposal on amenity, landscape or ecology. 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 the conditions listed below (and any others subsequently considered necessary by the Assistant Director – Planning):

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by 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):

Preliminary Ecological Appraisal (PEA) (Revision 2, June 2023) received 23 June 2023

Cable site plan received 24 March 2023

Design and access statement (details of the panels and mounting system p4-p5), received 24 March 2023

Site plan (1:500) received 23 January 2023

Site location plan (1:1250) received 2 February 2023

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) The development hereby approved shall be carried out in strict accordance with the recommendations as set out in Section 5 of the Preliminary Ecological Appraisal (PEA) prepared by Abrehart Ecology (Revision 2, June 2023). The mitigation and enhancement measures shall include:

- a) Any excavations to be covered overnight or egress ramps (at an angle of no more than 30 degrees) provided,
- b) Any external lighting must be installed following best practice guidance, e.g. operate using motion sensors on a 1 min or less interval, be mounted horizontally to the ground and not tilted upwards, and in the warm white spectrum (preferably <2700K),
- c) Site to be sown with a wildflower seed mix (Emorsgate EM5F or similar) with a minimum 5m buffer around all sides of the solar arrays and managed in accordance with Section 5.3 of the report.

The mitigation and enhancement measures shall be carried out in accordance with the approved details and thereafter retained in a suitable condition to serve the intended purpose.

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).

4) 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.

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