

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Markus Wierenga	Installation of a solar farm with an output of approx 8.94MW on land adjacent to Rectory Farm (Re- submission of application Ref: 14/0752). Land At Rectory Farm, Grafton Lane, Bromsgrove, Worcestershire,	11.08.2015	15/0387

RECOMMENDATION: That planning permission be Refused.

Consultations

Aisling Nash County Archaeological Officer Consulted 16.07.2015
No Comments Received To Date

Worcestershire Wildlife Trust Consulted 16.07.2015
No objection.

Highways Department- Worcestershire County Council Consulted 01.06.2015
No objection subject to condition relating in relation to the implementation of access and deliveries in accordance with the submitted Transport Statement.

Dodford With Grafton Parish Council Consulted 16.07.2015
No Comments Received To Date.

Stoke Parish Council Consulted 16.07.2015
No Comments Received To Date

Dodford With Grafton Parish Council Consulted 16.07.2015
No Comments Received To Date

Consultant Conservation And Landscape Officer Consulted 16.07.2015
No Comments Received To Date

Worcestershire County Council Countryside Service Consulted 16.07.2015
No Comments Received To Date

Ramblers Association Consulted 16.07.2015
No Comments Received To Date

Worcester Regulatory Services- Contaminated Land Consulted 16.07.2015

Worcester Regulatory Services- Light Pollution Consulted 16.07.2015
No comments to make in relation to this application since it is reflective not source lighting.

15/0387

Drainage Engineers Internal Planning Consultation Consulted 16.07.2015
No Comments Received To Date

National Grid Plant Protection Consulted 16.07.2015
Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus) has been consulted.

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
DS13 Sustainable Development

Bromsgrove District Plan Proposed Submission

BDP4 Green Belt
BDP22 Climate Change

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

14/0752	Installation of a solar park with an output of approximately 8.94 MW on land associated with Rectory Farm.	Withdrawn	26.01.2015
15/01035	Installation of a solar park with an output of approximately 8.94MW on land adjacent to Rectory Farm (re-submission of application reference W/14/02267/PN). (Wychavon DC)	Pending consideration	

Public Consultation

No Third Party comments received.

Assessment of Proposal

Site Description

The application site comprises a substantial block of land located to the NE of Rectory Farm, Upton Warren. The entire site consists of 47.39 acres (19 Hectares) and the majority of it is located in Wychavon District, with a triangle of land approximately 1.2Ha at the northern end of the site located within Bromsgrove District. The site is bordered to the west by the M5, to the south by Rectory Lane and there is largely open Green Belt to the east and north of the site.

Proposal

Members should note that this is a resubmission of application B/2014/0752 for the installation of a solar farm which was withdrawn from the Planning Committee Agenda of 26th January 2015.

The solar farm would largely consist of solar panel modules (33,748 in total) arranged in rows with an east west alignment. The panels will be tilted at an angle of 25 degrees, the height of the panels will rise from 0.8m to 2.3m. The rows would be separated by 3 - 4m. The frames would be composed of aluminium and the panels of toughened glass. The frames would be secured into position using piles. The panels would have a 25 year lifespan.

The scheme has the potential to produce 8.94MW of electricity under peak operating conditions. This would be sufficient to provide power to 2,682 average size homes per year with a carbon reduction of 4,470 tonnes.

In terms of ancillary development, the site would contain 10 inverters (to convert direct to alternating current) and one of these would be located in the portion of the site within Bromsgrove District. There would also be a substation located at the southern end of the site which would be fed by underground cabling from the panels located across the site. During the construction phase, the site would be accessed from a new construction route to the SE of the site. This would be removed upon completion and maintenance access will then be from Rectory Lane. The site would be secured with a boundary fence and security would be achieved using CCTV detection with no on site presence. The ancillary development is outlined on the plans entitled 'Component Drawings' on Public Access. The proposal has been the subject of a Public Consultation exercise in August 2014 and the information provided is available to view with this application.

The application is supported by a Design and Access Statement, Planning Statement, Alternative Site Assessment document, Statement of Community Involvement, Transport Statement, Ecological Assessment, Landscape and Visual Impact Assessment, Glint Assessment, Heritage Assessment, Transport Assessment and Geophysical Assessment.

Assessment of Proposal

Members should note that the application site largely falls within Wychavon District Council. In considering the application, Members should take into account the scale, nature and full extent of the application on both sides of the administrative boundary. The Council can only make a decision on the Bromsgrove portion of the application. Any decision or recommendation on the Wychavon portion of the site will be provided in the update paper.

Green Belt

The first consideration in relation to the application is the principle of development in the Green Belt and policy DS2 of the Bromsgrove District Local Plan (BDLP) and the advice of the National Planning Policy Framework (NPPF) are relevant. Paragraphs 88 and 89 of

the NPPF set out the presumption against development in the Green Belt and the limited exceptions which apply are outlined in paragraph 89 and 90.

The proposal for a solar farm would not fall into any of the exceptions of paragraph 89 of the NPPF and therefore amounts to inappropriate development in the Green Belt. Paragraph 91 confirms that applicants would need to submit a case for very special circumstances in relation to renewable energy projects.

The proposal would result in a substantial development of a currently undeveloped area with a linear array of panels over 2m in height. The solar farm would be highly visible from Rectory Lane and from the public footpaths (Nos 572 and 574) which lead from the motorway overbridge on Rectory Lane to the north and along the administrative boundary between Bromsgrove and Wychavon. The harm to openness would be considerable given the size of the application site and there would also be harm to visual amenity from public vantage points and a number of residential properties. In summary, the harm to openness would be substantial.

Members should note the Landscape and Visual Impact Assessment accompanying the application which concludes that 'substantial adverse impacts are limited to high sensitivity receptors within or adjacent to the site. The majority of views are screened by the tree cover within the site and the surrounding area. Where views of the site are available, these are generally limited to areas of higher topography and usually partially or wholly screened by intervening vegetation or built development. All impacts will not be permanent as the facility will have a maximum operational life of 25 years after which it will be dismantled and the site returned to the baseline'.

It is appreciated that the applicant has examined the visual impact thoroughly. However, this is not the appropriate test to apply in the Green Belt. The openness of the site does not relate directly to visibility or visual harm but to lack of development. The solar park and associated works would therefore significantly reduce the openness of the Green Belt resulting in substantial harm by virtue of inappropriateness.

In accordance with paragraph 87 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt. In accordance with the BDLP, the NPPF and established case law, the harm arising from inappropriateness and any other harm to the Green Belt must be accorded substantial weight.

Case for Very Special Circumstances

The application is accompanied by a Planning Statement which evaluates the current local policies (in the Wychavon Local Plan, 2006) and the parts of the National Planning Policy Framework which refer to renewable energy development.

There is a detailed policy appraisal within the Applicant's Planning Statement and it is accepted that the proposal amounts to inappropriate development in the Green Belt. The applicant considers that very special circumstances exist to outweigh the harm caused. The appraisal omits the key point that the presumption in favour of sustainable development (paragraph 14 of the NPPF) does not apply in the Green Belt where policies apply to restrict development.

In terms of the case put forward, a number of general planning issues such as ecological enhancement and community benefit are cited. These certainly do not amount to very special circumstances. It is noted that the need to provide for renewable energy generation is an important part of the national policy agenda. Indeed, paragraph 17 of the NPPF states that 'the planning system should support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example by the development of renewable energy)'.

The application proposal would provide for 8.94MWp and provide electricity for up to 2682 homes. It is accepted that the technology is established and the need to meet the EU Renewable Energy Directive of 15% of energy from renewable technology by 2020 is an important material consideration. This matter is accorded moderate weight in favour of the proposal.

The applicant's Landscape and Visual Impact Assessment states that the impact on the surrounding landscape would be slightly adverse over the lifetime of the development and slightly beneficial thereafter. The views of WCC in their consultation response to Wychavon DC were that the impact from additional sites in Bromsgrove should have been considered. The time period of 25 years is considerable and it is not considered that the proposal is temporary on that basis. Therefore the temporary nature of the scheme and the lack of visual impact from receptors (as outlined in the applicant's Landscape and Visual Assessment) can be given limited weight on the balance in favour of the proposal.

The applicant has considered alternative sites in their alternative site assessment but all of these sites were in the Green Belt and the other sites were discounted for practical or environmental reasons. It is considered that a 2km area of search is limited with countryside areas outside the Green Belt not having the same constraint. This matter cannot be given weight in favour of the proposal. The practicalities of the grid connection do not amount to very special circumstances and a number of recent appeal decisions have made that clear. There is an appeal decision (Appendix 1) in which the Inspector concluded that the lack of suitable alternative sites did not amount to a very special circumstance to override Green Belt harm.

The views of the Government in respect of solar farms are outlined in the Ministerial Statement of Rt Hon Gregory Barker MP dated 22nd April 2014 in which it is stated that the main message from the Solar Strategy is that we are keen to focus growth of solar PV in the UK on domestic and commercial roof space and on previously-used land¹.

In considering applications for development in the Green Belt, a balancing exercise must be carried out in which the harm by reason of inappropriateness is considered against any very special circumstances which may exist. In this case, whilst the need to provide renewable energy carries moderate weight, this is not sufficient to overcome the harm to the openness of the site which carries substantial weight.

¹ <https://www.gov.uk/government/publications/solar-strategy-letter-from-minister-gregory-barker-to-local-authorities>

Other Matters

The applications have been accompanied by supporting information to address the matters of ecology, drainage and heritage. These are secondary to the matter of principle and no other concerns are raised which would justify the refusal of planning permission.

Conclusion

Bromsgrove District Council are considering the small portion of a larger application for a 19Ha solar farm which falls under the jurisdiction of Wychavon District Council. Whilst the proposal raises some material planning issues in relation to the potential impact on heritage assets, the main issue is the impact of the proposal on the openness of the Green Belt. The portion of the site in Bromsgrove is a 1.2Ha portion to the north of the application site with the remainder of the scheme falling within Wychavon in the Green Belt. The larger part of the scheme would also be highly visible from the northern portion.

In the balancing exercise in relation to the Green Belt, the need for renewable energy generation to reduce carbon emission and combat climate change is an important material consideration and needs to be given moderate weight in the consideration of the application. All of the other material considerations in relation to the scheme are accorded limited weight. The National Planning Policy Framework advises that substantial weight needs to be given to any harm to the openness of the Green Belt and, as outlined above, the scheme would result in considerable harm to openness.

Members should note that Wychavon District Council have refused the larger portion of the application on the 26th August 2015. A copy of the Decision Notice is attached (Appendix 2) for reference.

RECOMMENDATION: That planning permission be Refused for the following reason:

The proposed solar farm represents inappropriate development within the Green Belt and is therefore harmful, by definition. The proposal would have a considerable negative impact on the openness of the Green Belt. The benefits identified by the applicant, including the need for renewable energy generation are not sufficient to outweigh the harm that would be caused to the openness and visual amenity of the Green Belt. Therefore, no very special circumstances have been identified which would outweigh Green Belt harm. The proposal is contrary to Policies DS2 and DS13 the Bromsgrove District Local Plan 2004 and fails to comply with paragraphs 87, 88, 91 and 98 of the National Planning Policy Framework 2012.

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