

Agenda Item 49.

Application Number	Expiry Date	Parish	Ward
200711	11.12.2020	Arborfield Newlands	& Arborfield

Applicant	Wessex Solar Energy
Site Address	Swallowfield Road Arborfield, RG2 9JX
Proposal	Full planning application for Installation of a Solar park to include 40000 solar photovoltaic panels, 11 inverter/transformer cabins, a single control building and associated works to include vehicle access and fencing with Environmental Statement.
Type	Full
PS Category	006
Officer	Mark Croucher
Reason for determination by committee	Major application

FOR CONSIDERATION BY	Planning Committee on Wednesday, 16 December 2020
REPORT PREPARED BY	Assistant Director – Place

RECOMMENDATION
<p>In consideration of the Environmental Statement which has been received under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:</p> <p>A. Prior completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure an Employment Skills Plan. If the Agreement is not completed within 3 months of the date of this resolution, Planning Permission will be refused unless the Operational Manager for Development Management in consultation with the Chairman of the Planning Committee agree to a later date.</p> <p>B. Conditions and informatives:</p> <p><i>Conditions:</i></p> <ol style="list-style-type: none"> The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <p>Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).</p> <p>Approved details</p> <ol style="list-style-type: none"> This permission is in respect of the submitted application plans and drawings numbered / titled Plan A, Plan B, Figure 4.1, Figure 4.2A, Figure 4.2B, Figure 4.3, Figure 4.4, Figure 4.5 and Figure 4.6. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

Period of consent

3. The planning permission hereby granted is for a period of 40 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to a favourable condition in accordance with the details approved under condition 4 of this permission. Written confirmation of the date of commissioning of the development (defined as the date on which the solar farm is put into active operation for the generation of electricity) shall be submitted to the local planning authority within one month of that date.

Reason: To safeguard the landscape and its visual amenity.

Land Restoration

4. No later than 12 months from the first generation of electricity, the following schemes shall be submitted to and approved in writing by the Local Planning Authority: (i) a scheme detailing the removal of all surface elements of the photovoltaic solar farm and any foundations or anchor systems to a depth of 300 mm below ground level; (ii) a scheme detailing the restoration and aftercare of the land; and (iii) a timetable for completion of the removal and restoration works. The schemes shall be implemented within 12 months of the date of the last electricity generation and shall be completed in accordance with the approved timetable.

Reason: To safeguard the landscape and its visual amenity.

External materials

5. Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

Reason: In the interest of visual amenity.

Landscape and Trees

6. Before the development hereby permitted is commenced details of all boundary treatment(s) shall first be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.

Reason: In the interest of visual amenity and mitigating the impact on the setting of heritage assets.

7. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

Reason: In the interest of visual amenity, mitigating the impact on the setting of heritage assets and maintain the biodiversity of the site.

8. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interest of visual amenity, mitigating the impact on the setting of heritage assets and maintain the biodiversity of the site.

9. a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of

liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence

10. Prior to the commencement of the development a Landscape Management Plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved.

Archaeology

11. No development shall commence until a programme of archaeological work has been implemented in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: The site is identified as being of archaeological potential. Investigation is required to allow preservation and recording of any archaeological features or artefacts before disturbance by the development.

Drainage

12. Prior to the development being first brought into use, full details of a sustainable drainage scheme and management/maintenance plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: This is to prevent increased flood risk from surface water run-off.

Highways

13. No works shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to the LPA and approved in writing. The CTMP should include the details contained within the draft CTMP dated July 2020 (ASP005) as well as full details of the location of wheel washing facilities; details of street sweeping; a detailed green travel plan; cycle parking, traffic management and a

detailed construction schedule to include not only construction vehicles but day to day travel of construction workers.

Reason: In the interests of highway safety & convenience and neighbour amenities. Relevant policy: Core Strategy policies CP3 & CP6.

14. No works shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to the LPA and approved in writing. The CEMP should include the details contained within the draft CEMP dated July 2020 (ASP004) as well as any additional information contained within an updated and approved Construction Traffic Management Plan. The details hereby approved shall be fully implemented.

Reason: In the interests of highway safety & convenience and neighbour amenities. Relevant policy: Core Strategy policies CP3 & CP6.

15. No works can commence on site until the access has been constructed in accordance with details (including the use of permeable and bonded material) to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and convenience and to avoid spillage of loose material onto the highway. Relevant policy: Core Strategy policies CP3 & CP6.

16. The construction accesses to the site shall be stopped up and abandoned, and the footway and/or verge crossings shall be re-instated within one month of the completion of the new access in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

17. No works on site shall commence until the details of the post construction access has been submitted to and approved in writing by the local planning authority and that prior to the start of operations, the new access so-approved has been provided in full accordance with the approved details.

Reason: In the interests of highway safety and convenience Relevant policy: Core Strategy policies CP3 & CP6.

Pipeline(s)

18. Prior to the commencement of the development hereby approved, the applicant shall demonstrate in writing to the Local Planning Authority that the proposed development will not impact the safety of existing gas and other pipelines. Any safety recommendations shall be fully implemented in accordance with the approved details.

Reason: In the interest of safety.

Informatives:

1. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.
2. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act, the obligations in which relate to this development.
3. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received.

ADDENDUM REPORT

Background:

1. The determination of this application was deferred by the Planning Committee on 9th December 2020 for two reasons:
 - To provide further information regarding alternative sites.
 - To provide additional drawings/information showing the proposal.

Alternatives Sites:

Policy framework for renewable energy development

2. It is well established that each application should be considered on its individual merits and, as per the officer recommendation, the merits are such that this application is recommended for approval.
3. The local development plan does not allocate sites for renewable energy projects.
4. There is no requirement in MDD Local Plan policy CC05 to show that alternative sites have been considered for renewable energy applications.
5. Policy CC05 states '*local opportunities to contribute towards decentralised energy supply from renewable and low-carbon technologies will be encouraged*'. Part 3 of the policy states '*proposals for renewable energy and decentralised energy works, including wind turbines, must demonstrate that:*
 - a) *They are appropriate in scale, location and technology type;*
 - b) *Are compatible with the surrounding area, including the impact of noise and odour;*
 - c) *Do not have a damaging impact on the local topography and landscape;*
 - d) *There is no significant impact upon heritage assets, including views important to their setting.*

6. NPPF paragraph 154 states *‘when determining planning applications for renewable and low carbon development, local planning authorities should:*

[...]

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.’

7. There is no requirement in the NPPF to consider alternative sites specifically for renewable energy projects.

8. The Planning Practice Guidance (PPG) for solar development states the local authorities will need to consider that *‘where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.’*

9. The Planning Practice Guidance does not have the same legal status of the local development plan or NPPF. It has not undergone the same scrutiny for adoption. It is guidance that is nonetheless a relevant material planning consideration.

Environmental Impact Assessment (EIA)

10. The proposal is EIA development and has been accompanied by an Environmental Statement. The Town and Country Planning (Environmental Impact Assessment) Regulations set out that an Environmental Statement should include *‘a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment’.*

11. The applicant submitted a Site Selection and Consideration of Alternative Sites document with an Environmental Statement.

Best and Most Versatile (BMV) Land

12. Policy CP1 states that planning permission will be granted for development proposals that avoid areas of BMV agricultural land. Policy TC3 of the Neighbourhood Plan refers to protecting BMV land. Paragraph 170 of the NPPF refers to the natural environment and recognising the natural and capital benefits of BMV land.

13. Whilst the local development plan and NPPF refer to protecting and avoiding BMV land, they do not set out a requirement for renewable energy development to show alternative sites have been considered with poorer quality land.

Climate Emergency

14. The Council declared a Climate Emergency in July 2019 which committed to the aim of reducing the boroughs carbon footprint to net carbon zero by 2030.
15. A Climate Emergency Action Plan was approved at council on 23rd January 2020 and lays out the initial steps on achieving net zero carbon by 2030. This includes an objective to '*develop five largescale solar PV farms throughout the Borough over the next five years*'.
16. The council published a Climate Emergency Action Plan Progress Report in July 2020. The report states the objective of '*Increasing the generation of renewable energy through investment in solar farms to power the equivalent of 25,000 homes within the Borough by 2030 generating 25,560 tCO₂e carbon savings*'. It should be noted that this application proposes a solar farm with the capacity to provide renewable energy for 3,736 households (equivalent to more than 5% of the homes within the Borough).

Assessment

17. Neither the local development plan nor the NPPF state a requirement for the applicant to demonstrate there are no other more appropriate alternative sites.
18. There are no allocated sites for renewable energy development in the local development plan. Two previous solar farm applications (ref: F/2014/1495 and F/2014/0478) in the borough have been approved on agricultural sites within the countryside.
19. EIA regulations set out a requirement to shown reasonable alternatives and the main reasons for choosing the application site.
20. As set out above, the PPG does provide guidance that where a proposal '*involves greenfield land, whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land.*'
21. The applicant submitted a Site Selection and Consideration of Alternative Sites document with the application. The search area for potential sites included all areas within the Wokingham Borough Council boundary. The screening stage (Stage 1) and site suitability assessment stage (Stage 2) eliminated any sites with constraints which made them potentially unsuitable for a solar park development.
22. The constraints taken into account included: Agricultural Land Classification; Sites of Special Scientific Interest; Special Areas of Conservation; Special Protection Areas; RAMSAR sites; Scheduled Monuments; National Nature Reserves; Local Nature Reserves; Conservation Areas; Country Parks; built up areas; AONBs; World Heritage Sites; National Trails; Registered Landscapes of Outstanding and of Special Interest; Flood Zone 3 areas and Areas more than 2km from the 33kV electricity distribution network.
23. In addition to the above, the following additional policy restrictions were also taken into account at an early stage in the site selection process: Housing Allocations (Policies SAL01 -SAL06); Economy Allocations (Policies SAL07 -SAL08);

Transport Allocations (Policy SAL09); Areas of High Archaeological Potential (TB25); Sites of national or international importance are shown and sites of local importance (PolicyTB23).

24. Following this assessment 6 broad locations in the borough were considered further, including the area of the application site. A broad summary of those alternative locations is set out below:

- An area around Sonning was considered with a connection to a 33KV network but potential impacts on the Chilterns AONB, River Thames and a number of heritage assets made this area undesirable due to the potential adverse impacts.
- Land around Charvil, Twyford and Whitsley Green was analysed. The land to the west and south comprises of a series of lakes that make up the Lodden Nature Reserve. Areas to the north east comprise of Green Belt.
- An area comprising of non-agricultural land near the east of Reading and Woodley was identified. No land was available/suitable for the development of a 14MW solar park.
- An area to the north of Three Mile Cross was identified as lower grade agricultural land but was in fact largely made up of a series of lakes that are crossed by the M4 (east-west) and a railway (north-south).
- Non-agricultural land around Wokingham town was identified but no land was available/suitable for the development of a 14MW solar park. A small amount of land to the south of Wokingham is identified as Grade 4, although this is largely in use as a 'pick your own' farm and a golf course and was not available for development.

25. No brownfield or non-agricultural sites were identified as suitable for a 20ha solar farm.

26. A site is only available if there is also a willing land owner. Following the process outlined above, approximately 20 landowners were contacted directly to explore the potential for a solar park. Only two landowners expressed an interest, namely those owning the land on which the proposed development is situated.

27. Following this, the applicant was able to secure the grid capacity for the project, with a connection into the overhead line that crosses the proposed site, thus avoiding the need for lengthy underground cables or overhead lines off site. Such additional infrastructure is problematic because it is costly (impacting viability) and results in potential additional visual impacts, traffic disturbance, ecological impacts, buried archaeology and disruption to footpaths. Additional cables or overhead lines also raises problems with securing easements with offsite landowners, which cannot be guaranteed and adds cost.

28. The constraints of the application site have been considered and the proposal is recommend for approval, complying with the development plan as a whole.

29. No Internal consultees have objected. Natural England have not objected after considering the impact on BMV land, and it is important to recognise that they are the statutory consultee in respect of BMV.

30. The site owners who farm the land have advised that despite there being areas of 3a land, localised conditions result in only low yields being achieved. No parts of the site are excellent or high quality agricultural land (grades 1 & 2). The areas of good quality land (3a) are interspersed with areas of moderate (3b) and poor quality (4), impacting the overall quality of the site and the average yields produced.
31. A 14ha solar farm, located approximately 2km to the North West at Sheep Bridge Court Farm (ref: F/2014/1495), was approved at planning committee under the same development plan policies. As confirmed in that officer report to the committee, Sheep Bridge Court Farm comprised of a mix between 3a and 3b agricultural land; as is the case with this application site. That 2014 application has been built out and is in situ.
32. The agricultural land will not be permanently developed or lost, as with other types of development. The land will still maintain a partial agricultural use with grazing sheep. The soil quality is likely to improve and recover as pesticides and fertiliser will not be used throughout the duration of the solar farm.
33. As has been the case with this site, there is no guarantee that other land within the council boundary, if surveyed, would not be identified as being of better quality than shown in the provisional mapping.

Conclusion on alternative sites

34. In conclusion, there is no local development plan or NPPF requirement to demonstrate that there are no other more suitable alternative sites.
35. Alternative sites have been considered in accordance with EIA regulations and the PGG and this has been set out in a Site Selection and Consideration of Alternative Sites document. Additional information has also been provided after the deferral. Areas in the borough with significant constraints were ruled out and 6 broad locations were identified as having potential. Of these areas, there were a number of planning a practical constraints and only 2 out of 20 land owners showed a positive interest.
36. No other alternative sites for renewable energy development are identified in the development plan or council supporting documents. No alternative suitable sites have been presented by third parties.
37. Taking the above into consideration, the recommendation for approval is based on the individual merits of this application. The applicant has meet the requirements of EIA regulations by considering alternative sites and also the guidance set out in the PGG.
38. The recommendation is to **approve** the application subject to the recommended condition and signed s106 agreement securing an Employment Skills Plan.

Additional Plans:

39. A set of plans, drawing and supporting information has been submitted to allow the assessment of the application and a recommendation to the committee. This

information is available on the council's website for review. This included topographical plans, elevations and site section. No considerable objections have been raised by local residents regarding an ambiguity with the proposal. Relevant plans have been appended to this report. Photographs of other solar farms with comparable equipment will also be presented to the committee.

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