

Parishes':	Walpole West Walton Sutton Bridge	
Proposal:	Installation of a solar farm and battery storage facility with associated infrastructure	
Location:	Land At East Marsh S of Gunthorpe Road W of Flowers Farm And Frenchs Road The Marsh Walpole St Andrew Norfolk	
Applicant:	Walpole Green Limited	
Case No:	21/01442/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 19 October 2021 Extension of Time Expiry Date: 28 February 2022

Reason for Referral to Planning Committee – Called in for determination by the planning Committee at the request of Cllr Richard Blunt. There is also objections from Walpole Parish Council and Sutton Bridge Parish Council that are contrary to the Officer recommendation.

Neighbourhood Plan: No

Case Summary

This is a cross-boundary application duplicated with application ref: H18-0741-21 being processed by South Holland District Council (SHDC). At its meeting of the Planning Chairman's Panel on 21 January 2022, SHDC devolved its decision-making authority to this council, with a recommendation of approval.

The site (approx. 78ha of agricultural land) is located immediately west/south-west of the hamlet of Walpole Marsh and east of Foul Anchor and Tydd Gote. The latter two settlements are sited on the opposite side of the River Nene, which runs along the western site boundary, and beyond our remit (Fenland DC and SHDC accordingly). The site has a flat topography with open views, but with 4 no. overhead high voltage power lines supported by pylons that cross the site. The Walpole St Peter Footpath 1 also crosses the centre of the site in an east-west direction. This effectively constitutes the administrative boundary with SHDC, so the NE parcel of land lies within SHDC and the SW parcel lies within this Council's jurisdiction (plus the connection route to the National Grid).

This is a full planning application for the installation of a solar farm and battery storage facility with associated infrastructure and access via Gunthorpe Road.

The solar farm is predicted to have a peak output of 49.9MW, which could power the equivalent of more than 10,150 average homes in England. The development is anticipated to have a lifespan of 35 years, after which the land would be returned to full agricultural use. Sheep grazing is proposed in the interim so the land would not be fully lost to agriculture/food production. Biodiversity and landscaping enhancements are proposed as part of the development.

The electricity generated by the solar development would be fed into the National Grid at the Walpole Substation via underground cables mostly following the highway network.

The application has been submitted following Environmental Impact Assessment screening and a public consultation exercise.

Key Issues

- Cross Boundary Application
- Principle of Development
- Site Selection and Loss of Agricultural land
- Landscape and Visual Impact
- Heritage Assets
- Flood Risk and Drainage
- Ecology
- Access and Highway Matters
- Residential Amenity
- Glint and Glare
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

This is a full planning application for the installation of a solar farm and battery storage facility with associated infrastructure and access via Gunthorpe Road.

The development would cover approximately 78ha of arable agricultural land. The development is anticipated to have a lifespan of 35 years, after which the land would be returned to agricultural use, however during its operation sheep grazing is proposed.

The solar farm is predicted to have a peak output of 49.9MW, which could power the equivalent of more than 10,150 average homes in England.

The development would consist of solar PV panels, arranged in linear rows in a north-south alignment. Panels are mounted on either a galvanized steel or metal frame, with supports pile driven into the ground to a depth of between 1-2m. The panels are designed to rotate throughout the day, tracking the sun, and are to be mounted at approx. 0.8m from the ground at the lowest point, rising to up to approx. 3m at the highest point. At horizontal, the panels would be around 2.1m in height.

The development would also include a battery storage facility (to reinforce the power generation of the solar farm), substation compound, inverter stations, CCTV, weather stations, deer type perimeter fencing (approx. 2.1m high) and landscaping.

The electricity generated by the solar development would be fed into the National Grid at the Walpole Substation via underground cables. The underground cable route takes in the highways/highways verge of Gunthorpe Road, The Marsh, French's Road and Walpole Bank before being laid in agricultural land to the south and south west of the Substation.

The application has been submitted following pre-application advice and a public consultation exercise.

SUPPORTING CASE

The agent has raised the following submission in support of this application:

"Last summer King's Lynn and West Norfolk Borough Council joined over 300 other Councils in having declared a climate emergency. The Council developed a 'Climate Change Strategy and Action Plan' to reduce corporate emissions and help reduce emissions elsewhere. The Council has an opportunity with this application to take the action necessary to help achieve Climate Act 2050 net zero targets and the proposals are fully supported by energy policy as it assists in the move to a low carbon economy. Rapidly increasing the amount of energy generated from renewable energy sources, including solar projects like this one at Gunthorpe Road, is essential.

The Proposed Development would supply up to 49.9 MW of clean renewable electricity to the National Grid. The current solar farm design (up to 39MW) provides the equivalent annual electrical needs of approximately 10,150 family homes. The anticipated CO₂ displacement is around 8,927 tonnes per annum, which represents an emission saving equivalent of a reduction of 2,952 cars on the road. The battery storage facility would be utilised to reinforce the power generation.

This must be afforded substantial weight in the Committees' considerations.

The Proposed Development will also provide significant biodiversity enhancements (approximately 67% habitat net gain and 1,589% hedgerow net gain), allow for soil regeneration, greatly improve Green Infrastructure corridors and connectivity and represent an important farm diversification project, with indirect socio-economic benefits, at a time when the urgent need for renewable energy projects cannot be understated.

This should also be afforded substantial weight in the Committees' considerations.

The application has been amended during its consideration by Officers at both King's Lynn and West Norfolk Borough Council and South Holland District Council to address comments received. This has included increasing the 'step back' distance of the Proposed Development in the north east corner of the Site, amending the landscaping proposals (additional new trees and an additional 1.6 km of new hedgerow (3.2 km new hedgerow overall now proposed)) and amending the site access and drainage proposals from those originally submitted.

The local development plan, the King's Lynn and West Norfolk Borough Council Core Strategy and the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (principally Policy CS08 and DM20), are supportive and encourage appropriately sited renewable energy proposals where, as is the case at Gunthorpe Road, impacts have been reduced and mitigated to an acceptable level having balanced all material considerations.

There is an urgent requirement for the Proposed Development; it is entirely suitable to the Site and its surroundings; it accords with national and local planning policy and all relevant material planning considerations; and will deliver significant environmental benefits."

PLANNING HISTORY

None recent on the application site.

Relevant applications associated to solar power generation and electricity storage in the locality of Walpole Substation:

14/00283/FM: Application Refused: 12/06/14 - Erection of 30MW solar photovoltaic facility with associated landscaping and construction of temporary access - Rose and Crown Farm - Appeal Allowed 11/09/15 (Committee decision)

19/02071/FM: Application Permitted: 04/03/20 - Proposed development of a below ground connection to the local distribution network and grid compound with associated infrastructure connecting sites at Model Farm, Flower Farm, and Crown Farm - Land At Model Farm, Flower Farm and Crown Farm (Delegated decision)

19/02002/FM: Application Permitted: 04/03/20 - Proposed development of a battery storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid - Crown Farm (Delegated decision)

19/02003/F: Application Permitted: 05/03/20 - Proposed development of a battery storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid - Model Farm (Delegated decision)

19/02004/FM: Application Permitted: 19/03/20 - Proposed development of a battery storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid - Flower Farm (Delegated decision)

20/01508/FM: Application Permitted: 15/01/21 - Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements - Land West And South of Walpole Substation (Sifting panel – delegated decision)

21/01715/FM: Application permitted: 27/01/22 - Proposed development of a battery storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid - Model Farm (Delegated decision)

22/00091/FM: Decision pending: Installation of underground cabling and associated electrical infrastructure to connect connected solar development (Ref: H18-1126_20) to the Walpole National Grid Substation

RESPONSE TO CONSULTATION

Walpole Parish Council: OBJECT - Continue our strong objections to this application and comments are as follows:

- CPRE objections are agreed and great concern is given to the fact that Grade 1 land will be taken away from food production.
- The Traffic Management Plan still does not offer any reduction on the quantity and size of the HGV vehicles on the small rural lanes in the parish.

- We see no benefit to the community.
- We support the objections already made by parishioners.

West Walton Parish Council: NO COMMENTS

South Holland District Council: APPROVE and devolve authority to determine application to KLWNDC

Local Highway Authority (NCC): NO OBJECTION - Subject to conditions regarding Construction Traffic Management Plan.

Local Highway Authority (NCC) PROW Officer: NO OBJECTION - The further information provided does now allow the removal the holding objection as we are satisfied that the Public Right of Way will not be affected by the proposed development. The applicant must ensure that the measures stated below will be in place during and after the development.

The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Lead Local Flood Authority (NCC): NO OBJECTION

Environment Agency: NO OBJECTION – Recommend mitigation measures contained in FRA are implemented.

Anglian Water: NO COMMENTS

Water Management Alliance IDB: NO OBJECTION – Mix of off-site drainage and on-site attenuation is supported – reminder of Land Drainage Consent required and byelaw restrictions advice

CSNN: NO OBJECTION - Subject to conditions relating to surface water drainage, operational noise level, Construction Traffic Management Plan and Construction Management Plan plus informative notes to be added to any consent

Environmental Quality: NO OBJECTION on contamination grounds

Cadent Gas/National Grid: NO OBJECTION

Norwich Airport: NO OBJECTION

Defence Infrastructure Organisation (DIO) Safeguarding Team: NO OBJECTION

Historic Environment Service: NO OBJECTION - Subject to conditions relating to archaeological investigations.

Natural England: NO OBJECTION – Will not have significant adverse impacts on statutory protected sites or landscapes; support implementation of habitats and wildlife enhancements contained in S.8 of the Ecological Impact Assessment.

Conservation Officer: NO OBJECTION - Only negligible harm will be caused to the settings of the closest designated heritage assets such as church towers and the windmill.

Historic England: NO COMMENTS

Norfolk Fire & Rescue Services: NO OBJECTION – Providing it meets the necessary current requirements of Building Regulations

CRPE – Norfolk: OBJECT - Comments summarised as follows:

- Contrary to Policy CS06
- Development not appropriate in size and scale to local area and detrimental to local environment
- Loss of food production
- Disappointing that Local Plan does not identify suitable areas for renewable and low carbon energy sources in line with Paragraph 155b of the NPPF
- Unnecessary loss of Grade 1/best and most versatile agricultural land
- Reference to Ministerial Statement by Eric Pickles (Sec of State for Communities & Local Govt.): ... "any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations." (March 2015)

REPRESENTATIONS

A total of **ELEVEN** items of correspondence raising **OBJECTION** on the following summarised grounds:

- No benefits to the village or local residents
- Loss of Grade 1 Agricultural land and food production
- Unsightly and too many
- Impact of construction traffic on inadequate road network
- Damages to verges and property
- Impact of HGVs on A17
- Wild flowers will be eaten by sheep
- Sheep will disturb ground nesting birds
- Concerns for wildlife – swallows, ground nesting birds, polarotactic insects
- Already saturated with power production and distribution facilities
- Reinstatement concerns – who would be responsible?
- Maintenance, replacement or upgrading panels
- Detrimental impact upon local jobs and community

- Too close to residential area and views affected
- Notice not served on a particular landowner
- Impact of proposed hedges on adjoining crops

Cllr Richard Blunt: Request for application to be referred to the Planning Committee for determination.

Additional consultation responses in respect of application Ref: H18-0741-21 submitted to SHDC which also apply to our application ref: 21/01442/FM:

The Rt Hon Sir John Hayes CBE MP:

I have recently been contacted by a number of constituents regarding the above planning application for the installation of a solar farm and battery storage facility on land south of Gunthorpe Road, Walpole Marsh. I share my constituents' concerns that this proposal will have a detrimental impact on the Fenland landscaping and local amenity. In addition, the application does not appear to include any planting or screening to help mitigate the impact this substantial development will have on the character and nature of the surrounding environment.

Furthermore, this proposal will see agricultural land removed from food production which would be undesirable. It is so important that farming land, such as this site, remains in production to ensure that food prices remain affordable, and that we maintain food security and protect our environment. I would, therefore, be grateful if you could treat my letter as an objection to this proposal.

Sutton Bridge Parish Council: OBJECT - Inadequate site access.

Anglian Water: NO OBJECTION - Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

Lincolnshire Wildlife Trust: NO OBJECTION – Suggest that the following are conditioned:

- All avoidance, mitigation measures and enhancements in the Ecological Impact Assessment by Delta Simons Dated June 2021
- Biodiversity Net Gain according to the Biodiversity Net Gain (BNG) Assessment by Delta Simons dated June 2021
- Long Term Management to 35 years as laid out within the Landscape and Ecological Management Plan by Delta Simons dated June 2021.

LCC Strategic Planning Manager: OBJECTS - The proposed development is considered contrary to the SE Lincolnshire Local Plan Policy 31: Climate Change and Renewable and Low Carbon Energy: B. Renewable Energy 4. Agricultural land take. The loss of Grade 1 Agricultural land is also contrary to NPPF - Footnote number 53 states that: 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.'

LCC Highways/SUDS: NO OBJECTION - Subject to standard highway and drainage informative and conditions.

LCC Historic Environment Officer: NO OBJECTION

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SHDC Environmental Protection (noise): NO OBJECTION but would wish to attach the following: Noise from fixed plant and machinery shall not exceed the background noise level by more than 5 dB(A) when measured as a 15 minute L(A) e.g. at any residential boundary not within the applicant's ownership.

SHDC Environmental Protection (contaminated land): NO OBJECTION - Requests standard contaminated land conditions.

Lincolnshire Police: NO OBJECTION

Fenland District Council: NO COMMENTS

Public (6 OBJECTIONS received, summarised as follows:

- Impact on landscape and countryside views
- High grade agricultural land should not be removed from production
- No provision to screen solar farm with tree or hedge planting
- Concern re noise impact and disruption to roads during construction period; impact of lorries on grass verges; vibration from lorries associated with construction; access roads being narrow, of poor construction and tight turns; site access in close proximity to a main drain with potential to collapse; concern regarding width of King John Bank and suitability of A17 junction with Centenary Way; potential for cumulative highway impact with other permitted schemes; access point right opposite property
- Impact on mental wellbeing
- No evidence seen of the donations such companies make
- Proposal would not go ahead if solar farm was to be nearer the village or Sutton Bridge
- Walpole St Andrew already between two power stations and wind farm; increase in industrial developments in the area over the years
- Query what compensation will be provided to local residents if development goes ahead
- Concern re impact on wildlife; measures to protect birds; badger setts in field
- Impact on property value and ability to sell
- Notice not served on a particular landowner
- Overshadowing of crops in adjacent field

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM20 - Renewable Energy

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Net Zero – The UK’s Contribution to Stopping Global Warming

Reducing UK emissions - 2020 Progress Report to Parliament

Overarching National Policy Statement for Energy (EN-1)

PLANNING CONSIDERATIONS

The key considerations in assessing this application are as follows:

Cross Boundary Application

The application affects both King's Lynn and West Norfolk Borough Council (KLWNBC) and the neighbouring South Holland District Council (SHDC). In accordance with National Planning Practice Guidance (Paragraph 034 Reference ID: 22-034-20141017) where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each planning authority, identifying which part of the site is relevant to which authority. This has been done.

The planning fee is payable to the authority of whichever area contains the largest part (within the red line) of the whole application site. In this case KLWNBC has the greater site area (51.2Ha) and has been paid the appropriate fee.

In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the planning authority in whose administrative area the development proposed is to be carried out. In the case of cross boundary applications, this can lead to two planning authorities making individual determinations, imposing different conditions on the permissions, if approved, or could lead to a conflict in the decision making (approve/refuse).

Although there is no set guidance on dealing with such applications, the latter course of action is not recommended as it does not promote a co-ordinated approach to development management and may result in inconsistency in terms of conditions, obligations or indeed

where one authority recommends approval and the other refusal. This is highly undesirable in terms of achieving a co-ordinated approach to delivering development and contrary to the overall tenor of Government Guidance, which encourages ‘joint working’ between planning authorities in relation to the use of their planning powers.

In this case the majority of the development site is under the control of KLWNBC. Section 101(1) of the Local Government Act 1972 authorises a Local Authority to arrange for the discharge of any of their functions to be undertaken by any other local authority. For KLWNBC, this would mean that the Council can have the development control function of SHDC in respect of this cross-boundary application.

Indeed, at its meeting of the Planning Chairman’s Panel on 21 January 2022, South Holland District Council devolved its decision-making authority to this Council in respect of this ‘cross-boundary’ application, with an accompanying recommendation of approval.

Principle of Development

National Policy

Current National Policy comprises:

Net Zero - The UK’s Contribution to Stopping Global Warming (2019)

In May 2019 the UK’s Committee on Climate Change (“CCC” and advisor to the Government on progress on tackling climate change) published “Net Zero - The UK’s Contribution to Stopping Global Warming”.

It recommended that the UK should set and vigorously pursue an ambitious target to reduce greenhouse gas emissions to “net zero” by 2050, thereby ending the UK’s contribution to global warming within 30 years. The net zero target for 2050 will deliver on the commitment that the UK made in signing the 2015 Paris Agreement. The CCC recommended that to achieve this target the supply of low-carbon power must continue to expand rapidly.

The technical report accompanying the Net Zero report suggests potential for 29-96 GW of onshore wind, 145-615 GW of solar power and 95-245 GW of offshore wind in the UK.

The report sets out a number of findings, those of relevance are provided below:

- Scenarios for 2030 and 2050 see variable renewables providing 50-75% of overall electrical energy production and are contingent on system flexibility improving
- Improvements in system flexibility can come from increased deployment of battery storage
- Significant new renewable generation capacity is needed to accommodate rapid uptake of electric vehicles and hybrid heat pumps. Over the period to 2035, up to 35 GW onshore wind, 45 GW offshore wind and 54 GW solar PV could be needed
- The UK’s onshore wind, offshore wind and solar PV resource are likely to be more than adequate to deliver an expanded and decarbonised electricity system to 2050

This was followed by **Reducing UK emissions - 2020 Progress Report to Parliament (June 2020)**

This is the Committee’s 2020 report to Parliament, assessing progress in reducing UK emissions over the past year. The report includes new advice to the UK Government on securing a green and resilient recovery following the COVID-19 pandemic. It recommends that

Ministers seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change. Although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change, the report underlines that much remains to be done. For the first time, the Committee set out its recommendation's government department by government department.

One of the recommendations made to the Department for Business, Energy & Industrial Strategy is to deliver plans to decarbonise the power system to reach an emissions intensity of 50 gCO₂/kWh by 2030, with at least 40 GW of offshore wind and a role for onshore wind and large-scale solar power, with a clear timetable of regular auctions.

The report goes on to state that reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear, plus bioenergy and any fossil fuels being combined with CCS).

The path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target, emissions will need to fall on average by around 14 MtCO₂/e every year, equivalent to 3% of emissions in 2019.

Indeed the UK Government confirmed its intent at the **Conference of Parties (COP26)** held in Glasgow in October-November 2021.

Overarching National Policy Statement for Energy (EN-1)

EN-1 sets out the Government's policy for delivery of major energy infrastructure. Whilst primarily of relevance to NSIPs (i.e. projects over 50MW) it is clearly a material consideration for the proposed development, which is just below the NSIP threshold. EN-1 is the national policy on energy, and it establishes the need for energy related development, with the Government not requiring decision makers to consider need on individual applications because of this. The Proposed Development would help meet this need and, moreover, with the battery storage it will address intermittency and help to relegate the role of fossil fuels as a back-up.

There is considerable support in the **National Planning Policy Framework (revised July 2021)** for renewable energy development of the type proposed in the application and it states:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by **identifying and coordinating the provision of infrastructure**;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity,

using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including **moving to a low carbon economy**.”

Paragraph 155 quotes: "To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers".

Paragraph 158 states: When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- 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.

Section 15 of the NPPF, entitled ‘Conserving and Enhancing the Natural Environment’ states at Paragraph 174 that the planning system should contribute to and enhance the natural and local environment by, amongst other things: “protecting and enhancing valued landscapes”.

Policy guidance in the NPPF very much regards landscape and visual impacts of development as being a material consideration. This is so even in circumstances where the effects of the proposed development will impact on land lying outside nationally designated areas.

In terms of heritage assets, Section 16 of the NPPF deals with ‘Conserving and enhancing the historic environment’. Paragraph 189 of the guidance emphasises that heritage assets are an “irreplaceable resource”, and directs local planning authorities to “conserve them in a manner appropriate to their significance”.

Paragraph 195 in Section 16 exhorts local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, before going on to require consideration of the effect that a proposed development will have upon a heritage asset. In this context, the NPPF makes specific reference to development which affects the setting of heritage assets.

Paragraph 200 also expressly refers to the potential for development to cause harm to the significance of a heritage asset by reason of impact on its setting, stating that: ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It concludes by stating that substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

Paragraphs 201 and 202 of the NPPF speak of ‘substantial harm’ and ‘less than substantial harm’ to the significance of a designated heritage asset and the need to weigh any such harm against the benefits of the proposed development.

Paragraph 203 advises on the effect of an application on non-designated heritage assets, and how the harm is to be balanced against the scale of any harm or loss, and the significance of the asset.

Development Plan Policy

The Local Development Framework Core Strategy was adopted by the Council in July 2011.

CS01 ‘Spatial Strategy’ contains a number of key note development priorities for the Borough, which aims to:

- Facilitate and support the regeneration and development aspirations identified in the Regional Spatial Strategy
- Encourage economic growth and inward investment
- Improve accessibility for all to services: education, employment, health, leisure and housing
- Protect and enhance the heritage, cultural and environmental assets and seek to avoid areas at risk of flooding; and
- Foster sustainable communities with an appropriate range of facilities

CS06 ‘Development in Rural Areas’ sets out a 4 point strategy for rural areas. One of these four points is to ‘maintain local character and a high quality environment’. CS06 goes on to elaborate, stating that ‘beyond the villages and in the countryside the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all’.

CS08 ‘Sustainable Development’ contains a section on renewable energy, stating that the Council will support and encourage the generation of energy from renewable sources. Schemes will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.

Policy CS12 ‘Environmental Assets’ refers to the Borough’s environmental assets as being its green infrastructure, historic environment, landscape character, biodiversity and geodiversity. Proposals to protect and enhance these assets will be ‘encouraged and supported’.

The text of CS12 concludes by stating that: “Development 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 (including its historical, biodiversity and cultural character), gaps between settlements, landscape setting, distinctive settlement character, landscape features and ecological networks”

In the interim the National Planning Practice Guidance (NPPG) was released by Central Government in March 2015. This states inter alia:

Particular factors a local planning authority will need to consider include:

- Encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value

- 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. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- The proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- The need for, and impact of, security measures such as lights and fencing
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- The energy generating potential, which can vary for a number of reasons including, latitude and aspect

Also in March 2015, part of a Ministerial Statement made by Eric Pickles as Secretary of State for Communities and Local Government stated in relation to solar energy - protecting the local and global environment:

"Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality."

We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations."

The **Site Allocations & Development Management Policies Plan** was adopted in September 2016 which supports the presumption in favour of sustainable development (Policy DM1), and Policy DM2 states in countryside development will be restricted unless it is identified as being suitable by virtue of renewable energy generation endorsed by Policy DM20. Policy DM20 states:

Policy DM 20 – Renewable Energy. Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:

- Sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSIs) and Ramsar Sites
- The surrounding landscape and townscape
- Designated and un-designated heritage assets, including the setting of assets
- Ecological interests (species and habitats)
- Amenity (in terms of noise, overbearing relationship, air quality and light pollution)
- Contaminated land
- Water courses (in terms of pollution)
- Public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks); and
- Tourism and other economic activity.

In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:

- a) There is a significant loss of agricultural land; or
- b) Where land in the best and most versatile grades of agricultural land are proposed to be used.

Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.”

These issues shall be addressed later in this report along with lessons learnt from the Inspector's decision to allow the nearby 66Ha Rose & Crown Farm solar facility on appeal (appended to this report for ease of reference).

Landscape and Visual Impact

The Landscape Character Assessment, prepared for the Council by Chris Blandford Associates (CBA) in 2007 and used as a supporting document for the Core Strategy, places the application site and surrounding land in the western sector of The Fens - Settled Inland Marshes (D3) Landscape Character Type (LCT).

The Assessment describes the visual character of the D3 LCT as:

"Situated to the north east of Wisbech and bordered by the A47 to the east and south, this very flat and low-lying area has an underlying geology of predominantly mudstone, which is reflected in the extremely fertile soils. The land use is mainly arable with the small generally regular fields often demarcated by dykes and ditches (usually lined with reeds and rushes). Several small bridges crossing the wider drains are distinctive features throughout the area, contributing to sense of place.

A strong sense of tranquillity is apparent throughout the entire area, emphasised by the general lack of development in the area. Settlement pattern consists of the village of Terrington St. John (built character of which consists of a combination of brickwork – red and colourwash, pantiles and slate), scattered (mainly brickwork) houses and large farmsteads with slow-moving tractors a constant feature on the horizon. Set back from the roads and concentrated around settlement edges, the distinct vertical shapes of fruit orchard trees, arranged in neat rows, guide views and provide a strong sense of place.

Views in every direction across the area are dominated by rows of poplars and rows of communication masts slicing through the fields, which (together with the church in West Walton in Area D4) provide the main focal points in this expansive, large-scale area. The combination of differing vertical elements including rows of trees, pylons, orchards, buildings and tall vegetation (occasionally lining the roads), makes for a cluttered skyline in places. A number of straight, fairly busy roads (with settlement concentrated largely linearly along the roads), cut through the area from north to south, connected by several more rural and peaceful roads.

The proposed solar farm site lies on flat fenland to the west of the existing Walpole Substation and east of the River Nene.

The applicant has considered the impact of the proposed development upon landscape character in the submitted Landscape and Visual Impact Assessment (LVIA).

The LVIA separates impacts into 'landscape effects' (effects on the landscape as a resource in its own right) and 'visual effects' (effects on specific views and on the general visual amenity experienced by people).

In terms of the former, the LVIA concludes that the overall landscape value, and landscaping sensitivity, for the site and surrounding area is medium to low. It goes on to state that, at completion of the construction phase, landscape effects arising from the proposed development would be limited to the site itself and the immediate setting of the site, up to approximately 0.5 km to the north, 0.25 km to the east and west, and extending up to around 1 km to the south, but reducing with increasing distance from the site. The panels would be comparable in height to other existing elements in the landscape such as intermittent field boundaries and raised embankments to nearby watercourses, as well as local bungalows, outbuildings and farm buildings. The proposed landscape mitigation planting would help to screen the proposed development from most near and middle-distance views, as well as integrate the development into the surrounding landscape in the medium-to-long-term. The proposed hedgerow and tree planting and landscape management would produce landscape features to provide effective screening towards the proposed development within 15 years (medium-term).

In order to assess the visual effects (including views from residential properties) of the proposal, a 'Zone of Theoretical Visibility' (ZTV) has been produced to accompany the LVIA. ZTVs are computer generated diagrams which illustrate the theoretical visibility of the development throughout a study area. In this instance, the ZTV is based on 3m above existing

ground level – the maximum height of the solar PV panels. Two ZTVs have been prepared for the proposed development: 'bareground' and 'screened'.

The bareground ZTV illustrates theoretical visibility of the development without the benefit of screening afforded by buildings and vegetation and, as such, it represents a 'worst-case scenario'. The 'screened' scenario takes into account features such as woodlands, hedgerows, earthworks, building and other landscape features captured by LIDAR survey.

In summary, the visual assessment shows that the main area of theoretical views lies within 0.5 km to the North and North-east, 0.2 km to the East and West, extending up to 2 km to the South. Immediately to the west of the site, raised embankments associated with the River Nene watercourse limit further visibility from the west.

Gunthorpe Road is raised and restricts views from the north, whilst vegetation and built features would screen and heavily filter views from the nearest settlement at Walpole Marsh to the east. In this very flat, low-lying landscape, which often has wide, distant horizons, low-level development of a horizontal form is absorbed into views, rapidly becoming a background feature of the landscape with increasing distance.

Predicted visual effects upon residents of nearby settlements (high to medium sensitivity receptors) vary from 'small' up to 'medium' upon completion of the development, becoming 'small' or 'negligible' in the medium to long term as a result of the proposed boundary vegetation establishing and softening that edge of the solar array.

With regard to road users (medium to low sensitivity receptors), their appreciation of the landscape is likely to be secondary to the primary purpose of the route, which is to provide local access. The closest roads to the site are Gunthorpe Road (north) and Front Road (Foul Anchor to west of River Nene). A small effect is anticipated for users of the latter, with the effect becoming negligible in the medium to long term. Gunthorpe Road is the closest to the site and where effects of moderate to minor adverse significance are expected in the long term once the proposed landscaping has established.

There are 5 Public Rights of Way (PROWs) identified within the LVIA (Walpole St Peter FP1, FP9 & BR2, Sutton Bridge SuBr/6/3 and Tydd St Giles FP17), the users of which are considered to be of high to medium sensitivity. One PROW crosses the site (Walpole St Peter Footpath 1), whilst the remainder are outside but in close proximity to the site boundaries. Clearly the largest impact can be expected to be on views from that PROW that runs through the site and the LVIA identifies a 'very large' effect. 'Small' up to 'large' effects are anticipated on the other PROWs.

The LVIA has also considered the cumulative effects of the proposed development with three other large-scale solar schemes in the vicinity of the site:

1. No. in South Holland - Sutton Bridge Solar Farm: Permitted and located approximately 0.9 km north of the proposed development (ref: H18-1126-20).
2. No. in King's Lynn and West Norfolk - Walpole Bank Solar Farm: Permitted and located around 0.4 km to the south of the proposed development; and Rose and Crown Farm Solar Farm: Operational and located approximately 2.1 km south of the proposed development site.

The cumulative landscape effects are considered to be moderate-to-minor adverse if all four schemes were to be implemented. Approximately 5% of the Landscape Character Area would contain field-scale solar PV development and the character of the landscape is already influenced by energy infrastructure (the Walpole Bank substation with recent extension

projects, multiple steel lattice pylons, the Tydd St Mary wind farm and the Sutton Bridge power station) and the schemes would increase the influence of energy development on local character. Cumulative visual effects are considered to be minor adverse as any vegetation or landform present in the landscape (e.g. the changes in level at the River Nene flood embankments or at raised roads such as Gunthorpe Road or Mill Road) serves to contain PV development in sub-areas of the landscape so that PV development is not typically a dominant feature in longer views.

In summary, the LVIA concludes that, while some effects would be noticeable in the immediate vicinity of the site, there is capacity for the landscape to accommodate the proposed development without causing landscape or visual harm to the wider surrounding area either as an individual scheme or cumulatively with other similar developments. The landscape and visual effects as assessed would be limited in scale and extent and some effects would reduce over time as the proposed mitigation planting matures. The effects would be wholly reversible with the removal of the proposed development and the reinstatement of present land management. Your Officers agree with this assessment and conclusion.

Taking the above into account, the proposal is considered to be in accordance with Policies CS06 of the Core Strategy and DM20 of the SAMPP.

Site Selection and Loss of Agricultural Land

National Planning Practice Guidance states that where a proposal involves greenfield land, consideration should be given to 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.

As part of their submission, the applicant has provided an Agricultural Land Classification document, which sets out the results of a survey that concludes that the entire site is Grade 1 agricultural land. The site is therefore deemed to fall into the category of 'best and most versatile agricultural land'. However, Natural England - who are statutory consultees for non-agricultural development of greater than 20 hectares on grades 1, 2 or 3a agricultural land - have no objections to the proposal. It has been advised that the proposed development is unlikely to lead to its significant long-term loss since the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur.

At Paragraphs 4.3 to 4.10 of the submitted Design and Access Statement, the applicant provides a summary of the considerations which applied in the site selection process. This includes:

- The identification of suitable and a secured grid connection point which has spare capacity to enable a connection to be made and allow the export of renewable energy generated. As short a cable route as possible is required to allow the Proposed Development to be economically viable as well as to minimise energy losses in the cabling which will be wasted ('transmission losses') for sites located further away from the grid connection point.
- The applicant proposes to connect to the transmission rather than distribution network. As such, potential sites are required to be proximate to National Grid substations with spare connection capacity.
- On securing the connection at the National Grid substation, a 5km radius is mapped from the Point of Connection (POC). Within this search area the Applicant considers

environmental and planning constraints, such as landscape designations, sensitive habitats, archaeological and heritage issues.

- They also consider geographical and topographical considerations such as slope and aspect, access etc.

In addition to the above, the following information has been provided:

"While the Agricultural Land Classification was not considered from the earliest stages (not being a statutory designation) it has been considered in the development of the proposals.

No suitable non-agricultural or brownfield sites of the scale required were identified within the buffer area. It is recognised that there is very little low-quality land in the buffer area. Indeed the 1:250,000 scale Natural England ALC maps (Pre-1998 ALC mapping) detail only Grade 1 and a small proportion of Grade 2 land within the 5 km buffer. The information included within the submitted ALC report, shows that both the Borough of King's Lynn and West Norfolk and South Holland District Councils, have a very high proportion of agricultural land in Grade 1, 20.3% and 57.9%, respectively compared with 2.7% in England and for Grade 2 land, 22.2% and 39.8% respectively compared to 14.2% in England. It is not possible to undertake onsite surveys of all approximately 7,800 hectares of land within the 5 km buffer to either confirm the Pre-1998 ALC mapping grade or identify other land at a lower quality, but it is noted (see section 4.3 of the ALC report) that other Post-1988 surveys undertaken have also retuned Best and Most Versatile (BMV) Land in the locality. Accordingly, it is considered there is no lower quality (non-BMV) land within the area of search addressing part i of the National Planning Practice Guidance (Paragraph 13).

In addition, the site is capable of remaining in an agricultural use (low intensity sheep grazing) alongside the generation of renewable energy. Therefore, while a change from the current arable farming an agricultural use remains. In many respects, the management of the land under solar PV panels over the operational life of the scheme can improve soil health, such as increasing soil organic matter, and hence soil organic carbon, increasing soil biodiversity, and improving soil structure. This is consistent with aims and objectives for improving soil health in the Government's 25 Year Plan for the Environment. The proposals provide for significant biodiversity improvements and net gains thereby entirely accord with part ii of the National Planning Practice Guidance (Paragraph 13)."

It will be noted from the appeal decision relating to the Rose & Crown Farm solar farm (PINS ref: APP/V2635/W/14/3001281), the Planning Inspector indicated that there were no preferred locations identified in the Local Plan for renewable energy production (and indeed there is none in the upcoming Review); there was little low quality agricultural land in East Anglia and there were practicalities of linking into the National Grid (Paragraph 25 of the appeal decision notice).

He also gave weight to the 'benefits of scale' and that the land would not be totally lost - it would remain in production in terms of commercial sheep flock grazing and the resting of the land and presence of sheep would also enhance the quality of the soil when it returned to arable upon decommissioning (Paragraph 26).

Comparison can be drawn between the two sites/proposals and it is considered that a similar conclusion can be drawn on this particular issue. Whilst the LPA is not tied to that appeal decision on a different site, it is nearby and there are clearly similarities which Members need to be aware of in determining this application.

Heritage Assets

There are no designated heritage assets (listed buildings or scheduled ancient monuments) within the site of the proposed development. The application is however accompanied by a Heritage Statement prepared by Pegasus Group.

It identifies that the closest designated heritage assets to the proposal site are the Grade II Listed County Boundary Post (approx. 365m west – on the other side of river - although this appears to be missing), the Grade II Listed footbridge, road bridge and sluices at Foul Anchor (approx. 385m west) and the Grade II Listed Ingleborough Mill tower (approx. 2km south). The Heritage Statement concludes that the proposed development will result in no harm to the heritage significance of these assets through alteration to setting.

Historic England and NCC Historic Environment Service (HES) has looked at the assessment and does not raise issue with the findings of the assessment and likewise our Conservation Officer, who has also considered the impact upon the towers of Grade I Listed churches of St Peter (Walpole St Peter) and St Mary (West Walton).

There is a theoretical potential for the presence of Iron Age, plus post-medieval, activity within the application site and conditions are suggested by NCC HES with regards to a written scheme of investigation relating to potential archaeological interest within/under the site. These may be condensed into a single condition (as per the Rose & Crown Farm decision) and applied to any permission.

The proposal is considered to have negligible harm to designated heritage assets, indeed any harm would be significantly outweighed by the public benefits offered by this scheme. The proposal therefore accords with the provisions of Paragraph's 201 & 202 of the NPPF and Policy CS12 of the Core Strategy (2011).

Flood Risk and Drainage

As a major development the application is accompanied by a flood risk assessment (FRA) and the site lies within Flood Zone 3A and Tidal Hazard Mapping Zone of the Council-adopted Strategic Flood Risk Assessment. This is 'essential infrastructure' and is suitable development within this zone according to NPPG, subject to passing the exception test.

In order to pass the exception test, it must be demonstrated that the proposed development will:

- Provide wider sustainability benefits to the community that outweigh the flood risk
- The development will be safe throughout its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With respect to the first part of the exception test, the proposed development will provide renewable solar and low carbon energy equivalent to the annual electrical needs of thousands of family homes.

Provision of a source of renewable energy will result in a reduction in carbon emissions meeting local, national and international targets. The site will also deliver biodiversity benefits and soil improvement gains. Therefore, the proposed development will provide sustainability benefits to the community, thereby satisfying the first requirement of the exception test.

In terms of the second part of the test, it will not increase flood risk elsewhere (see responses of the Environment Agency and Lead Local Flood Authority) and the raising of key

infrastructure/components, and monitoring/alerts of flood warnings, should ensure that the development is safe for its 35 year lifetime.

The Environment Agency has no objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment. However, the mammal gates, as well as some of the hedging, that were previously proposed on the western boundary have been removed in response to the Agency's concerns about their position next to the flood defence.

In terms of surface water drainage, the proposal is to discharge into the IDB watercourse along the eastern boundary as soakaway testing found unfavourable conditions for infiltration. Water Management Alliance (IDB) has no objection to this in principle and the Lead Local Flood Authority have raised no drainage concerns. A condition is recommended requiring the submission of a full drainage strategy if permission were to be granted.

It is therefore concluded that both parts of the exception test are passed in accordance with Paragraph 165 of the NPPF.

Ecology

The application is accompanied by the following supporting documents relating to ecological impacts:

Ecological Impact Assessment; Landscape and Ecological Enhancement Plan; Landscape and Ecological Management Plan; and Biodiversity Net Gain Assessment.

The site is agricultural land and as arable fields has very low ecological value. It is not the subject of any international, national or local nature conservation designation. The site is in close proximity to the River Nene and North Level Main Drain at Tydd Gote County Wildlife Site, Nene Bank Road Verges and Tydd Gote Bank Local Wildlife Sites as well as the Nene Banks Regional Natural Reserve, however any impact is expected to be negligible.

The proposed landscaping and species-specific measures have been designed to enhance the biodiversity of the site and includes:

- The majority of the site beneath the solar arrays will be planted with an appropriate pasture mix, including additional wildflower species and red clover to attract invertebrates, in particular bees. This will be managed through low intensity grazing to promote biodiversity
- Planting of additional areas of wildflower planting around the site boundaries to further increase plant species diversity and attract invertebrates, in turn providing foraging opportunities for bats and birds
- A native hedgerow will be planted along the northern edge of the site, managed to a height of approximately 4 m, which will increase structural diversity and provide increased connectivity along this boundary. It will also provide foraging and nesting opportunities for birds, small mammals and increased invertebrate prey for foraging bats. This has been further enhanced by additional hedges across the centre of the site
- Native scrub planting will be undertaken along the south-eastern site boundary to fill gaps within the existing vegetation and strengthen this corridor
- A barn owl box is to be installed on a suitable tree along the south-eastern site boundary. This will provide valuable nesting opportunities for this species which is known to occur

within the local area, and which is both listed on Schedule 1 of the WCA (1981, as amended) and is a priority species on the Norfolk BAP

- Five tree sparrow boxes will be installed on trees along the south-eastern site boundary in order to provide valuable nesting provision for this species which is listed on the Norfolk BAP
- Ten bat boxes will be installed on trees at the south-eastern site boundary to enhance roosting potential
- Creation of three habitat/log piles around the edges of site.

The National Planning Policy Framework (2021) advocates the provision of net gain for biodiversity. The submitted Biodiversity Metric Assessment indicates that the development will result in a 67.64% net gain in habitat biodiversity at the site as well as a 916.37% net gain in linear units (hedgerows) as a result, including species-rich wildflower grassland, native species hedging and native trees. There is now some 3.2km of new hedging proposed to be planted. The net gain that will be delivered by the development will therefore be substantial and may be secured via condition.

Neither Natural England nor Lincolnshire Wildlife Trust (the latter in response to application ref: H18-0741-21) have raised any objections to the proposal and are supportive of the mitigation measures proposed with regard to biodiversity. Those mitigation measures may be controlled via condition.

The proposal therefore accords with Policy CS12 of the Development Plan.

Access and Highway Matters

The proposal is for the site to be accessed via an improved existing agricultural access point off Gunthorpe Road.

Construction of the development is expected to occur over a 7-month period with approx. 8 HGVs and up to 5 LGVs accessing the site per day. Decommissioning is expected to result in the same number of vehicle movements.

The designated access route requires all construction vehicles to access the site via the A17 junction with King John Bank. From here, vehicles will travel southwards along King John Bank and turn right into Gunthorpe Road. When departing the site, construction vehicles will use the same roads to access the A17.

Despite concerns being raised by residents about the adequacy of these roads for use by the types of vehicles that would be required for the construction and decommissioning phases, both Local Highway Authorities (Norfolk CC and Lincolnshire CC) have no objections to the proposal, subject to the existing access and the north-eastern side of the King John Bank/Gunthorpe Road crossroads being widened to accommodate HGV movements without encroaching on to Highway verges.

During the operational phase, vehicle movements will be minimal (twice per month) and for activities associated with inspection, monitoring and general site up-keep. Additional traffic associated with the sheep farming is to be expected but this will be minimal.

The site is bisected by Walpole St Peter FP1 PROW which aligns east-west across the middle of the overall site and alongside the County boundary. It is not currently well defined or well-trod, as walkers appear to prefer using the existing concrete road which runs along the south-

eastern boundary; however the route is proposed to be maintained and enclosed by new hedging to afford long-term screening and ecological benefits.

The Landscape & Ecology Management Plan shows the route maintained in an 8-10m wide strip with hedging either side grown up to 3m high, with maintenance strip and perimeter deer fencing beyond.

Norfolk CC PROW Officer is content with this arrangement and it is intended that the route will be accessible during both construction and decommissioning stages.

The proposal therefore accords with the provisions of Policies CS11 and DM15 of the Development Plan.

Residential Amenity

The closest residential property is approximately 70m away from the site boundary, sitting behind frontage development in Walpole Marsh to the east/south-east. The properties on Gunthorpe Road to the north are approximately 135m from the boundary of the main body of the site. Dwellings to the west are a minimum of 145m away at the closest point, but beyond the River Nene. There are no dwellings in close proximity to the south.

Solar development does not typically generate a significant amount of noise or vibration outside of the construction period. The only component of the development which has the potential to give rise to noise impacts on receptors during the operational period, is the substation and battery storage facility, which will be located in excess of 600m from the nearest dwelling. Likewise, traffic levels generated by the development will be minimal outside of the construction and decommissioning phases.

No adverse fumes, odour impacts or broadcast interference are anticipated to be generated by a proposal of this nature.

There are no rights to a private view, and the landscaping would ameliorate the development in this setting as covered earlier in this report.

A Noise Impact Assessment has been produced to accompany the planning application. This Assessment has been informed by an environmental noise survey (inclusive of weekend noise conditions) at the closest residential receptors to the site on Gunthorpe Road and at Walpole Marsh. Sound power levels associated with the generating station were provided by the Applicant, including those associated with the motors powering the panel tracking technology. The assessment has been carried out in accordance with the relevant British Standard and supplementary acoustic guidance.

It concludes that the proposed development would generate noise levels typically below the measured day and night-time background sound levels in the area, thus giving rise to a Low Impact. The amenity of the closest residential receptors would therefore not be affected by noise arising from the proposed facility whilst in operation.

CSNN have reviewed the submission and raise no objection subject to condition.

The site will not be manned yet secured by CCTV, which is infra-red and therefore there would be no light pollution created by this proposal. This may also be secured via condition.

The proposal therefore accords with the provisions of the NPPF and Policies DM15 and DM20 of the SADMPP.

Impact of Glint and Glare

The applicant has submitted a Solar Photovoltaic Glint and Glare study to show the possible effects of glint and glare from the development. This concludes that only a low impact is predicted on road users in the area and, although solar reflections are geometrically possible towards 17 out of the 20 assessed dwellings, solar reflections are not predicted to be experienced in practice at 16 of these dwellings as they will be significantly screened by intervening terrain, surrounding buildings, existing vegetation and/or proposed vegetation. A moderate impact is predicted on one dwelling in Foul Anchor, however, this is not deemed to be significant because most of the reflecting panels will be screened by existing vegetation, and the reflections will only be possible for up to approximately one minute per day. Mitigation is therefore not considered to be required; however should an issue arise it may be dealt with via condition as agreed with the applicants.

Furthermore, the panels are designed to maximise their energy generating potential and thus sunlight absorbency and, in reality, their reflective capability would be similar to that of still water (and significantly less intense than many other reflective surfaces which are common in an outdoor environment).

Neither the Highway Authority nor CSNN have objected to the proposal on the grounds of highway safety or impact on residents from glint and glare.

Norwich Airport and Defence Infrastructure Organisation (DIO) Safeguarding Team also confirm that there are no safeguarding issues relating to air traffic.

Taking the above into account, the proposal is considered to be in accordance with Policies DM15 and DM20 of the SADMPP.

Other Material Considerations

Environmental Impact Assessment screening

The proposal was screened by both LPAs prior to the application being submitted, in accordance with Regulation 7 of the EIA Regulations 2017. It was concluded that an Environmental Statement was not required. KLWNBC issued its EIA Screening Opinion on 21 May 2021 and SHDC on 27 April 2021.

Grid Connection

The electricity lines on-site will be underground and connected to the grid via the adjoining Walpole Substation. One of the main advantages of the siting of the solar array is its proximity to the existing infrastructure.

Impact on infrastructure

There are overhead power cables crossing parts of the site. National Grid raise no objection to the proposal but any works under overhead lines will require liaison, and the applicants are fully aware of these measures.

Decommissioning

The solar farm is to be a temporary, medium term use of the site, with an operational life of some 35 years (which is the current requirement given technological advances and longevity of the units). At the end of this period, all equipment is proposed to be removed from the site and remediation works undertaken to revert it back to its former state. The land would be

restored to agriculture. Once again this may be controlled via condition and would be the responsibility of the operator or owner.

Crime and Disorder

As stated above, the site would not be manned but covered by CCTV and infra-red lighting. There are no significant implications regarding Crime and Disorder issues.

Comments in response to third party objections

Most of the issues raised by third parties have been addressed above in the report, however the following comments are made:

- Although a non-material planning consideration, the applicant is developing a Community Benefit Fund and/or Community Benefit Scheme(s). This is separate to the planning application process
- The impact of proposed development upon property value (either up or down) is not a material planning consideration
- Any damage caused to drains or property by vehicles accessing the site would be a civil matter and not one which the Local Planning Authority can address
- There is no legal obligation for residents to be compensated for development permitted by a Local Planning Authority
- A notice was posted by the applicant in a local newspaper to address the matter of correct notice being served
- Concern has been raised regarding the potential for the proposed boundary hedging to have an impact on the growth of crops on adjoining land. The new hedgerows are to be managed at either 3 or 4m in height. Given that crops are most likely to be grown at the time of year when the sun will be higher in the sky, it is not considered that hedges of this height would materially impact the ability to grow crops. There is also usually a headland rather than planting crops right up to field boundaries to allow machinery access.

CONCLUSION

The proposed development would produce a peak output of 49.9MW of energy from renewable sources – enough to meet the annual needs of approx. 10,150 average homes.

It is clear that most recent national policy/guidance supports the principle of solar farms which would contribute towards achieving national renewable energy targets.

The application site is not in or adjacent to any nationally designated landscape areas. It would have little impact upon the local landscape character, but this would be for a temporary period of 35 years and would not affect any existing features such as hedgerows or trees that currently contribute to the quality of the landscape.

While some effects would be noticeable in the immediate vicinity of the site, there is capacity for the landscape to accommodate the proposed development without causing landscape or visual harm to the wider surrounding area either as an individual scheme or cumulatively with other similar developments. The landscape and visual effects as assessed would be limited in scale and extent and some effects would reduce over time as the proposed mitigation

planting matures. The effects would be wholly reversible and once decommissioned, the land could revert back to agricultural use very quickly.

The impact upon the setting of heritage assets has been assessed and considered to be acceptable. A scheme of archaeological investigation may be controlled via condition.

The site is of relatively low value ecologically and protected species avoidance measures during the development phase can be addressed by condition. The landscaping scheme will significantly enhance biodiversity locally and may also be secured via condition.

Traffic generation, apart from the construction and decommissioning periods, will be light. The existing farm access is proposed to be used and improved for the construction phase, together with localised improvement works around the junction of Gunthorpe Road/King John Bank.

Central Government indicates that lower grade land should normally be used to take this form of development, and this has to be weighed in the balance. Officers consider that the benefits associated with this proposed development, significantly outweighs the negative effects upon loss of Grade 1 agricultural land which are indeed relatively temporary and reversible. The land would also not be totally lost to agricultural production due to the sheep grazing regime (again to be controlled via condition) and the associated benefits to ecology and quality/fertility of the land having been effectively set aside from intensive arable farming for the period of the proposed use.

The proposed development would indeed contribute towards achieving the UK's ambitious target to reduce greenhouse gas emissions to "net zero" by 2050.

In light of the above considerations, full permission is therefore recommended, subject to the conditions specified below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 **Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 **Reason:** To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 **Condition:** The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan – 003
- 2 **Reason:** For the avoidance of doubt and in the interests of proper planning.
- 3 **Condition:** Notwithstanding the details submitted with this application, prior to the commencement of the development hereby approved, full details of the PV panels, mounting frames (and fixings/motors), external appearance of the inverter/transformer stations, main substation, weather station, control room and battery storage containers, storage container, auxiliary transformer, the boundary fencing, gates, and locations and design of any CCTV cameras proposed shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed, operated and retained in accordance with the approved details.

- 3 **Reason:** To define the terms of this permission and to enable the Local Planning Authority to consider such details, in the interests of the visual amenity of the locality and to accord with the provisions of the NPPF, Policy CS06 of the LDF and Policy DM20 of the SADMPP.
- 4 **Condition:** The permission hereby granted is for the proposed development to be retained for a period of not more than 35 years from the date that electricity from the development is first supplied to the grid (the First Export Date), this date to be notified in writing to the Local Planning Authority. No later than 6 months after the 35-year period, all related structures shall be removed and the site restored in accordance with a restoration scheme which has been submitted to, and agreed in writing by, the Local Planning Authority. The restoration scheme shall be submitted to the Local Planning Authority no less than 6 months prior to decommissioning and shall make provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities and fencing. The Local Planning Authority must be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event.
- 4 **Reason:** The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Core Strategy Policies CS06 and CS12 of the LDF.
- 5 **Condition:** If the development hereby permitted fails for a period of 12 months to produce and store electricity for supply to the electricity grid network, then, unless otherwise agreed in writing with the Local Planning Authority, the solar panels, battery storage facilities and related ancillary equipment shall be decommissioned and removed from the site in accordance with a scheme to be submitted to the Local Planning Authority no more than 3 months after the end of the 12 month period. The scheme shall make provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter/transformer stations, main substation, weather station, control room and all associated structures, containers, storage facilities, CCTV cameras and fencing. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12-month period.
- 5 **Reason:** The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Core Strategy Policies CS06 and CS12 of the LDF.
- 6 **Condition:** The development shall be carried out in accordance with the landscaping scheme illustrated on the approved Landscape and Ecological Enhancement Plan (Dwg no: 1284/10 - Revision E). The planting shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs/plants which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 6 **Reason:** To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF and Policies CS06 & CS12 of the Core Strategy.
- 7 **Condition:** The development shall be undertaken in accordance with the Landscape & Ecological Management Plan (LEMP) – Document ref: 21-0256.01 prepared by Delta

Simons dated February 2022 and submitted as part of this application, unless otherwise agreed in writing by the Local Planning Authority.

- 7 Reason: In order to manage the site in the interests of ecology and to accord with the provisions of the NPPF and Policy CS12 of the Core Strategy.
- 8 Condition: No development shall take place until a Written Scheme of Investigation and timetable for a programme and reporting of archaeological works has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme and timetable.
- 8 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 9 Condition: Notwithstanding the submitted details, prior to the commencement of any works a Construction Traffic Management Plan and Method Statement shall have been submitted to, and approved in writing by, the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Traffic Management Plan and Method Statement shall include:
 - phasing of the development to include access construction
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel washing facilities
 - the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material
 - strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction

The Construction Traffic Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

- 9 Reason: In the interests of maintaining highway efficiency and safety plus local amenity in accordance with the provisions of the NPPF, Policy CS11 of the Core Strategy and Policy DM15 of the SADMPP. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development in relation to the highway network and also amenity of local residents.
- 10 Condition: For the duration of the construction and decommissioning periods, construction/deconstruction activities and deliveries received at or despatched from the site, shall only occur between the hours of 0800 and 1800 hours Monday to Friday, 0800 and 1330 hours on Saturday and not at all on Sundays and Bank Holidays other than with the prior written approval of the Local Planning Authority.
- 10 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.

11 Condition: Notwithstanding the submitted details, the development hereby permitted shall be undertaken in accordance with a surface water drainage scheme, which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall not become operational until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

11 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

12 Condition: No development shall take place until a Solar Farm Grazing Management Plan (SFGMP) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall describe the methods by which grazing will be maintained by sheep throughout the period during which the development is operational. If for any reason grazing by sheep fails to occur for a period of more than 12 months the, unless otherwise agreed in writing by the Local Planning Authority, the solar panels, battery storage facilities and the related ancillary equipment shall be decommissioned and removed from the site in accordance with condition 5 above.

12 Reason: To define the terms of this permission and to secure the management of the site and retain its agricultural use in accordance with the provisions of the NPPF.

13 Condition: Details of the external illumination of all buildings and areas of the site, including details of luminance and fields of illumination, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.

13 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

14 Condition: Noise from fixed plant and machinery shall not exceed a level of 5 dB(A) above the background noise level when measured as a L(A)eq15min at any residential boundary not within the applicant's ownership.

- 14 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF and Policy DM15 of the SADMPP.
- 15 Condition: The height of any of the solar panels shall not exceed a height of 3.0 metres above existing ground level.
- 15 Reason: To define the terms of this permission in the interests of visual amenity and to accord with the provisions of the NPPF and Policy CS06 of the Core Strategy.
- 16 Condition: The development hereby permitted shall be implemented in accordance with the flood risk mitigation recommendations contained in the Flood Risk Assessment & Outline Surface Water Drainage Strategy (Document ref: FRA-JBAU-XX-XX-RP-HM-0001-S3-P03-Flood_Risk_Assessment.docx) produced by JBA Consulting dated October 2021.
- 16 Reason: In order to safeguard the development at times of high risk of flooding and to accord with the provisions of the NPPF and Policy CS08 of the Core Strategy.
- 17 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the LPA, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 17 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 18 Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, earthworks or other engineering operations shall be constructed, installed or carried out on site other than in accordance with the approved details of this planning permission.
- 18 Reason: To protect the character of the countryside and the visual amenities of the locality and also to retain the value of the land for agriculture and wildlife, as the site is located in an area of open countryside where development other than agriculture is only permitted by exception and to accord with Policy CS06 of the Development Plan.
- 19 Condition: Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it concerning glint/glare, the solar farm operator shall submit details of proposed mitigation measures and timescale for their implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority. The proposed mitigation measures shall be carried out in accordance with the approved details.

- 19 Reason: To safeguard the amenities of local residents and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.
- 20 Condition: All cabling (with the exception of that connecting between solar arrays) shall be installed underground.
- 20 Reason: To protect the character of the countryside and the visual amenities of the locality, and to accord with Policy CS06 of the Development Plan.
- 21 Condition: Where trees are shown on dwg. no. 1284/10 Rev E to be retained they shall be protected during construction work as follows:
- i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made
 - ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained
 - iii) no services shall be routed under the spread of the crowns of the trees to be retained
 - iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority
 - v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.
- 21 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF and Policy CS12 of the Development Plan.
- 22 Condition: Prior to the commencement of construction of the development, the existing access onto Gunthorpe Road shall be widened and all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays as illustrated on Drawing number SK01 Rev D, and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.
- 22 Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the provisions of the NPPF and Policies CS11 & DM15 of the Development Plan.
- 23 Condition: No part of the development hereby permitted shall commence before the works to improve the public highway by means of carriageway junction widening at the crossroads of King John Bank/Marsh Road/Gunthorpe Road in accordance with the details as shown on Drawing number SP01 Rev E have been certified complete by the Local Planning Authority.
- 23 Reason: To ensure the provision of safe and adequate means of access to the permitted development and to accord with the provisions of the NPPF and Policies CS11 & DM15 of the Development Plan.