Planning Application for Proposed Solar Farm.

Updated Sequential Analysis Study

Sheepwash Solar Farm, Little Cheveney Farm, Marden, Kent.

On behalf of Statkraft UK Ltd.

Date: 24th April 2023 | Pegasus Ref: P22-2992

LPA Ref: Maidstone Borough Council 22/501335/FULL

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Contents.

Appendices contents.

1. INTRODUCTION

1.1. This updated Sequential Analysis Study (SAS) has been prepared by Pegasus Group on behalf of Statkraft UK ('the Appellant') Ltd to accompany a planning appeal for the following description of development on Land North of Little Cheveney Farm, Sheephurst Farm, Marden, Kent (the Development Proposal):

> ***"Installation of a renewable energy led generating station comprising of ground-mounted PV solar arrays, associated electricity generating infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements."***

1.2. The Development Proposal comprises of a solar PV farm with an installed generation capacity of up to 49.99MW.

1.3. The planning permission sought is for a temporary period 37 years, after which the development will be fully decommissioned and restored.

1.4. The works include a connection adjacent to the Point of Connection ('PoC') at the 132kV overhead line which crosses the site.

1.5. The planning application for the description of development described above was refused by Maidstone Borough Council (planning application reference 22/501335/FULL) on 28th October 2022 for five reasons for refusal ('RfR'), including the following RfR relating to agricultural land:

> ***"(1) The site includes a significant proportion of the best and most versatile agricultural land which has economic and other benefits that NPPF requires to be recognised. The proposal is also contrary to National Energy policies and Planning Practice Guidance and policy DM24 of the Maidstone Borough Local Plan 2017 which direct solar farms towards lower grade agricultural land. The proposed use of the best and most versatile agricultural land has not been adequately demonstrated to be necessary."***

1.6. Pegasus Group have subsequently been instructed to provide an updated Sequential Analysis Study to support an appeal made pursuant to s.78 of the Town and Country Planning Act 1990 against the refusal of planning application reference 22/501335/FULL.

1.7. The report has been updated as follows:

- Clarify the methodology utilised as part of the preparation of the original report;

- Incorporate further detail regarding the site selection parameters and initial site selection process undertaken by the Appellant undertaken by Carter Jonas on behalf of the Applicant;

- Consolidate the content and conclusions reached within other documents submitted as part of the original application within the updated SAS, including in particular the following:

  -Agricultural Land Classification and Soil Resources, Reading Agricultural Consultants Ltd (March 2022);

  -Grid Connection Assessment, Artios Energy Ltd (February 2022);

  -Agricultural Land Use Statement, Bidwells LLP (March 2022);

  -Biodiversity Net Gain Report, Riverdale Ecology (February 2022);

  -Agricultural Evidence on behalf of the Appellant, Kernon Countryside Consultants (April 2023);

1.8. The updated SAS does not appraise the policy basis of the RfR cited above or the weight to be attributed as part of the planning balance related to the proposed use of agricultural land for the Development Proposal. These are matters which are addressed in full within the Appellant's Statement of Case.

1.9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

1.10. The overarching purpose of this Sequential Analysis Study is to demonstrate that the use of agricultural land for solar farm development has been properly considered in relation to relevant planning policy and material considerations.

1.11. The site selection parameters applied by the Appellant to identify a suitable solar farm development site are described within the SAS as part of this process as summarised below.

1.12. The objective is to find a suitable site that can accommodate a commercial scale solar ground-mounted solar farm with a maximum capacity of 49.99MW.

1.13. The site needs to be proximate to a suitable PoC to the grid which has available capacity, is not constrained or which would result in significant power curtailment, and the connection should be available within a reasonable time frame i.e. up to 4 years.

1.14. A suitable grid connection is the most important factor in the site search. 132kV connections are now most common for commercial scale solar projects. At this voltage in order to deliver a viable project, developers will seek to maximise the energy generation capacity of a solar project which for a scheme outside of the Planning Act 2008 process is 49.99MW. This typically requires a minimum site size of 70-100ha.

1.15. The cost of connection the site to the grid is the second most important factor. This is a function of distance as beyond 500 meters, the cost can become unviable relative to the power generated, which is a significant constraint. Therefore, the further away the point of connection is to the development site, the less feasible it will become for a cost-effective and efficient grid connection due not only to increase capital costs and higher transmission and distribution losses and inefficiencies, but also the requirement for easements and wayleaves for access over third party land to facilitate the grid connection.

1.16. In identifying potential sites, a site search area of 500 meters from the identified 132kV overhead line with capacity was therefore used. This is the optimum maximum distance from the overhead line for the reasons explained above.

1.17. In addition to grid connectivity, the site selection process also considers other environmental constraints such as proximity to residential areas, ecological and landscape designations, heritage assets, and agricultural land classification as well as factors which present physical, engineering, and commercial constraints to solar farm development such as irradiation, topography, and accessibility by HGVs.

1.18. Once a suitable site has been identified, a second stage of site design needs to take place, which considers the placement of panels and infrastructure. Sensitive areas within the site such as watercourses, roads, footpaths, and woodland are avoided wherever possible, and panels and infrastructure are placed on lesser grade agricultural land in preference to best and most versatile quality land.

1.19. The findings of the SAS demonstrate that following the application of the site selection criteria the use of agricultural land for this development has been found to be necessary, no

previously developed land has been identified to accommodate the scale of development proposed, and that lower grade land has been used in preference to higher. Furthermore, that agricultural use would continue on the site via sheep grazing throughout the operational phase and that the development will deliver biodiversity enhancements in accordance with relevant planning policy and guidance.

1.20. The SAS first sets out a description of the agricultural classification at the site and the purpose of the site (Chapter 2); followed by a description of the planning policy context relating to the content of this report (Chapter 3); site selection methodology (Chapter 4); sequential assessment (Chapter 5); followed by the Conclusion presented in Chapter 6.

2. AGRICULTURAL LAND CLASSIFICATION AT THE SITE

2.1. The application site extends to 74.5ha.

2.2. The site is on greenfield land which is currently used for agriculture.

2.3. The agricultural land classification has been assessed at the site as detailed within the **Agricultural Land Classification and Soil Resources Report** prepared by Reading Agricultural Consultants Ltd (March, 2022) and submitted as part of the planning application.

2.4. The report assessed the Agricultural Land Classification ('ALC') at the site as shown in Table 1 below.

Table 1. Agricultural land classification at the site

xGrade	Description	Area(ha)	%
Grade 2	Very good quality	6.9	9
Subgrade 3a	Good Quality	28.2	38
Subgrade 3b	Moderate Quality	39.4	53
TOTAL		**74.5**	**100**

2.5. Land classification Grades 1, 2, and 3a are defined as comprising 'Best and Most Versatile Agricultural Land' (BMVAL). Consequently, the majority of the site (53%) is not classified as BMVAL.

2.6. The site boundary incorporates 35.1ha of land classified as 'Best and Most Versatile Agricultural Land', the majority of which (28.2ha) is Subgrade 3a land.

2.7. 6.9ha (9%) of Grade 2 land has been assessed to exist within the site layout boundary. The amount of Grade 2 land assessed as part of the detailed ALC Survey undertaken is greater than that shown in the MAFF (now DEFRA) Provisional ALC predictive mapping which shows a small area of approx. 0.05ha of Grade 2 land situated to the northern extent of the boundary

with the remainder of the site comprising wholly of Grade 3 (See 4.1 Agricultural Evidence, Kernon Countryside Consultants). This amount of Grade 2 was considered de minimis for the purpose of the initial site sift exercise undertaken.

2.8. The farming regime which is adopted in practice across the site area is determined by the potential of the poorest quality land on the site, which in this case is subgrade 3b as described further within the **Agricultural Land Use Statement,** para. 4.1 'Versatility of Cropping'**.** Furthermore**,** the **Agricultural Evidence** concludes following discussion regarding 'Is the BMV land capable of full exploitation' at paragraphs 5.13-5.27, that **"the BMV land, mixed as it is with land of poorer quality in all the fields, is not capable of separate exploitation".** Therefore, despite containing areas of BMV land, it is farmed on the basis that it does not constitute BMV land.

2.9. Notwithstanding the above, the detailed design has reduced the amount of Grade 2 area under panel as far as possible.

2.10. 2.2ha of the total amount of 6.9ha of Grade 2 land at the site is situated within fence as per the Site Layout (See Tables contained within the 'Agricultural Evidence' submitted for the full breakdown). The area under panel covering Grade 2 land is 0.74ha.

2.11. The Development Proposal will not give rise to any permanent 'loss' or deterioration of the agricultural land under the panels.

2.12. The amount of loss of agricultural land is restricted to the small areas for fixed equipment which requires 0.5ha of Subgrade 3a land (as per the content of the submitted 'Agricultural Evidence').

2.13. The permission sought is for a temporary duration of 37 years, after which time the site will be decommissioned and restored as controlled by planning condition.

2.14. The threshold for consultation with Natural England as part of a determination of a planning application is where there will be a 'loss' (by sealing -over or downgrading, rather than a change of use) of more than 20ha of BMV agricultural as per Schedule 4 'Consultations before the grant of permission', part (y), of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.15. Natural England have been consulted and have not raised any objection to the Development Proposal.

2.16. It is also of note that Natural England have confirmed in responses to other solar farm proposals affecting Best and Most Versatile Agricultural Land that this type of development would not give rise to any permanent 'loss'. For example, in response to a solar farm development affecting 100% BMVAL land within the administrative district of Hambleton District Council (planning application reference 21/01362/FUL) Natural England issued comments as follows:

"From the description of the development this application is likely to affect 72 ha of BMV agricultural land. We consider that the proposed development is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because 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, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of agricultural land."

3. PLANNING CONTEXT

3.1. This section of the Sequential Analysis Study provides an overview of the planning policy context as it relates to agricultural land and the siting of solar farm development.

The Development Plan

3.2. The Maidstone Borough Local Plan, adopted 25th October 2017 includes 'Policy DM24 Renewable and Low Carbon Energy Schemes' which states:

> ***"Applications for larger scale renewable or low carbon energy projects will be required to demonstrate that the following have been taken into account in the design and development of the proposals:***
>
> ***i. The cumulative impact of such proposals in the local area;***
>
> ***ii. The landscape and visual impact of development;***
>
> ***iii. The impact on heritage assets and their setting;***
>
> ***iv. The impact of proposals on the amenities of local residents, e.g., noise generated;***
>
> ***v. The impact on the local transport network; and***
>
> ***vi. The impact on ecology and biodiversity including the identification of measures to mitigate impact and provide ecological or biodiversity enhancement.***
>
> ***<u>Preference</u> will be given to existing commercial and industrial premises, previously developed land, or agricultural land that is not classified as the best and most versatile.***
>
> ***Provision for the return of the land to its previous use must be made when the installations have ceased operation." (Pegasus emphasis underlined).***

3.3. Policy DM24 does not prohibit the use of BMVAL for renewable and low carbon energy generation and does not stipulate any need to demonstrate that the site is the best available.

National Planning Policy Framework ('NPPF') (July 2021)

3.4. The NPPF describes at paragraph 7 that the ***"purpose of the planning system is to contribute to the achievement of sustainable development."***

3.5. Paragraph 8 elaborates that achieving sustainable development has three overarching objectives defined as comprising economic, social, and environmental objectives, which are interdependent and need to be supported in mutually supportive ways.

3.6. The 'environmental objective' is described as follows:

> ***"to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."***

3.7. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by ***"…b) recognising the….wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land…"***

3.8. The economic and other benefits of the best and most versatile agricultural land at the site and compatibility of the use of the site with sheep grazing during the operational phase have been considered separately within the **'Agricultural Land Use Statement'** (Bidwells LLP, March 2022).

3.9. The content of the NPPF does not prevent the use of BMVAL for solar farm development.

National Planning Practice Guidance ('NPPG')

3.10. Paragraph 013 (ID: 5-013-20150327) of NPPG sets out several factors that should be considered as part of the determination of a planning application for large-scale solar farms. The first and second bullets state that:

> ***"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."

3.11. The wording of the NPPG does not prevent the use of higher quality agricultural land for solar PV development.

3.12. Since the publication of 'Renewable and Low Carbon Energy' chapter in NPPG in 2015 it is noted that the judgement on the 'necessity' of the use of agricultural land as described above should take into account more recent policy changes as set out in the NPPF, the draft NPS publications, the Net Zero Strategy requirement to achieve Net Zero by 2050, as well as the more recent energy policy statements encouraging the deployment of solar pv as noted most recently in the 2022 British Energy Security Strategy.

National Planning Policy Statements (NPS)

National Policy Statement of Renewable Energy Infrastructure (EN-3)

3.13. National Policy Statement (NPS) EN-3 published in July 2011 sets out the national policy for renewable energy projects in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects ("NSIP"), which the Proposed Development the subject of this application is not, however, it is confirmed at paragraph 1.2.3 of EN-3 that this document can be a material consideration in the determination of planning applications that fall under the Town and Country Planning Act 1990 (as amended).

3.14. NPS EN-3 sets out the importance of renewable energy in achieving the Government's ambitious targets for renewable energy generation, highlighting that a ***"significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the 15% renewable energy target".***

3.15. NPS EN-3 does not contain an assessment and technology-specific information relating specifically to solar PV development.

3.16. However, a draft replacement NPS EN-3 was published in September 2021 which incorporates a new section specifically describing the key considerations involved in the siting of solar farms and other relevant technical considerations. It provides a useful insight into the government's current direction of travel on this matter. It is noted that this is a draft document, the contents of which are subject to change, however, it is considered that the

guidance set out in this document should be afforded appropriate consideration in the context of this SAS as the latest statement of Government planning policy on solar farms.

3.17. The draft NPS EN-3 confirms that the Government is committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. The government affirms that ***"as such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector"*** (paragraph 2.47.1).

3.18. Section 2.48 describes the factors influencing site selection by the applicant for solar photovoltaic development as including the following:

- Irradiance and site topography
- Proximity of a site to dwellings
- Capacity of a site
- Grid connection
- Agricultural classification and land type
- Accessibility

3.19. Draft NPS EN-3 recognises the importance of the grid connection as a consideration for applicants of solar farm development.

3.20. Paragraph 2.48.10 states that ***"the connection of a proposed solar farm into the relevant electricity network will be an important consideration for applicants of solar."***

3.21. Paragraph 2.48.11 describes that ***"most solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical feasibility of a development and as such some larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure. The connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal."***

3.22. Paragraph 2.48.12 states that ***"The applicant may choose a site based on nearby available grid export capacity. Locating solar farms at places with grid connection capacity enables the applicant to maximise existing grid infrastructure, minimise disruption to local community infrastructure or biodiversity and reduce overall costs. Where this is the case, consideration should be given to the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure."***

3.23. Attention is also drawn to the comments relating to **'Agricultural land classification and land type'** as a factor influencing site selection and the description at paragraph 2.48.13 which states that the use of 'Best and Most Versatile' cropland should be avoided where possible but that ***"land type should not be a predominating factor in determining the suitability of the site location"***.

3.24. Paragraph 2.48.15 confirms that the ***"development of ground mounted solar arrays is not prohibited on sites of agricultural land classified 1, 2, 3a, or designated for their natural beauty, or recognised for ecological or archaeological importance"*** but that the impacts of such are expected to be considered.

Relevant decisions

3.25. The UK faces an urgent need for the delivery of renewable energy generation at unprecedented scale and pace to achieve its statutory greenhouse gas emissions reduction target and energy security objectives.

3.26. The use of agricultural land will be necessary to achieve these objectives.

3.27. To develop a technically and commercially feasible solar farm development the distance between the solar farm and the PoC should be as short as possible to minimise cost, transmission and distribution electrical losses, and network outages during the construction phase.

3.28. Grid capacity must also be available within a reasonable timeframe which means that the electricity network must have the capacity to export the generation without the requirement for extensive and significant network upgrades that could delay the grid connection.

3.29. Consequently, in the context of nationwide grid constraints and other limitations, if better quality agricultural land is the only available land close to the PoC, solar developments are likely to be situated on this land if no other suitable lower quality land is available.

3.30. The location of solar farm developments on best and most versatile land has been considered in a number of appeal decisions. The Rose and Crown solar farm was refused by King's Lynn and West Norfolk Borough Council and subsequently granted planning permission on appeal in 2015[1] (Appendix 1). The Inspector recognised in this case that there was very little low-quality land within the local area and understood that there was a ***"need to limit the distance between generation capacity and the grid".*** The Inspector concluded that "***this high quality agricultural land would not be lost to agriculture….and would be restored to arable use, most likely in a better condition than the intensive use it is currently put to."***

3.31. The recent decision relating to the 45MW Bramley Solar Farm development affecting 53% 'Best and Most Versatile Land' is also relevant. The Planning Inspectorate allowed this appeal in February 2023[2] (Appendix 1). Paragraphs 55-57 of the Appeal Decision relate to the consideration of alternative sites.

"55. Concerns were raised regarding a lack of detail demonstrating that alternative sites, including the use of previously developed land, was considered by the appellant. Reference was made to the advice contained in the 2015 iteration of the Planning Practice Guidance (PPG) regarding the range of factors to be considered for large, ground-mounted, solar developments. In particular, the use of greenfield sites and the preference for utilising poorer quality, ahead of higher quality, land.

56. However, the PPG states that a range of factors should be considered including whether the use of agricultural land is necessary, the temporary and reversible nature of the proposal, and the potential to mitigate landscape impacts through screening. This will involve a range of inputs, from grid connection to land ownership, landscape and visual effects and mitigation. The submitted details set out the reasons for the selection of the appeal site, including connecting to the national grid. LP Policy EM8 requires

[1] APP/V2635/W/14/3001281 Land at Rose and Crown Farm, Mill Road, Walpole St Andrew, Norfolk.
[2] APP/H1705/W/22/3304561 Land at Minchens Lane, Bramley, Hampshire

proposals to demonstrate such connections, and in this case, a connection to the national grid through the nearby Bramley substation has been secured. Given the constraints on the wider distribution network this is a matter which increases the compliance of the proposal with local policy.

57. Since 2015, Parliament has declared a climate emergency[7] and the Climate Change Act 2008 (2050 Target Amendment) Order 2019 requires the achievement of net zero by 20508. I was not directed to any legal or policy requirements which set out a sequential approach to considering alternative sites with developments such as the appeal proposal. Of particular relevance, LP Policy EM8 does not require the demonstration of any sequential approach to site selection as confirmed by the Council. Accordingly, I do not consider that planning permission should be withheld on the basis of a lack of identified alternative sites being considered."

3.32. No other applications for solar farm development within the administrative area of Maidstone Borough Council and proposing to connect to the 132kV UKPN line have come forwards between the submission of the planning application and the point of the submission of the appeal.

3.33. Nonetheless, it is noted that planning permission for the installation of a 49.99MW solar farm development with an area of 69.3ha on Land at Bockingfield Farm was permitted within the adjacent administrative district of Tunbridge Wells Borough Council on 22nd December 2022 (Tunbridge Wells Borough Council reference 22/02773/FULL).

3.34. The site of this solar farm is situated approximately 1km to the south west of the site and will connect to the western spur of the UKPN 132kV overhead line which crosses through the site. The site was within the area of search which informed the initial site selection process undertaken by Carter Jonas (Appendix 2). However, it was discounted on the basis that the site is shown as predominantly Grade 2 within the MAFF provisional ALC mapping data.

Summary

3.35. In summary, the planning context does not preclude the use of BMVAL for solar farm development and subsequently use of such land for solar farm is not 'unacceptable in principle'.

3.36. In addition, there is no legislative, planning policy, or guidance that stipulates the use of agricultural land for any specific agricultural purposes or output.

3.37. The owner of the site can manage the site for a range of food production and non-food agricultural uses which would not necessitate the need to obtain planning permission.

3.38. Furthermore, there is no requirement in statute or policy relating to the need for solar farm developments to assess alternative sites nor any requirement for any site to be demonstrated as the best available, as supported by planning appeal decisions.

3.39. Planning policy at the national or local level does not provide any guidance relating to the methodology for a Sequential Analysis Study, or similar report.

3.40. The methodology utilised within this SAS is therefore informed by current best practice for similar solar farm development types and has considered relevant key factors that influence site selection for solar farm development on agricultural land.

4. METHODOLOGY

1. Study Area

4.1. In order to undertake the SAS, it is necessary to firstly identify an appropriate and reasonable Study Area.

4.2. Technical and commercial parameters relating to the grid connection are recognised within Draft NPS EN-3 and are referred to in Section 3 above. These include proximity of a site to a POC which has export capacity and, the technical and commercial viability of the grid connection route. These are the critical parameters which determine the search area for a site for a solar farm.

4.3. The Development Proposal benefits from a connection agreement with the 'District Network Operator' which in this case is UK Power Networks (UKPN) for a connection at the voltage level of 132kV on the nearby UKPN overhead 132kV line.

4.4. The connection date is October 2025.

4.5. The original planning application submission was supplemented with a **Grid Connection Assessment Report** prepared by Artios Energy Ltd which describes the connection options for the project to connect at the capacity requested, the connection works required and, costs, and timescales associated with potential alternative options.

4.6. The report describes that due to the (then) relatively uncommon nature of the connection on the nearby 132kV overhead line, the grid connection can be implemented very quickly.

4.7. The works to connect to the 132kV overhead line involves thw following: installation of a 132kV metering breaker on site; cabling and other infrastructure from the site to the overhead line tower and overhead line; uprating of the 132kV line conductor; and protection and intertrip installation.

4.8. Locating the solar farm substation close to the 132kV line reduces the requirement for extensive excavation and trenching works which has a direct impact on timeframes and costs of the grid connection. There are also other benefits such as a reduction in system losses, and better energy efficiency.

4.9. The Grid Connection Assessment report describes the costs associated with the cable route and that a cable route length of more than 500m long would also require a 132kV circuit breaker which would entail significant additional cost. Subsequently, the proximity of a site to a suitable PoC to the grid is the key locational search parameter for solar farm development.

4.10. Following the identification of available grid capacity on the overhead line the next stage in the site selection process is to identify whether there are any suitable potential sites within 500m either side of the overhead line, as informed by the technical and commercial parameters related to achieving the grid connection. It is not necessary for the entire site to be located within 500m of the line provided that there is sufficient area within that distance to locate a project substation from which the connection to the line will be made.

4.11. As explained in Chapter 1, this distance was chosen to minimise losses and inefficiencies that occur for connecting the PV plant because the cost of connecting the site to the grid is a function of this distance, and beyond 500 meters, the cost can become unviable relative to the power generated, which is a significant constraint.

4.12. The Appellant instructed Carter Jonas to identify sites with an area between 70-100 which could be suitable for development along the Northfleet to Harley 132kV line taking into account the considerations above. In addition, any sites identified require a landowner who is willing to lease land long term for the solar farm development.

4.13. The Applicant presents evidence at **Appendix 2 – Initial Site Sift** pertaining to the initial site identification search following identification of grid capacity on the overhead line. The overhead line extends into the neighbouring administrative district of Tunbridge Wells Borough Council in the south and Tonbridge and Malling Borough Council in the north.

APPENDIX 2: INITIAL SITE SIFT

4.14. As part of this search Carter Jonas excluded potential sites wholly or mainly on agricultural land quality Grades 1 and 2.

4.15. Agricultural land quality is classified according to the Agricultural Land Classification (ALC) System, according to the Department of Environment, Food and Rural Affair's (Defra's) dataset as follows:

- Grade 1 – Excellent Quality
- Grade 2 – Very Good Quality
- Grade 3A – Good Quality
- Grade 3B – Moderate Quality
- Grade 4 – Poor Quality
- Grade 5 – Very Poor Quality

4.16. Land classification grades 1, 2 and 3a are categorised as 'Best and Most Versatile' agricultural land ('BMVAL').

4.17. 'Poorer Quality Land' is classified as being land of Grades 3b, 4 or 5 which is consistent with the definition provided within the Glossary of the NPPF.

4.18. It is important to note that the Defra dataset refers to land classification category 3 as a single category and does not make a distinction between land of subgrade 3a 'best and most versatile' and subgrade 3b 'poorer quality land'.

4.19. Sampling and further site-specific investigation are required to establish the true agricultural grading of a site to identify the subgrade of Grade 3, as well as to confirm the accuracy of the grading indicated in the predictive mapping data.

4.20. Soil sampling and on-site assessment work may demonstrate that the actual land quality is different to that shown in the published ALC maps and subsequently may be of a higher or lower grading than shown.

4.21. However, undertaking soil sampling across all potential alternative sites to confirm their ALC grading would be unreasonable in terms of the potential extent, cost, timescale, land ownership negotiations etc, and therefore falls outside of the scope of the initial site selection work and content of this SAS.

4.22. Consequently, the identification of 'poorer quality land' for the purposes of the initial site selection is based on the Defra published maps to include land with grades 3, 4, and 5, as well as non-agricultural and urban land.

4.23. The other parameters applied by Carter Jonas as part of the initial site identification included the following:

- Environmental/heritage/landscape designations
- Visual impact and local residences
- Flood zone
- Topography
- Fragmentation of array blocks (including overhead lines)
- Vehicle accessibility
- Open/common land access and rights of way
- Constructability of connection route

4.24. Following the initial identification of key constraints, Carter Jonas then focussed the initial area of search on land to the south of the railway line running between Ashford and Tunbridge Wells due to the presence of fewer statutory land designations and the relative scarcity of Grade 3 land relative to Grade 2 land situated to the north of the railway line.

4.25. **Appendix 3 Initial Site Sift** – Key Constraints Plan shows selected key parameters as applied by Carter Jonas as part of the initial site sift and the potential alternative site identified.

APPENDIX 3 INITIAL SITE SIFT – KEY CONSTRAINTS PLAN

4.26. Appendix 3 demonstrates the predominance of land with Grade 1-3 within Maidstone Borough Council as well as within the surrounding administrative areas.

4.27. As part of the initial screening exercise undertaken by Carter Jonas two sites were identified, the Application Site, situated within the administrative district of Maidstone Borough Council, and a second site in the adjoining administrative area of Tunbridge Wells Borough Council (Appendix 3).

4.28. The owner of the 2nd site situated within Tunbridge Wells was contacted by Carter Jonas to investigate whether they were willing to potentially use the land for a solar farm development.

The landowner advised Carter Jonas that they were not interested in pursuing a solar scheme at that time.

4.29. In conclusion, the initial site search identified that the application site was the only available site situated within 500m of the 132kV overhead which complied with the parameters above.

4.30. The site identified as being potentially suitable and available as part of the initial site sift exercise is situated within Maidstone Borough Council. The next step in the site identification process is to undertake a further detailed appraisal and evaluation to assess compliance with the Development Plan as well as any other material policy and guidance (as set out within Section 3 above).

4.31. Accordingly, the Study Area corresponds within the administrative area within which the Application Site is situated, which in this case is Maidstone Borough Council (MBC).

4.32. The Study Area as defined above in relation to the proximity to the grid and applicable administrative area is shown in **Appendix 4- Study Area Plan**.

APPENDIX 4: STUDY AREA PLAN

2. Site Assessment Constraints

4.33. Land within the Study Area identified is then examined in relation to constrained and designated areas where large scale solar farm development would be excluded.

4.34. The application of constraints is applied in two phases. The first phase excludes those areas that are particularly sensitive and constrained using the following parameters:

- Listed Buildings, Grades 1, II*, and II - 50m buffer.
- Country Parks
- Registered Parks and Gardens
- Scheduled Monuments
- Conservation Area
- Common Land – Countryside and Rights of Way Act (CROW Land)

- Areas of Outstanding Natural Beauty
- Locally designated sites for landscape protection
- Sites of Special Scientific Interest
- Woodland
- Ancient Woodland
- Statutory designated sites for ecology
- RSPB Reserve
- Residential buffer – 100m
- Local Nature Reserve

4.35. The application of the parameters above identify 'unconstrained' land, as shown in **Appendix 5 – Constraints Plan.**

APPENDIX 5: CONSTRAINTS PLAN

4.36. This phase also involves the identification of any areas of previously developed, non-agricultural land, or poorer quality agricultural land that could deliver a solar farm development with comparable capacity to the Application Site.

4.37. Areas of highergrade agricultural land (Grades 1 & 2) are overlaid onto the existing Constraints Plan and added to the 'Constrained Area' shown to identify unconstrained land at a similar (Grade 3 as per the predictive mapping) or lower agricultural grade to the application site as shown in **Appendix 6 – Combined Constraints and ALC Plan.**

APPENDIX 6 – COMBINED CONSTRAINTS AND ALC PLAN

4.38. The remaining 'unconstrained areas' are then subject to further analysis and evaluation to identify whether these areas offer any potential non-agricultural or previously developed land for the development and to inform the second phase of site design. This phase considers the site specific circumstances and the existing use and the potential for the placement of solar panels and other infrastructure.

4.39. The second phase analysis is presented in **Appendix 7** and **8** of this SAS.

APPENDIX 7 – UNCONSTRAINED AREAS PLAN A

APPENDIX 8 – UNCONSTRAINED AREA PLAN B

4.40. The findings of the Sequential Analysis undertaken as per the steps above are described in the following section of this report.

5. SEQUENTIAL ANALYSIS

1. Assessment that use of agricultural land is necessary

5.1. The starting point for this element of the sequential analysis is to identify whether there is any previously developed land within the Study Area which meets the deliverability parameters required to deliver a solar farm development at the scale required, and is unaffected by the environmental constraints criteria listed above.

5.2. The assessment is made with reference to statistics produced by the Ministry of Housing Communities & Local Government (MHCLG) at a national level with regards to available undeveloped land and the MHCLG's grouping assessment as to the proportion of undeveloped land without constraints[3].

5.3. Further detail is provided in the MBC's published Brownfield Register [4] of previously developed land at a local scale.

5.4. Within the MBC Brownfield Register (2019) dataset, there are 108 brownfield registered sites within the Maidstone Borough. 70 of these sites have been granted permission for development. None of the remaining 38 sites are of a size comparable to the Application Site and therefore do not offer the land required for a viable solar farm development.

5.5. No further GIS assessment is required to assess any of the undeveloped and previously developed land related to MHCLG and MBC Brownfield Register (2019) dataset.

5.6. Commercial roof tops typically do not offer sufficient space to deliver utility scale solar PV development. There are no roof tops with sufficient area within the Study Areas capable of delivering a viable utility scale solar farm development.

5.7. The content of **Appendix 7 – Unconstrained Area Plan A** and **Appendix 8** – **Unconstrained Area Plan B** demonstrates that there are no other areas of non-agricultural or previously developed land within the unconstrained land identified within the Study Area e.g. disused

[3] Land Use Statistics England 2018
[4] MBC Brownfield Land Register (2019): Part 1

airfields, which may not be contained within the MBC Brownfield Register but nonetheless offer potential for solar farm development.

5.8. In conclusion, the findings demonstrate that it is necessary to use agricultural land in order to take advantage of the available grid capacity at the 132kV line to deliver solar farm development.

2. Poorer quality land has been used in preference to higher quality land

5.9. The Application Site has been surveyed to comprise of a mix of Grade 2, Subgrade 3a and Subgrade 3b land as defined within the Agricultural Land Classification Report prepared by Reading Agricultural Consultants (Section 2).

5.10. The majority of the site (53%/39.4ha) has been assessed to be Subgrade 3b which is not 'best and most versatile agricultural land'.

5.11. **Local Plan Policy DM24 – Renewable and Low Carbon Energy Schemes** states that preference will be given to the use of agricultural land that is not classified as best and most versatile for the purpose of the delivery of larger scale renewable or low carbon projects.

5.12. The use of the Application Site will predominantly make use of non-BMVAL.

5.13. 35.1ha of the land within the site boundary is classified as 'Best and Most Versatile' comprising of 28.2ha Subgrade 3a and 6.9ha Subgrade 3b.

5.14. The majority of the land within the Study Area, as well as the wider surroundings comprises of land with a predictive agricultural land classification of Grade 1-3 as shown in **Appendix 3 – Initial Site Sift – Key Constraints Plan** and **Appendix 6 Combined Constraints and ALC Plan** and therefore comprises land with a similar or higher land quality than at the Application Site.

5.15. **Appendix 6 – Combined Constraints and ALC Plan** indicates that the majority of the land within the 500m grid buffer comprises land with predictive grades of Grade 1 and 2 and therefore a higher ALC than the application site.

5.16. Consequently, the Application Site is predominantly sited on land with the lowest agricultural land classification grade in the area and thus preferentially makes use of relatively poorer

quality land in accordance with relevant policy and guidance relating to the use of agricultural land for solar farm development.

5.17. The local and national importance of the agricultural land at the site in the context of the surrounding area and the country as a whole is further discussed within the **Agricultural Land Use Statement** prepared by Bidwells LLP and submitted by the Appellant in support of the original planning application. This statement concludes at paragraph 5.4 that:

> ***"The Site is located in a region where BMV land is relatively prevalent. However, as the Site is not the highest quality BMV land (being predominately subgrade 3b) its removal from food production would not compromise the strategically important fruit production sector. Furthermore, given the pressures from population and higher-level designations, the preference should be to develop a site that does not comprise meaningful areas of grade 1 and grade 2 land. The Site can only viably produce commodity crops for which the UK's trade balance is continually fluctuating in and out of a surplus position.***
>
> ***As the proposed renewable energy development must be sited near the source of energy demand, it cannot be located on lower quality land in another region to limit the cumulative impact on BMV at a national scale. That being the case, we conclude that the Site can more appropriately accommodate non-agricultural uses of this nature than better performing and more versatile land elsewhere in the region."***

5.18. **Appendix 6 – Combined Constraints Plan** identifies two areas of unconstrained land within the area (as per the constraints applied listed at 4.33 above) and which have an ALC classification of Grade 3 as shown within the Defra predictive mapping. These areas are not therefore preferable to the Application Site from the perspective of use of agricultural land.

5.19. Whilst there is no requirement in statute or policy relating to the need to assess alternative sites nor any legal or policy obligation for any site to be demonstrated as the best available **Appendix 7 Unconstrained Area Plan A** and **Appendix 8 Unconstrained Area Plan B** presents further analysis of these sites to assess their potential deliverability for a solar farm development.

5.20. **Appendix 7 Unconstrained Area Plan A** indicates that the majority of this area is subject to other established uses. The majority of the area is covered by orchard and a further large area is utilised by 'Bonfleur Cross Country Course' for equestrian purposes which reduces the likelihood of availability for a solar farm development.

5.21. A number of PRoW also intersect this area which is not preferable relative to the conditions at the Application Site.

5.22. **Appendix 8 Unconstrained Area Plan B** indicates that the area to the south west does not benefit from good access to the highways network.

5.23. The northern and eastern areas are intersected by numerous PRoW which reduces the developable area. The solar farm development would have greater direct impact on users of these footpaths relative to the Application Site.

5.24. The area is less contained than the Application Site and therefore the potential for landscape and visual impacts would be greater relative to the Application Site.

5.25. Overall, the Sequential Analysis has identified the presence of limited unconstrained sites within the search area as shown in Appendix 7 and 8 and that these sites are shown by the Defra predictive mapping as comprising predominantly Grade 3 land which is comparable to that shown by the predictive mapping at the Application Site.

5.26. In contrast to these sites, the Application Site has been assessed to comprise mainly non-BMVAL land and has a clear benefit that it is available and can be developed for a solar farm.

5.27. In conclusion, the sequential analysis undertaken has not identified any other unconstrained sites with a lower agricultural classification than the Application Site. The site predominantly comprises of 'lower quality land' and use the lowest quality agricultural land within the Study Area. It is therefore sequentially preferable for use for solar for a solar farm development relative to higher quality land within the Study Area.

3. The proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.

5.28. **The Planning, Design and Access Statement** confirms that the site will remain in part agricultural use for the duration of the operational period as a result of sheep gazing between the solar arrays.

5.29. **The Agricultural Land Use Statement** describes that the deployment of sheep grazing as a complementary management practice for the solar farm development will contribute to the UK's food production and will, in part, the UK's overall reliance on imports. The Development

Proposal will also provide wider environmental benefits. For example, long-term improvements to soil structure and health and biodiversity benefits.

5.30. **The Agricultural Land Use Statement** confirms that the proposed development will not affect the viability of the remaining farm business as the land represents 7.5% of the total land farmed by the landowner (Eckley Farms). The agricultural holding will also benefit from a diversified income stream which will enhance its economic and agricultural resilience.

5.31. The solar farm development is reversible and the use of a suitably worded planning condition can ensure that the site is restored to the existing agricultural land classification grade. Consequently, the development would not give rise to any permanent loss or change of use that would prohibit agricultural use in the future.

5.32. The site will deliver significant habitat creation and enhancement measures as shown in the **Landscape and Mitigation Enhancement Plan AW10143-PL-002.**

5.33. **The Biodiversity Net Gain Report** prepared by Riverdale Ecology submitted as part of the planning application demonstrates that the proposed development will give rise to a biodiversity net gain of **51.04%** and a **39.39%** gain in hedgerow units.

5.34. The application is also supported by a **Landscape and Ecological Enhancement Plan** which demonstrates how the site will be managed to deliver the landscape and biodiversity benefits proposed.

5.35. In conclusion, the Development will sustain ongoing agricultural use at the site as well as the wider landholding and will deliver biodiversity improvements in compliance with relevant planning policy and guidance.

6. SUMMARY AND CONCLUSIONS

6.1. This updated Sequential Analysis Study (SAS) has been prepared on behalf of Statkraft UK Ltd to accompany a planning appeal for the construction of a solar farm on land at Little Cheveney Farm, Marden, Kent.

6.2. This Study has been carried out to support the assessment of compliance with planning policy, and other material considerations, specifically National Planning Practice Guidance (PPG): Renewable and Low Carbon Energy, Paragraph 013 which sets out a number of factors that should be considered as part of the determining a planning application for a large-scale solar farm.

6.3. The SAS describes the site selection parameters applied by the Appellant to identify a suitable solar farm development site that can accommodate a 49.99MW ground-mounted solar farm.

6.4. The site needs to be sited proximate to a suitable point of connection to the grid which has available capacity which should not be constrained or result in significant power curtailment, and the connection should be available within a reasonable time frame i.e. up to 4 years.

6.5. Once available grid capacity has been identified the next stage in the process is to identify a suitable site in proximity to the Point of Connection.

6.6. The 132kV overhead line which provides the Point of Connection for the Proposed Development crosses through the site and has a connection date in 2025 thus offering an effective and efficient means of connection to the grid.

6.7. The SAS described the site selection criteria applied to the siting of the Development Proposal which has included consideration of the need to preferentially site large scale solar farm development on non-agricultural and land which is not Best and Most Versatile where possible.

6.8. The content of the SAS demonstrates compliance with relevant planning considerations relating to agricultural land for the following reasons:

- The SAS demonstrates that there is no suitable previously developed land or roof tops which could accommodate the scale of development required and consequently that the use of agricultural land will be necessary;

- Most of the land within the Study Area comprises of higher quality agricultural land with agricultural land grading of 1, 2, and 3 with relatively high levels of Grade 1 and 2 land within the administrative district of Maidstone Borough Council. Consequently, it is inevitable that the development of solar farm development within this area will need to utilise areas of higher quality agricultural land, with land at Grade 3 representing the sequentially preferable option as it represents the lowest land classification grade.

- The site is situated within an area comprising of Grade 3 land as per the Defra predictive mapping. It is not possible to distinguish between Subgrade 3a and 3b without undertaking site specific assessment of areas identified as Grade 3 within the Defra predictive ALC mapping dataset. Further to site specific evaluation the Agricultural Land Classification at the site has been assessed as predominantly comprising of land which is not BMVAL (Grade 3b 53%). The largest proportion of the remaining area (38%) comprises of land with an agricultural land classification of Subgrade 3a which is the lowest category of 'Best and Most Versatile Land'.

- The sequential analysis undertaken demonstrates that no potential unconstrained sites have been identified within the Study Area which have a lower agricultural land quality than the site.

- The Development is proposed to be sited on land currently used for agriculture. The development will enable the continuation of agricultural use at the site and support the economic sustainability of the agricultural use on the wider estate.

- The Development will deliver significant biodiversity net gain enhancements.

6.9. The findings of the SAS demonstrates that the use of agricultural land for this development has been found to be necessary, that no previously developed land has been identified to accommodate the scale of development proposed, and that lower grade land has been used in preference to higher. Furthermore, that agricultural use will continue at the site throughout the duration of the operational phase and that the scheme will also deliver biodiversity enhancements in accordance with relevant planning policy and guidance.

6.10. In conclusion, the site selection and use of agricultural land for delivery has been fully justified in relation to relevant planning policy and guidance.

APPENDIX 1: APPEAL DECISIONS

APP/V2635/W/14/3001281 LAND AT ROSE AND CROWN FARM, MILL ROAD, WALPOLE ST ANDREW, NORFOLK, &

APP/H1705/W/22/3304561 MINCHENS LANE, BRAMLEY, HAMPSHIRE

The Planning Inspectorate

Appeal Decision

Inquiry Held on 13-16 & 20-22 December 2022
Site visit made on 22 December 2022

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2023

Appeal Ref: APP/H1705/W/22/3304561
Minchens Lane, Bramley, Hampshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bramley Solar Ltd against the decision of Basingstoke & Deane Borough Council.
- The application Ref 20/03403/FUL, dated 30 November 2020, was refused by notice dated 21 April 2022.
- The development proposed is the 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 including a proposed Forest School, associated car parking and Nature Area.

Decision

1. The appeal is allowed and planning permission is granted for the installation of renewable led energy generating station, comprising ground-mounted photovoltaic solar arrays, battery-based electricity storage containers together with substation, inverter/ transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping biodiversity enhancements and Nature Area at Minchens Lane, Bramley, Hampshire in accordance with the terms of the application, Ref 20/03403/FUL, dated 30 November 2020, subject to the conditions set out in the attached annex.

Procedural matters

2. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2015, the application as made to the local planning authority (LPA) was an Environmental Impact Assessment (EIA) application, accompanied by an Environmental Statement (ES)[1]. In accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMP), the application was publicised by display of a site notice, by way of notice in a newspaper circulating in the locality and by the publication of information on a website maintained by the LPA. The publicity and neighbour notification publicised both the original application submission and the subsequent notifiable amendment to the application (June 2021).

[1] Core Document 28

3. Further amendments to the application received in December 2021 proposed no new significant environmental impacts such that the original ES remained adequate to assess the significant effects of the development on the environment. The full ES, which comprises both the original and the addendums, was subject to formal consultation. The conclusions of the ES are noted and it is considered that the EIA process has been undertaken appropriately.

4. The Bramley Solar Farm Residents Group (BSFRG) was granted Rule 6(6) status under the provisions of the Inquiries Procedure Rules.

5. A virtual Case Management Conference (CMC) was held on 27 October 2022 to discuss arrangements for the Inquiry. The CMC was attended by the appellant, the Council and BSFRG.

6. At the CMC, the appellant confirmed that planning permission was being sought for, *the installation of renewable led energy generating station, comprising ground-mounted photovoltaic solar arrays, battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping biodiversity enhancements and Nature Area,* rather than the scheme as determined by the Council and set out in the Header above. To that end, it was requested that amended plans ref. Landscape and Ecology Enhancement Plan 7520_012_Rev K, Landscape Mitigation Plan 7520_014_Rev G, Planting Schedule (1 of 2) 7520_020 dated July 2022, Planting Schedule (2 of 2) 7520_021 dated July 2022, Landscape and Ecological Management Plan Version 2.3 August 2022 and Proposed Site Plan BF2.0 Revision 20 B, be substituted for the relevant plans originally submitted.

7. The substantive changes introduced by the amendments comprise a small reduction in the number of proposed solar panels to increase offset distances from public rights of way, bolstering of the planting to enhance screening, and re-purposing of the proposed Forest School to an enlarged nature area. The Council did not object to the revisions and advised that it considers that primary consideration should be given to the amended scheme as it has been consulted on and discussed at the Inquiry and is an improvement on the submitted proposal.

8. As noted above, at the time of submission to the LPA, the application proposal was subject to publication under the DMP. With regard to the revised proposal under this appeal, I heard that the appellant carried out a further consultation exercise comprising letters, site notices, a website hosting scheme details along with a copy being placed at the Council offices in August 2022. Comments were invited before 30 September 2022. An amendment to the ES[2] in respect of the proposed revisions was undertaken, dated August 2022, and its conclusions are noted.

9. Given this further consultation on the revised scheme under this appeal, and as the modifications are minor and go towards addressing the reasons for refusal, I am satisfied that dealing with the appeal on the basis of the amended plans

[2] Core Document 85

would not prejudice the interests of any party, taking account of the Wheatcroft[3] judgment. I have dealt with the appeal on this basis.

10. It was confirmed at the Inquiry, as set out in the Heritage Statement of Common Ground[4] (HSoCG), that the Council is no longer pursuing a breach of Policy EM11 of the Basingstoke and Deane Local Plan 2011-2029 (LP) in respect of archaeological impact and that it agrees with the appellant that less than substantial harm would be caused to the significance of the Grade II listed buildings at Minchin's Farmhouse, Lower Farm and Old Meadow, and to the Silchester Conservation Area. In addition, the Council confirmed that it considers that no harm would arise to the significance of the Scheduled Late Iron Age oppidum and Roman town of Calleva Atrebatum and associated features from the proposal as a development within their settings, that the known archaeological remains within the appeal site are not demonstrably of equivalent status to a scheduled monument and that potential harm to the significance of any archaeological remains can be mitigated to an acceptable level, secured by means of a suitably worded condition attached to any grant of planning permission.

11. I have dealt with the appeal on this basis although having regard to the concerns raised in representations from the BSFRG and other interested parties, I go on to deal with a number of these issues below under Main Issues and Other Matters.

Main Issues

12. I consider the main issues to be the effect of the proposal on the character and appearance of the surrounding area, and the effect of the development proposed on the significance of nearby heritage assets, including below ground archaeology, the Scheduled *Late Iron Age oppidum and Roman town of Calleva Atrebatum and associated features,* the Grade II Listed Minchens Farmhouse and Buildings at Lower Farm and Old Meadows, and the Silchester Conservation Area.

Reasons

Background

13. The appeal site extends to around 85ha spread across 6 no. irregularly shaped fields. Situated between Bramley and the hamlet of Three Ashes, it stands around 1.5km from both Silchester and Little London to the northwest and west respectively. Currently used as arable farmland, the fields are mainly enclosed by hedgerows, hedgerow trees, woodland, and woodland belts, and are intersected by areas of woodland, treelines and watercourses. In addition, part of the site is traversed by overhead power lines which extend from the nearby Bramley Substation. Also adjacent to the site are Bramley Frith Wood (Ancient Woodland within which is located Bramley substation), Davnage Copse, Withy Copse (Ancient Woodland) and Little Holdens Copse (Ancient Woodland).

14. The site contains undulating land, the highest point being within Field 6. A number of public rights of way (PRoW) cross the site with PRoW 15 (which forms part of the Silchester Trail and the Camino Inglés to Santiago pilgrimage route) extending northwest to southeast through Fields 1 and 2 to connect with

[3] Bernard Wheatcroft Ltd v SSE [1982] HC
[4] Core Document 217

Bridleway No 7 (part of the Brenda Parker Way) which in turn extends along the southern boundary of Field 2. PRoW 16 also traverses the site along the northern perimeter of Field 2 to adjoin Bramley Road. Further to the east is the Mortimer - Bramley railway line.

15. Proposed is a renewable led energy generating station with an operational period of up to forty years, comprising ground mounted photovoltaic solar arrays installed across five of the six fields. It would generate up to 45MW for distribution to the national grid via the nearby Bramley Substation. The south facing Solar Photovoltaic (PV) panels would be ground mounted onto anti-reflective frames made of galvanized steel or aluminium, fixed to the ground by a combination of concrete feet and pile driven posts to below ground depths of around 2 - 2.5m. They would be tilted at between 15-30 degrees, have anti-reflective coatings and would be laid out in rows with gaps of approximately 2-6m between each row and mounted at a height of approximately 0.8m from the ground rising up to 3m at the highest edge and to 3.5m in areas of flood risk. They would cover a site area of around 22 hectares.

16. In addition, a battery storage facility would be created to store energy at times of low demand and release this to the grid when demand is higher or solar irradiance is lower. This would comprise the siting of twenty battery storage containers within a compound of approximately 25m by 26m.

17. There would be associated infrastructure comprising:
    - sixteen inverter/transformer stations distributed evenly about the solar arrays housed within green metal containers measuring 12m x 2.4m and 2.9m high, which would sit on legs above a 300m deep gravel sub-base,
    - compacted internal crushed stone tracks (between approximately 3.5 - 6m wide) to allow vehicular access between fields,
    - access points from Minchens Lane utilising an existing farm track to enter into Field 6 and to the north from Bramley Road into Fields 1, 2 and 4,
    - 2.0m high security deer type fencing and gates to enclose the site and potentially allow sheep to graze securely within each field,
    - security and monitoring CCTV/infra-red cameras mounted on fence posts 2.4m tall along the perimeter of the Site to provide 24-hour surveillance,
    - a combination of over-ground and underground cabling to connect the panels, inverters/transformer stations and battery storage facility to the proposed on-site substation and control room,
    - a security-fenced enclosed substation and switchgear compound located on land to the south-west of the site, measuring 12.5m x 5.5m and 4.2m high, which would sit on legs above a 300mm deep gravel sub-base, and
    - landscape planting, biodiversity enhancements, surface water attenuation measures, creation of a nature area and a connection to public right of ways by providing a new 600m permissive path providing an off-road route for part of the Brenda Parker Way and linking into PRoW 16 to take pedestrians off of a section of Bramley Road.

Character and appearance

18. The National Planning Policy Framework (NPPF) in recognising the intrinsic character and beauty of the countryside, does not seek to protect all countryside from development, rather focusing on the protection of valued landscapes. However, this term is not precisely defined. The proposal is

located in countryside which has not been given protection through a designation such as Area of Outstanding Natural Beauty (AONB) or National Park status, or through local planning policy. The nearest such designation, the North Wessex Downs AONB is located around 6km to the southwest.

19. While I note the strong feelings expressed both at the Inquiry and in writing by the BSFRG and the interested parties, regarding the esteem within which the local landscape is held, this of itself is not sufficient to elevate it beyond other countryside locations. In this case, the Council and the appellant agree that the appeal site is not a valued landscape for the purposes of paragraph 174 of the (NPPF) and nothing I heard at the Inquiry or observed during my visit would cause me to take a contrary view.

20. Whilst not a designated valued landscape, Natural England's National Character Assessment places the appeal site within the Thames Basin Heath National Character Area (NCA) 129. This large area serves to set the wider landscape context being a patchwork of small to medium sized fields with a legacy of historic hunting forests which include veteran trees, ancient woods and hedgerows, and parklands.

21. The Hampshire Integrated Character Assessment, Hampshire County Council 2012, provides an assessment of regional landscape character. The appeal site lies across two character areas. These are 2b North Hampshire Lowland Mosaic and 2c Loddon Valley and Western Forest of Eversley. The former is characterised by a rounded, organic landscape pattern with pockets of predominantly arable farmland and regular fields defined by a strong structure of hedgerows and shaw woodlands, while the latter has a high proportion of arable land, with woodland (often ancient) being a significant landscape component.

22. At the local level, the Basingstoke and Deane Landscape Assessment (2021) places the site within two local character areas (LCA). Field 1 is located within the North Sherborne Character Area (LCA 4) and the remainder of the site is within the Loddon and Lyde Valley Character Area LCA 6). Both areas contain patchworks of mixed farmland and woodland within a low lying and gently undulating landform. The character areas also have varying degrees of tranquillity, with the quietness of the North Sherborne Character Area disrupted by settlements, such as Bramley, the main roads and the railway.

23. Turning to the fields which comprise the appeal site, Field 1 consists of a large arable field adjacent to PRoW 15. Field 2 which contains the pylons has views from Bramley Road, PRoW 15 and PRoW 16 Brenda Parker Way. Field 3 is a small, flat area of scrubby grassland not scheduled for any PV panels. Field 4 consists of a large triangular arable field adjacent to Oliver Lane and National Cycle Route (Sustrans) 23. Open views exist across this field to the higher ground. Field 5 is a small, irregular arable field with hedgerows on all sides. Field 6 consists of a large arable field adjacent to PRoW 15. The substation and battery storage facility are proposed to be located on the southern boundary of this field.

24. From the evidence presented to the Inquiry and from what I observed on the extensive site visit, the landscape character around the appeal site is very much defined by a gently undulating landform of arable fields with hedgerow boundaries, framed by a wooded backdrop of Bramley Frith Wood, Davnage Copse, Withy Copse and Little Holdens Copse which are adjacent, and in some

cases, extend into to the site. The appeal site itself is permeated by a row of electricity pylons and criss-crossed by PRoWs, including the Brenda Parker Way and Camino Inglés to Santiago long distance footpaths/pilgrimage route. Taking all of these elements together, the appeal site and surrounding landscape is of a medium landscape value and has a corresponding medium sensitivity to change.

25. In this regard, the appellant submitted a Landscape and Visual Impact Assessment, including a Zone of Theoretical Visibility (ZTV) which was supplemented by updated visualisations submitted at the Inquiry. It is clear from the evidence that the proposed development would change the landscape character for the duration of the solar farm. However, this would, in the main, be contained within the appeal site itself during the operational life of the development with the landscape beyond remaining physically unchanged.

26. Furthermore, topography and existing hedgerow and tree cover supplemented by the additional screening to be provided in the proposed Landscape and Ecology Management Plan[5] (LEMP), would limit the overall effect of the proposal and prevent a change from an agricultural, to an industrial, landscape. The proposed landscaping measures would serve to mitigate the effects of the proposal as the planting matures and would endure after decommissioning. As such there would be no residual adverse landscape effects. These are matters that could be secured through suitably worded planning conditions as suggested by the appellant, were planning permission to be granted.

27. With the exception of infrastructure items such as the substation and battery storage unit, the proposed development would not sit heavily upon the land in terms of any need for deep or extensive foundations. There would be no material change to topography and the majority of the site would be retained in agricultural use as grazing pasture. The proposed arrangement of the arrays, their set back from the field boundaries, the existing trees and hedgerows which limit visibility, the existing presence of detracting influences such as the line of traversing pylons and the scheme of mitigation as set out in the submitted LEMP, would enable the proposal to integrate into this landscape setting.

28. Against this background, adverse effects on landscape character would be very localised (the landscape character of the wider area would prevail and remain rural) and would reduce over the lifetime of the scheme. Character area LCA4 within the immediate vicinity of the proposal would experience a moderate/slight adverse impact while character area LCA6, within the appeal site, would experience a slight adverse impact with the wider character area experiencing a slight/negligible impact.

29. Turning to consider visual impact, notwithstanding the criticism of the number of viewpoints within the LVIA, I consider that it, along with the supplementary views submitted by the appellant at the Inquiry and the viewpoints shown within the evidence of the Council and BSFRG, adequately show the impact of the proposal on a range of visual receptors within the vicinity of the proposal and the wider area. These views include seasonal changes throughout the year and at different timepoints across the lifetime of the proposed development. I took in these viewpoints during my extensive visit (both accompanied and unaccompanied) and I am content, that the ZTV as set out in the LVIA and the

[5] Core Document 30

viewpoints submitted by the parties, are representative of existing and proposed views both from within and outwith the appeal site.

30. As already stated, a proposal such as a large solar farm would be seen in the landscape and therefore is likely to result in some adverse visual effects. However, the 3m height of the panels would give them a low visual profile within the gently undulating topography. From what I observed, it would be unlikely that the proposal in its entirety would be visible from any one vantage point, given existing topography and tree and hedgerow cover, supplemented by the proposed mitigation planting. The greatest visual impacts therefore, would be within close proximity of the site with any longer distance views likely to take in certain parts of the proposed development, often with the existing power infrastructure of pylons and overhead lines also on view.

31. Concerns were raised regarding the impact of the proposal on the recreational users of the PRoWs. In this regard, I note that there have been paths through Bramley and Silchester since at least Roman times and that these paths are an important resource to the local community. It is clear from the evidence before the Inquiry and from my visit that the footpaths in the vicinity of the appeal site are well used and valued by the local community. It was pointed out that footpaths such as the Brenda Parker Way and Silchester Trail would be affected by having panels on one or both sides. It was claimed that screen planting would take a while to become established and would ultimately create a tunnelling effect. This, it is feared, would diminish the experience of being in open countryside by removing views across open fields and could dissuade the use of the PRoWs on grounds of personal safety fears.

32. However, the key paths – the Camino St James, Brenda Parker Way, and Silchester Trail – are long distance walking routes and not National Trails. They pass through very varied landscapes along their respective lengths and none appears to single out the appeal site for special mention. It is unlikely that a change in views that would occur as a result of the proposal, over short stretches of these paths would deter their recreational use.

33. All PRoWs, with the exception of a short section of the Brenda Parker Way, would have panels on one side which would be set back by around 10m. In the case of the Brenda Parker Way, in the area between Fields 1 and 2, where solar panels would be situated on both sides, the path would be set within a 70m wide planted corridor. While some may perceive this as a tunnelling effect, this would not be too dissimilar to the effect of walking along a rural lane which is lined by high hedgerows or trees. Similar effects may be seen at present where PRoWs pass through Bramley Frith Wood. I note in this regard that in their consultation responses neither the Hampshire Countryside Access officer or the British Horse Society raised concerns regarding the green corridors or the mitigation planting.

34. The proposed planting under the mitigation would take a while to mature to the point where the solar panels would be screened. Also, some views across open fields would be foreshortened by this planting, when mature. Nevertheless, views from PRoWs within the appeal site to notable landscape features beyond would remain possible and views to the appeal site would continue to take in an arable landscape with hedgerow boundaries.

35. Against this background, I consider that the greatest visual impact from the proposal would be to the Brenda Parker Way resulting in a moderate/slight

adverse impact within the appeal site. In the case of the other PRoWs the visual impact would be slight adverse. I come to this view on the basis that the proposal is of a size and scale that would assimilate into the local landscape given the existing topography, and tree and hedgerow cover, which restricts visibility. This, along with the proposed mitigation planting, would serve to greatly lessen the visual impact of the proposal.

36. To conclude on the character and appearance issue, I have found in landscape character terms that the moderate/slight adverse effects would be very localised to within a small part of the appeal site (LCA4), that the slight adverse impact would occur within the rest of the appeal site (LCA6) and the wider landscape character would experience a slight/negligible impact. In visual impact terms, I have found that the proposal would have a moderate/slight adverse impact on the Brenda Parker Way within the appeal site and a slight adverse impact on the other PRoWs. In wider visual impact terms, for the reasons given above, the effects of the proposal would be negligible. In the case of both landscape character and visual impacts, the adverse effects would be mitigated to a large extent by the proposed planting scheme.

37. LP Policy EM1 states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area and are supported by a comprehensive landscaping scheme. LP Policy EM8 acknowledges that renewable energy projects need to have regard to the landscape and visual appearance. Similarly, Policy D1 of the Bramley Neighbourhood Plan also seeks to ensure that new development protects, complements or enhances identified character areas.

38. Accordingly, given the moderate/slight adverse effects of the proposal on the character and appearance of the area there would be conflict with LP Policies EM1 and Policy D1 of the Bramley Neighbourhood Development Plan 2011-2029. I return to this matter below under the planning balance.

Heritage

39. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) (the Act) states that special regard should be paid to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development.

40. The NPPF defines the setting of a heritage asset (which includes listed buildings and conservation areas) as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

41. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset's setting. Historic England guidance: The Setting of Heritage Assets[6], indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a

[6] Core Document 144

fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset.

42. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development and it is necessary to determine the degree of harm that may be caused.

43. A HSoCG was agreed between the appellant and the Council which identified several heritage assets that would be affected by the proposal as a development within their settings. These are: the Scheduled Late Iron Age oppidum and Roman town of Calleva Atrebatum and associated features, the potential for below ground archaeology within the appeal site as identified in the HSoCG and addressed by the BSFRG as likely to be affected by the proposal, the Grade II Listed Minchens Farmhouse and Buildings at Lower Farm and Old Meadows, and the Silchester Conservation Area. While other designated and non-designated heritage assets were drawn to my attention, from my assessment, I agree with the list of affected heritage assets as identified in the HSoCG. I deal with each of them below in terms of the effect of the proposed development.

44. As already noted, the Council confirmed that it considers that no harm would arise to the significance of the Scheduled Late Iron Age oppidum and Roman town of Calleva Atrebatum and associated features from the proposal as a development within its setting. The significance of the monument is derived from its archaeological value with the visible character around it not reflective of a prehistoric or Romano-British landscape. Instead, it reflects a mainly post-medieval/modern landscape, with features contemporary with the asset either lost or contained in below ground archaeology. Its setting is therefore very much made up of the immediate agricultural surrounds of the asset and make a limited contribution to its significance.

45. The appeal site, as part of the wider landscape, contributes very little to the setting of the asset given the intervening distance, topography and planting. Accordingly, I consider that the proposal would not harm the significance of this designated heritage asset.

46. In terms of the known archaeological remains within the appeal site, from the evidence, I have no reason to disagree with the Council's assessment that they are not demonstrably of equivalent status to a scheduled monument and that potential harm to significance can be mitigated, to an acceptable level, secured by means of a suitably worded condition attached to any grant of planning permission.

47. I heard further concerns regarding potential archaeology in terms of access being prevented during the lifetime of the proposal and regarding the experience of walking the Silchester Trail, through the appeal site, towards the scheduled monument. Regarding access, the situation would be little changed to the present arrangement in terms of public access to any potential archaeology. Moreover, the suggested condition would have the effect of increasing the understanding of the archaeological potential of the site, through engaging the services of an archaeologist to carry out an investigation.

48. As for the experience on the Silchester Trail, as stated above, proposal would not harm the significance of the scheduled monument through a change to its setting. The Trail is not itself a heritage asset and the section which passes through the appeal site is not one from which the significance of the monument is appreciated. There is nothing visible from the route within the appeal site that has historic illustrative value which contributes to the heritage significance of the monument.

49. Silchester Conservation Area has two distinct parts. The larger part is centred on the village of Silchester with a much smaller outlying settlement known as The Pound also forming part of the designated heritage asset. The proposal would stand over 1km to the south of the main village and the intervening distance, topography and vegetation would mean there would be no effect on its setting. The Pound however, is situated closer to the proposal at around 140m and the proposal is likely to be visible from the southern edges of the conservation area, as shown in the submitted ZTV. I observed that The Pound is characterised by dwellings dating in the main from the 17th – 19th centuries, standing in spacious plots along a winding, countryside road. Their layout and vernacular appearance very much defines the significance of this small outlier of the conservation area.

50. The Pound is not prominent in the landscape given topography and mature vegetation, and its setting is mostly confined to the immediately surrounding fields. The appeal site lies beyond this in the hinterland of the conservation area and contributes little to its significance. Inter-visibility between the proposal and the asset would be limited as would views across the asset towards the development and vice-versa. Furthermore, mitigation planting would reduce the impact of the proposal over time and the effect of the proposed development would be fully reversed on decommissioning. As such the proposal would have a very minor adverse effect on the significance of this designated heritage asset.

51. Minchins Farmhouse is a Grade II listed building of architectural and historical significance derived from its vernacular 17th century appearance as altered in the 19th century. Its setting is very tightly defined by the narrow Minchins Lane with its tall hedgerow boundary. The wider surroundings, including part of the appeal site, afford restricted views from where it can be appreciated as a vernacular farmhouse thereby making a limited contribution to the asset's significance. The change brought about by the proposal, which would be screened by existing and proposed planting, would be reversed following decommissioning and would have a minor adverse effect on the significance of the designated heritage asset.

52. Lower Farm contains a collection of 7no. Grade II listed buildings comprising the farmhouse and associated agricultural buildings. Their significance is principally derived from their architectural and historic interest as post-medieval vernacular buildings with an agricultural function. They are experienced from the fields which surround them to the north of Bramley Road and this very much forms their setting. It makes a limited contribution to their significance. Topography and vegetation, both existing and proposed, along with the temporary nature of the proposal means that the effect of the proposal on the significance of these designated heritage assets would be very minor.

53. The Grade II listed buildings at Old Meadows comprise the farmhouse, gates, gate piers, garden urn, garden walls, a barn, a former granary and an outbuilding. Most of their significance is derived from their group value as an example of a coherent farm complex of vernacular buildings. The group stands within The Pound, part of the Silchester Conservation Area. Their setting is similar to that described above for The Pound Conservation Area with the formal gardens of the settlement dwellings to the west and south, and the arable fields beyond, providing a means by which the gentrification of the farmhouse can be appreciated. This setting makes a limited contribution to their overall significance. The change brought about by the proposal, would have a very limited effect on the significance of these designated heritage assets within this setting given topography, existing and proposed planting. It would be reversed following decommissioning. This would result in a very minor adverse effect.

54. Accordingly, while the effect of the proposal on the significance of these designated heritage assets as a development within their settings would in all cases be minor, less than substantial harm would be caused to the significance of the Grade II listed buildings at Minchin's Farmhouse, Lower Farm and Old Meadow, and to The Pound (Silchester) Conservation Area. Under NPPF paragraph 202 this harm should be weighed against any public benefits of the proposal, including securing the assets' optimum viable use and this is a matter I return to below.

Other matters

55. Concerns were raised regarding a lack of detail demonstrating that alternative sites, including the use of previously developed land, was considered by the appellant. Reference was made to the advice contained in the 2015 iteration of the Planning Practice Guidance (PPG) regarding the range of factors to be considered for large, ground-mounted, solar developments. In particular, the use of greenfield sites and the preference for utilising poorer quality, ahead of higher quality, land.

56. However, the PPG states that a range of factors should be considered including whether the use of agricultural land is necessary, the temporary and reversible nature of the proposal, and the potential to mitigate landscape impacts through screening. This will involve a range of inputs, from grid connection to land ownership, landscape and visual effects and mitigation. The submitted details set out the reasons for the selection of the appeal site, including connecting to the national grid. LP Policy EM8 requires proposals to demonstrate such connections, and in this case, a connection to the national grid through the nearby Bramley substation has been secured. Given the constraints on the wider distribution network this is a matter which increases the compliance of the proposal with local policy.

57. Since 2015, Parliament has declared a climate emergency[7] and the Climate Change Act 2008 (2050 Target Amendment) Order 2019 requires the achievement of net zero by 2050[8]. I was not directed to any legal or policy requirements which set out a sequential approach to considering alternative sites with developments such as the appeal proposal. Of particular relevance, LP Policy EM8 does not require the demonstration of any sequential approach

[7] Core Document 104
[8] Core Document 102

to site selection as confirmed by the Council. Accordingly, I do not consider that planning permission should be withheld on the basis of a lack of identified alternative sites being considered.

58. With regard to the use of agricultural land, Natural England's Agricultural Land Classification System (ALC) shows the site to be located within an area that contains Grade 2 land within Field 1 and the remainder as Grade 3. The submitted details include an Agricultural Land Quality Assessment. This shows that around 53% of the appeal site is Best and Most Valuable Agricultural Land (BMVAL). However, not all of this land would be covered by PV panels.

59. While the use of higher quality agricultural land is discouraged, the proposal is for a temporary period of forty years which could be secured by a condition attached to any grant of planning permission. The agricultural land would not be permanently or irreversibly lost, particularly as pasture grazing would occur between the solar panels. This would allow the land to recover from intensive use, and the soil condition and structure to improve. The use of the soils for grassland under solar panels should serve to improve soil health and biodiversity and the proposed LEMP, which could be secured by a condition attached to any grant of planning permission, includes measures to improve the biodiversity of the land under and around the panels.

60. Particular concerns were raised regarding compaction during construction and decommissioning. However, the submission of a Soils Management Plan, to be agreed in writing by the LPA, is intended to minimise such impacts. This could be secured by way of a condition, as suggested by the appellant, attached to any grant of planning permission. I note that Natural England as the statutory consultee on agricultural land, raised no comments in its consultation response in this regard. Against this background, I consider that the proposal would not be harmful in respect of BMVAL and would accord with LP Policy EM8 which requires consideration of the impacts of renewable energy developments on high grade agricultural land.

61. Turning to the matter of battery storage, the 20no. proposed battery containers would enable storage of around 40MWh, being slightly less than the amount of electricity the solar farm would generate in one hour of peak operation. This is in line with the British Energy Security Strategy[9] which encourages "all forms of flexibility" in the energy system and supports solar co-located with storage to maximise efficiency. It also aligns with the strategy for achieving net zero carbon, increasing energy security and reducing energy bills. It is a means of load shifting whereby energy generated during times when demand is at its lowest could be released back to the grid at times of peak demand.

62. I have considered the effect of the proposal on landscape character and in terms of its visual impact, including the proposed battery storage facility, above. In terms of the principle, I consider that the battery storage aspect of the proposal will offer flexibility in operation and maximise energy resources in a balanced and efficient way and does not weigh against the development.

63. In flood risk and drainage terms, the Environment Agency Surface Water mapping shows the majority of the site as lying within an area at 'very low' risk of surface water flooding. There is a low risk of pluvial flooding to the eastern

[9] Core Document 115

end of Field 2, and within Field 3, given the proximity to Silchester Brook and drainage channels. Solar arrays and all associated infrastructure would be situated outside of the areas of medium to high risk with a small number within the low-risk area. These panels would be positioned so as not to impede any flood water flows with negligible displacement of floodplain storage. This has been considered acceptable by the Environment Agency and the Lead Local Flood Authority.

64. The proposal would encourage infiltration and provide surface water runoff at existing greenfield rates to ensure drainage from the scheme is similar to the existing situation. In respect of flood risk and drainage, the Environment Agency and the Lead Local Flood Authority raised no objections, subject to conditions being attached to any grant of planning permission, and I consider the proposal accords with Policies EM7 and EM8 of the Local Plan and Policy RE1 of the Neighbourhood Plan, in this regard.

65. Dealing with the effect on living conditions, firstly in terms of outlook, I observed that only Brookside Grange has a contiguous boundary with the proposal (Field 1). The dwelling stands around 18.5m from the Field 1 boundary and approximately 250m from the boundary with Field 2, at a lower level. The panels would then be further offset from these boundaries with proposed mitigation planting between the boundaries and the panels.

66. The dwelling is orientated towards Field 2 with a bedroom window facing towards Field 1. Whilst there would be views towards the solar farm particularly in winter, and there would be an awareness of the solar array, in my judgement the intervening distance, difference in levels and proposed planting would prevent a harmful change in living conditions for the occupiers of this dwelling due to any loss of outlook.

67. Reference is made within the representations to outlook effects on the dwellings at St James Park, Clappers Farm Road, Bramley Road, Park Farm, Pound Farm, Pound House, Withy Place, The Annexe, Old Meadows, Lower Farm, and Minchens House. I viewed the proposal from several of these dwellings as part of my visit to the appeal site and surrounding area. It is likely that the proposal would be seen in medium and longer views from these dwellings, varying according to season, orientation, topography and intervening planting.

68. However, I observed that for these dwellings, distance, oblique views and intervening features such as fields and public highways, either individually or in some cases in combination, would mean that the proposal would be unlikely to harmfully change the outlook for their occupiers. In which case, in terms of outlook, the proposal would accord with Policy EM10 which seeks to protect residential amenity.

69. Turning to noise disturbance, the submitted Noise Impact Assessment[10] was considered by the Council's Environmental Health Officers who raised no concerns subject to suitably worded conditions being attached to any grant of planning permission. The conditions would ensure that the solar farm generates noise no greater than the existing prevailing background level at the most sensitive period when the plant will be operated (evening, nights and weekends). From my assessment, I have no reason to disagree.

[10] Core Document 32

70. With regard to highway safety, I note that the Council's Transport Officer and the County Council's Highways Officer raised no objections to the proposal subject to suitably worded conditions being attached to any grant of planning permission. The conditions would include requiring the submission and approval of an amended Construction Traffic Management Plan and against this background the Council considers that the proposal would accord with LP Policies CN9, EN8 and EM10 and Policy T2 of the Neighbourhood Plan. From my assessment, I have no reason to disagree.

71. I heard that the occupiers of Brookside Grange enjoy private rights of access over the access track to the northeast corner of Field 1 which is proposed for access to the proposal. Be that as it may, this would be a private matter for the relevant parties to address and is not determinative to my decision.

72. A number of previous planning and appeal decisions[11] were drawn to my attention which it was claimed raised matters that were similar to those before me. However, given the site-specific characteristics of this proposal, the policy/guidance extant at the time compared to the present, the nature of the developments proposed in those other instances and the harms and benefits arising, taking this proposal on its own merits, I do not consider them to be direct comparators.

Benefits

73. The Government has recognised a climate emergency and The Climate Change Act 2008, as amended[12] sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. The Clean Growth Strategy[13] anticipates that the 2050, targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.

74. National Policy Statements (NPS) in reiterating the urgent need for renewable energy electricity projects to be brought forward for the delivery of major energy infrastructure, recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Draft updates to NPSs EN-1 and 3[14] identify that solar farms, as part of the strategy for the low-cost decarbonisation of the energy sector, provide a clean, low cost and secure source of electricity.

75. The December 2020 Energy White Paper[15] (WP) sets out that achieving net zero rests on a "decisive shift" away from fossil fuels to clean energy and describes solar as a "key building block" of the future energy generation mix. Moreover, The British Energy Security Strategy[16] anticipates a five-fold increase of solar capacity in the UK from 14GW to 70GW by 2035.

76. In response, the Council has adopted a Climate Emergency Action Plan[17] (2021), which builds on the 2010 Energy Opportunities Plan which recommended at least 166GWh of renewable electricity by 2020 in Basingstoke and Deane. By 2021 only around 56.2GWh of such generation had been

[11] 21/00349/FUL, APP/H1705/W/22/3301468, APP/V2635/W/14/3001281, APP/M1005/W/22/3299953
[12] Core Document 102
[13] Core Document 103
[14] Core Documents 108 and 110
[15] Core Document 105
[16] Core Document 115
[17] Core Document 119

achieved. This proposal would generate 45MW sufficient to power 11,150 homes each year with clean energy (reducing carbon dioxide emissions by around 9,381 tonnes annually).

77. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the scheme could make an early and significant contribution to the objective of achieving the statutory Net target set for 2050 and the commitment to reducing emissions by 78%, compared with 1990 levels, by 2035. The LPA acknowledges that this is a substantial benefit that attracts significant weight[18]. Accordingly, I give substantial weight to the generation of renewable energy and contribution to a low carbon economy and significant weight to the provision of low cost and secure energy.

78. Of further benefit is the provision of a biodiversity net gain of 100% from the proposal. This benefit would endure beyond the operational life of the proposal and would be unlikely to be realised in the absence of the proposed development, given the significant resources required. This attracts significant weight in favour of the proposal.

79. In addition, the proposal would contribute to the local economy, through the creation of construction-related jobs and the ongoing contribution to the local and wider economy (including c.£150,000 p.a. in business rates and operational management of landscape and biodiversity), as well as the wider benefits of reducing reliance on imported fossil fuels. Together with environmental benefits to water, runoff, landscape character, and sequestration of carbon in soils achieved through planting and changes in land use across the appeal site, and the provision of a new section of permissive footpath (including around 300m as an off-road alternative for the Brenda Parker Way), these matters attract significant weight in favour of the proposal.

Balance

80. NPS for Energy[19] (EN-1) advises that when 'having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.' It further states that a judgement is to be made as to 'whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project' having regard also to whether the project is temporary and/or capable of being reversed. LP Policy EM8 also includes a requirement to consider benefits against impacts of this type of development.

81. As such, both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, these policies indicate that development can be approved where the harm is outweighed by the benefits. I note that the Council's planning and landscape officers who in recommending approval of the proposal at the application stage considered that the limited adverse impacts of the scheme would be mitigated by the proposed extensive planting and reversible nature of the proposal.

82. In my judgement, the combination of topography, existing hedgerow and trees and the enhanced planting set out in the LEMP, particularly as the planting matures, would mean that the adverse effect on landscape character and visual

[18] Council's Closing Submission, paragraph 64, Inquiry Document 20
[19] Core Document 107

impact would be limited and highly localised. Moreover, once decommissioned, there would be no residual adverse landscape effects with the enhanced landscape and biodiversity likely to endure. In which case, whilst there would be some localised moderate/slight harm in terms of landscape character and visual impact, in conflict with the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the moderate/slight harm, in accordance with LP Policy EM8.

83. Turning to heritage, the proposal would result in less than substantial harm to the significance of several designated heritage assets. The harm would be very minor and would be reversed once the solar farm is decommissioned. Nevertheless, where a proposal results in less than substantial harm, NPPF paragraph 199 requires great weight to be given to the conservation of the designated heritage assets. In addition, NPPF paragraph 202 makes clear that such harm is to be weighed against the public benefits of the proposal. Public benefits in respect of NPPF paragraph 202 will provide benefits that will inure for the wider community and not just for private individuals or corporations. It was not suggested that the proposal is necessary in order to secure the optimum viable use of the designated heritage assets.

84. In my judgement, the public benefits of this proposal which would contribute towards achieving net zero as part of a decisive shift away from fossil fuels, assist with increasing solar capacity in the UK from 14GW to 70GW by 2035, assist with achieving the Council's Climate Emergency Action Plan (2021), reduce carbon dioxide emissions by around 9,381 tonnes annually and provide a biodiversity net gain of 100%, are very significant and outweigh the less than substantial harm to the affected designated heritage assets, giving great weight to the conservation of each of them. The Council confirmed that in its view there was no conflict with LP Policy EM11 which seeks to conserve the Borough's heritage assets, given the outweighing benefits[20] and from my assessment I have no reason to disagree.

85. Drawing the above together, I conclude the proposal would make a material and early contribution to the objective of achieving the decarbonisation of energy production and that to allow the proposed solar farm would not conflict with the objectives of relevant development and national planning policy when taken as a whole.

Conditions

86. Before and during the Inquiry the main parties discussed (without prejudice) potential conditions to be considered were planning permission to be granted. The wording of the conditions (including those with pre-commencement requirements) was agreed between appellant and the Council. I have amended the wording where necessary having regard to the tests set out in para 56 of the NPPF and to assist with clarity. The numbers in brackets relate to the condition in the attached annex. In addition to the standard time (1) and plans (2) conditions which are necessary to provide certainty, I shall attach conditions in respect of the positioning of containers on the site (8), implementation of the LEMP (9), management of the permissive footpath (11), hard landscaping details (12), tree protection (13), external lighting (15), carrying out development in accordance with the Flood Risk Strategy (16),

[20] Council's Opening Statement, paragraph 2, Inquiry Document 5

surface water drainage (17), archaeology (18), a Construction Worker Travel Plan (19), traffic management measures (20), submission of an amended Construction Management Travel Plan (21), road condition survey (22), provision of wheel cleaning facilities (23), access details (24), noise levels (25), hours of operation (27), delivery times (28), submission of a Construction Environmental Management Plan (29) and submission of a Soils Management Plan(31).

87. The wording for these conditions was agreed with all parties and they are necessary in the interests of protecting landscape character (8, 9, 11, 12), safeguarding trees (13), protecting wildlife (15), avoiding adverse environmental impacts (16, 17), safeguarding the archaeological potential of the site (18), ensuring sustainable development (19), safeguarding highway safety (20, 21, 22, 23, 24) and safeguarding the living conditions of the occupiers of dwellings in the vicinity (25, 27, 29).

88. I shall also attach conditions in respect of the temporary nature of the development (3), the decommissioning of the development (4, 5, 6), materials and finishes (7), soft landscaping details (10), submission of a Wildlife Protection and Mitigation Plan (14), securing a post completion noise assessment (26) and the submission of a Battery Safety Management Plan. (30). These are necessary in the interests of certainty (3), securing the decommissioning of the development and the restoration of the site either at the end of the operational life or before should the use cease (4, 5, 6), protecting landscape character (7, 10, 30), protecting wildlife (14) and safeguarding the living conditions of the occupiers of dwellings in the vicinity (26).

89. However, the wording for these conditions was disputed by the parties. In the case of conditions 3 and 6, I shall refer to the *first export date of the development* rather than the *commencement of development* in line with the advice in the Draft NPS for Renewable Energy Infrastructure (EN-3)[21]. With regard to condition 4, I consider it unnecessary to refer to archaeology and soil restoration as these matters are the subject of separate conditions. Similarly, a reference to recycling and toxic materials is unnecessary both in condition 4 and condition 6 as this is covered by separate regulations[22]. As for Condition 5, it would be unreasonable to require a decommissioning method statement before the commencement of development as best practices and recycling methods are likely to considerably change during the lifetime of the solar farm. I also find it unnecessary to refer to the cessation period in condition 6 as this is covered in a separate condition.

90. Turning to condition 7, it is not necessary to refer to the position of materials and finishes as that is secured by the plans condition and in the case of condition 10, it is necessary for planting to be carried out in the first season post-completion of the development, rather than following commencement, as construction may impede planting. Furthermore, referring to a fence in condition 14 is unnecessary as the reference to *landscape feature* would cover this matter and in the case of condition 26, I consider it reasonable to ensure that where noise levels set out in other conditions are breached, it will be necessary to identify and install additional noise mitigation measures, within 3 months of an assessment being carried out. Finally, condition 30 in respect of

[21] Core Document 110
[22] Waste Electrical and Electronic Regulations

the Battery Storage facility, I considered requiring submission of details *prior to commencement* rather than *prior to the implementation* to be unreasonable as the developer may not implement the battery storage element at the same time as the solar farm.

Conclusion

91. For the reasons set out above, I conclude that the appeal should be allowed.

Richard McCoy

INSPECTOR

Annex A

Conditions Schedule

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
   Existing Site Location Plan - Drawing no BF1.0
   Proposed Site Plan - Drawing no BF2.0 Revision 20 B
   PV Elevations Pile – Drawing no BF3.0 Revision 01
   Inverter/Transformer Stations - Drawing no 4.0 Revision 01
   Internal Access Road Detail – Drawing no BF5.0 Revision 02
   Fence and Gate Elevations – Drawing no BF6.0 Revision 02
   Weather Station Detail – Drawing no BF7.0 Revision 01
   Substation Elevations – Drawing no BF8.0 Revision 02
   Control Room Elevations – Drawing no BF9.0 Revision 02
   Auxiliary Transformer – Drawing no BF10.0 Revision 01
   CCTV Elevations – Drawing no BF11.0 Revision 01
   Battery Container Elevations 40ft – Drawing No BF12.0 Revision 01
   PV Elevations Ballast – Drawing no BF13.0 Revision 02
   Minchens Lane Access – Drawing no 2004-046_SK01 Revision A
   Olivers Road Vehicle Crossing – Alternative Arrangement (1/2) – drawing no SK02 Revision B
   Olivers Road Vehicle Crossing – Alternative Arrangement (2/2) – drawing no SK03 Revision B
   Landscape Mitigation Plan – Drawing no 7520_014 Revision G
   Landscape and Ecology Enhancement Plan – Drawing no 7520_012 Revision K
   Planting Schedule (1 of 2) 7520_020 dated July 2022
   Planting Schedule (2 of 2) 7520_021 dated July 2022
   Landscape and Ecological Management Plan Version 2.3 August 2022

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

3. The development hereby permitted shall be for a temporary period only to expire 40 years and 6 months after the first export date of the development. Written confirmation of the first export date shall be provided to the local planning authority within one month after the event.

4. If the solar farm hereby permitted ceases to operate for a continuous period of 6 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment together with the restoration of the site shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for written approval. The scheme shall make provision for:

   - the removal of the solar panels and associated above ground works approved under this permission;
   - the management and timing of any works;
   - a traffic management plan to address likely traffic impact issues during the decommissioning period;

- an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats;
- details of site restoration; and
- an implementation timetable.

The decommissioning of the site shall be carried out in accordance with the approved scheme.

5. Within a period of 39 years and 6 months following the first export date, a scheme for the decommissioning of the solar farm and its ancillary equipment and restoration of the site, shall be submitted for the written approval of the local Planning Authority (except in the event that Condition 4 has been triggered and decommissioning has been completed). The scheme shall incorporate the criteria set out within Condition 4 as a minimum. The decommissioning of the site shall be carried out in accordance with the approved scheme.

6. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved decommissioning and restoration scheme within a period of 40 years and 6 months following the first export date.

7. Notwithstanding condition 1 and prior to the commencement of the development, details of the proposed materials and finish including colour of all foundations, solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.

8. All containers on site shall be sited at ground level and no containers shall be stacked.

9. The development shall be carried out in accordance with the details contained within the Landscape and Ecological Management Plan prepared by Aardvark EM Limited dated December 2021 (document reference R009). The development shall be carried out in accordance with the approved details.

10. Notwithstanding the details contained within the Bramley Frith 7520_020 Planting Schedule 1 of 2 and the Bramley Frith 7520_021 Planting Schedule 2 of 2 (both dated July 2022), prior to the commencement of development, final soft landscaping details shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved planting schedules within the first planting and seeding season following the first export of electrical power from the site or in accordance with a timetable to be agreed. Any trees or plants which, within a period of 15 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

11. Prior to the commencement of development, details shall be submitted to and agreed in writing by the Local Planning Authority to deliver and manage the permissive footpath through the Nature Area and Field 2. As a minimum, details shall include:

    - all surfacing details;
    - any wayfarer markers;
    - implementation timetable; and
    - details of the long-term responsibilities for management and maintenance to provide for the long term amenity of this path.

    All hard landscape works shall be carried out in accordance with the approved details.

12. Prior to the commencement of development, hard landscaping details shall be submitted to the Local Planning Authority for approval in writing. As a minimum, details shall comprise details of:

    - the seating and waste bins for the Nature Area;
    - any wayfarer markers, site interpretation boards and any other site signage;
    - the new bridge to the Nature Area for the off road section of Brenda Parker Way.

    In addition, details shall include an implementation timetable and responsibilities for management and maintenance to provide for the long term amenity of the Nature Area. All hard landscape works shall be carried out in accordance with the approved details prior to the first export of electrical power from the site or in accordance with the timetable agreed with the Local Planning Authority.

13. Notwithstanding the details submitted, no development including site preparation, temporary access construction/widening, material storage or construction works shall commence until a final scheme for tree protection, prepared in accordance with BS5837 "Trees in Relation to Design, Demolition and Construction" (or any superseding legislation) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by Arboricultural Impact Assessment (Revision A) prepared by Barton Hyett Associates Ltd dated 2021 (reference R015) and shall include the following as a minimum:

    - a tree protection plan comprising a drawing at no less than 1:500 scale showing the position of protection zones, fencing and ground protection measures to be established for retained trees;
    - a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the tree protection plan;
    - the specification for protective fencing and a timetable to show when fencing will be erected and dismantled;

- details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- details of any levels changes within or adjacent to protection zones;
- a drawing to show visibility splays in relation to trees, outlining any works to trees demonstrating how visibility splays will be achieved
- details of the surface treatment to be applied within any tree protection zones, including a full specification and method statement;
- the routing of site cabling with provisions for reducing their impact on trees to an acceptable level;
- a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
- provision for briefing construction personnel on compliance with the plan, including incorporation of tree protection recommendations into a construction method statement;
- provision for signage of protection zones and precautionary areas;
- details of contractor access during the construction phase;
- a tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.
- provision for the appointment of an arboriculturist to supervise construction activity occurring on the site. The arboriculturist will be responsible for the implementation of temporary protective measures; shall oversee the installation of approved special engineering solutions designed for trees; and shall be responsible for organising a pre-commencement meeting with the Local Planning Authority Tree Officer (contact 01256 844 844) once the temporary tree and ground protection is in place and ready for inspection.

No development or other operations shall take place other than in complete accordance with the approved tree protection scheme.

14. Notwithstanding the submitted information and prior to the commencement of development, a Wildlife Protection and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Wildlife Protection and Mitigation Plan shall be informed by Chapter 6 Mitigation and Enhancements of the Ecological Impact Assessment by BSG Ecology dated December 2021. No development or

other operations shall take place other than in complete accordance with the approved Wildlife Enhancement and Mitigation Plan. If a habitat or other landscape feature is removed or damaged in contravention of the approved plan, a scheme of remedial action, with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the incident. The scheme of remedial action must be approved by the Local Planning Authority before practical completion of the development and implemented in accordance with the approved timetable.

15. No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site. The details of any low level lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall be carried out in accordance with the approved details.

16. The development shall be carried out in accordance with the Bramley Frith Solar Farm Flood Risk and Drainage Strategy prepared by RMA Environmental dated November 2020 (Document Reference: R010). Any changes to the approved documentation must first be submitted to and approved in writing by Local Planning Authority in consultation with the Environment Agency and the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

17. Prior to commencement of development, details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

    - Maintenance schedules for each drainage feature type and ownership.
    - Details of protection measures.

    The development shall be carried out and thereafter maintained in accordance with the approved details.

18. No development or other operations (including site preparation and any groundworks) shall commence on site until a Written Scheme of Investigation (completed by a named and professionally qualified archaeological contractor) for a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority.
    The Written Scheme of Investigation shall detail the methodology and timetable of site investigation including a preliminary archaeological trenched survey (within those areas to be affected by substantive elements of ground works such as access tracks, compounds and cabling trenches) and any subsequent archaeological mitigation (whether preservation or recording). This scheme of works shall recognise, characterise and record any archaeological potential which may exist as well as confirming the reporting process for the results.

A post-investigation assessment and final report must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication, and dissemination of results. The final report must be submitted to and approved in writing by the Local Planning Authority.

19. The development shall be carried out in accordance with the Construction Worker Travel Plan (reference 2004-046/TN/07) dated April 2021.

20. No development or other operations (including site preparation and any groundworks) shall commence until full details of the permitted traffic management measures, the hours of operation and clauses to execute traffic management at the junction of Minchens Lane/The Street, including non-excavatory traffic controls have been submitted to and approved in writing by the Local Planning Authority, pursuant to an Agreement to be made under Section 278 of the Highways Act 1980 between the Developer and the Local Highway Authority.

21. Notwithstanding the submitted Construction Traffic Management Plan, prior to the commencement of development an amended Construction Traffic Management Plan shall be submitted to and approved in writing by to the Local Planning Authority. The amended Construction Traffic Management Plan will cover the following aspects:

    - Site access;
    - Construction traffic routing including a prohibition of construction vehicles using Minchens Lane north of the main site access shown on drawing titled 'Minchens Lane Access (dwg no 2004-046_SK01 Revision A) and save for arrangements to access Field 4 Oliver's Lane Vehicle Crossing drawings (Dwg no SK02 Revision B and SK03 Revision B)
    - Site compound and internal routing including details of the access between Field 1 and Field 2; the temporary bridges, extent of works to routes and proposed durations of each element;
    - Construction vehicle dimensions, number and frequency, and
    - Proposed mitigation measures.

22. No development shall take place until the scope of a road condition survey of Minchens Lane from the site access up to and including its junction with The Street has been submitted to and agreed in writing by the Local Planning Authority. The survey shall be carried out in accordance with the approved scheme prior to any works commencing on site and the findings of the condition survey shall be monitored and reported to the Local Planning Authority at least every 6 months throughout the construction period of the development and any defects or damage attributable to construction activity to be rectified by the developer at their expense within 3 months of the defect being identified.

23. No development or other operations (including site preparation) shall take place until a scheme has been submitted to and approved in writing

by the Local Planning Authority detailing the method of cleaning wheels and chassis of all HGV's, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site preparation and construction and for the routine inspection of vehicles before departing the site to ensure cleanliness. The scheme shall be implemented in accordance with the approved details and shall be installed and operational before any development commences and shall be retained in working order throughout the duration of the construction process.

24. Prior to commencement of any other development, the means of vehicular access to the site must be constructed in accordance with the approved plans comprising:

    - Minchens Lane Access – Drawing no 2004-046_SK01 Revision A
    - Olivers Road Vehicle Crossing – Alternative Arrangement (1/2) – drawing no SK02 Revision B
    - Olivers Road Vehicle Crossing – Alternative Arrangement (2/2) – drawing no SK03 Revision B

    No structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans. There shall be no construction traffic accessing the site via the field access to the north east corner of Field 1 from Bramley Road.

25. The cumulative rating sound level of the operational plant and equipment hereby approved as part of this development shall have an operational noise level no greater than the existing background sound level during the operational hours of the scheme hereby approved at the closest noise-sensitive receptors to the site existing at the time of approval when assessed in accordance with the methodology and guidance set out within BS4142:2014+A1:2019 (or superseding legislation).

26. Within 3 months of the first export date, a post completion noise assessment shall be carried out and submitted for approval in writing to the Local Planning Authority to verify that the cumulative rated noise level from the plant is no greater than the prevailing background sound level (as set out in Condition 25) at the most sensitive period when the plant will be operated (e.g. evening, nights and weekends). A method statement shall be submitted to and approved by the Local Planning Authority prior to the survey being undertaken. The noise assessment shall be carried out by a suitably qualified acoustic consultant/ engineer and be undertaken in accordance with BS4142: 2014-"Methods for rating and assessing industrial and commercial sound". Where the above criteria has not been met it will be necessary to identify and install additional noise mitigation measures, within 3 months of the assessment.

27. No work relating to the construction of the development hereby approved, including preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the

hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

28. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays

29. No development or other operations (including site preparation and any groundworks) shall commence on site until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

    - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
    - Arrangements for liaison with the Council's Environmental Protection Team;
    - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and; at no time on Sundays and Bank or Public Holidays;
    - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
    - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
    - Procedures for emergency deviation of the agreed working hours;
    - Control measures for dust and other air-borne pollutants;
    - Measures for controlling the use of site lighting whether required for safe working or for security purposes.

    The development shall be carried out in accordance with the approved details.

30. Prior to the implementation of the Battery Storage System a detailed Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operated only in accordance with the approved Battery Safety Management Plan.

31. No development or other operations (including site preparation and any groundworks) shall commence until a Soils Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan should set out the means to be used to protect soils

during construction, operation, maintenance and decommissioning of the solar farm and battery storage such that the objectives of the Landscape and Ecological Management Plan required by Condition 9 are not compromised and crop growing agricultural operations may resume following the operational life of the solar farm and battery storage.

End of conditions

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ben Du Feu of Counsel	Instructed By: The Council Solicitor
He called:	
Karen Tipper BA (Hons), MA, MRTPI	Senior Associate, Bell Cornwell LLP
Nigel Wakefield BA (Hons) BTP/DIP LA DIP/MA UD MRTPI	Managing Director, Node Urban Design Ltd

FOR THE APPELLANT:

Thea Osmund-Smith of Counsel	Instructed by: Robert Asquith Assisted by: Odette Chalaby
She called:	
Frankie Whitaker BEng MEng MIET	Senior Engineer, ITPEnergised Ltd
R W Askew BSC(Hons) MSc F.I Soil Sci CSci	Director, Askew Land and Soil Ltd
Alister Kratt BA (Hons) FLI	Director, LDA Design Consulting
Robert Asquith MA, DIPUP, MRTPI, MCIWM	Director, Head of National Infrastructure Planning in the Planning Division of Savills (UK) Ltd
Gail Stoten BA(Hons) MCIfA FSA	Heritage Executive Director at Pegasus Planning Group

FOR THE BRAMLEY SOLAR FARM RESIDENTS GROUP:

Richard Anstis	Instructed by: Steve Spillane, Secretary, BSFRG
He called:	
Dr Ian G Bridges BSc, PhD	Retired Chief Scientific Officer for Advanta Seeds
Paul Machin BA (Combined Hons) Dip LD	Chartered Landscape Architect (retired)
Professor Michael Fulford CBE FBA FSA	Professor of Archaeology at the University of Reading
Simon Bailey BSc(Eng), CEng, MICE	Chartered Engineer (CEng)
Richard Anstis	Chartered Surveyor, Richard Anstis Consultants

INTERESTED PERSONS:

Simon Mahaffey	Local resident
Graham Wright	Silchester Parish Council
Antony Durrant	Chair, Bramley Parish Council and Ward Councillor
Chris Tomblin	Local resident
Marshall Hall	Local resident

INQUIRY DOCUMENTS

1 Notification Letters
2 Appendix 7 – Mr Wakefield Landscape Methodology
3 Silchester Trail – Guide to the Route
4 Opening Statement on behalf of the Appellant
5 Opening Statement on behalf of the Council
6 Opening Statement on behalf of the Rule 6 Party (BSFRG)
7 Mr Mahaffey – Speech to the Inquiry
8 Mr Wright – Silchester Parish Council – Speech to the Inquiry
9 Draft Conditions
10 Draft Conditions – table illustrating differences between the parties
11 Mr Mahaffey – Winter Photomontages comments.
12 Cllr Tomblin – Speech to the Inquiry
13 Appeal Decision Oakdown Farm PINS ref 3301468
14 Silchester Conservation Area Appraisal
15 Mr M Hall – Speech to the Inquiry
16 Commentary by Rule 6 on Construction Traffic Management Plan
17 Site Visit Itinerary
18 Appellant Response on Construction Management Plan.
19 Appellant draft condition 22
20 Council Closings
21 R6 Closings
22 Appellant Closings
23 Final Conditions Document

PLANS
A Updated Figure 10 and 11 and Cross Sections of Mr Kratt evidence
B Winter Photomontages
C Appendix 10 and 11 Kratt – Big Version
D New photomontage VPH – winter view Y15 v3 Middle Frame.
E New photomontage VPH – Y15 Middle Frame (big version)

APPENDIX 2: INITIAL SITE SIFT

From: Nolan, Amy [redacted]
Sent: 29 March 2023 11.54
To: Healey Charlotte [redacted]
Subject: Sheepwash Site Search & Evaluation [CJO-WorkSite.FID230167]

Dear Charlotte,

Further to your information request regarding the Sheepwash site search & evaluation work undertaken by Carter Jonas, please find below an overview.

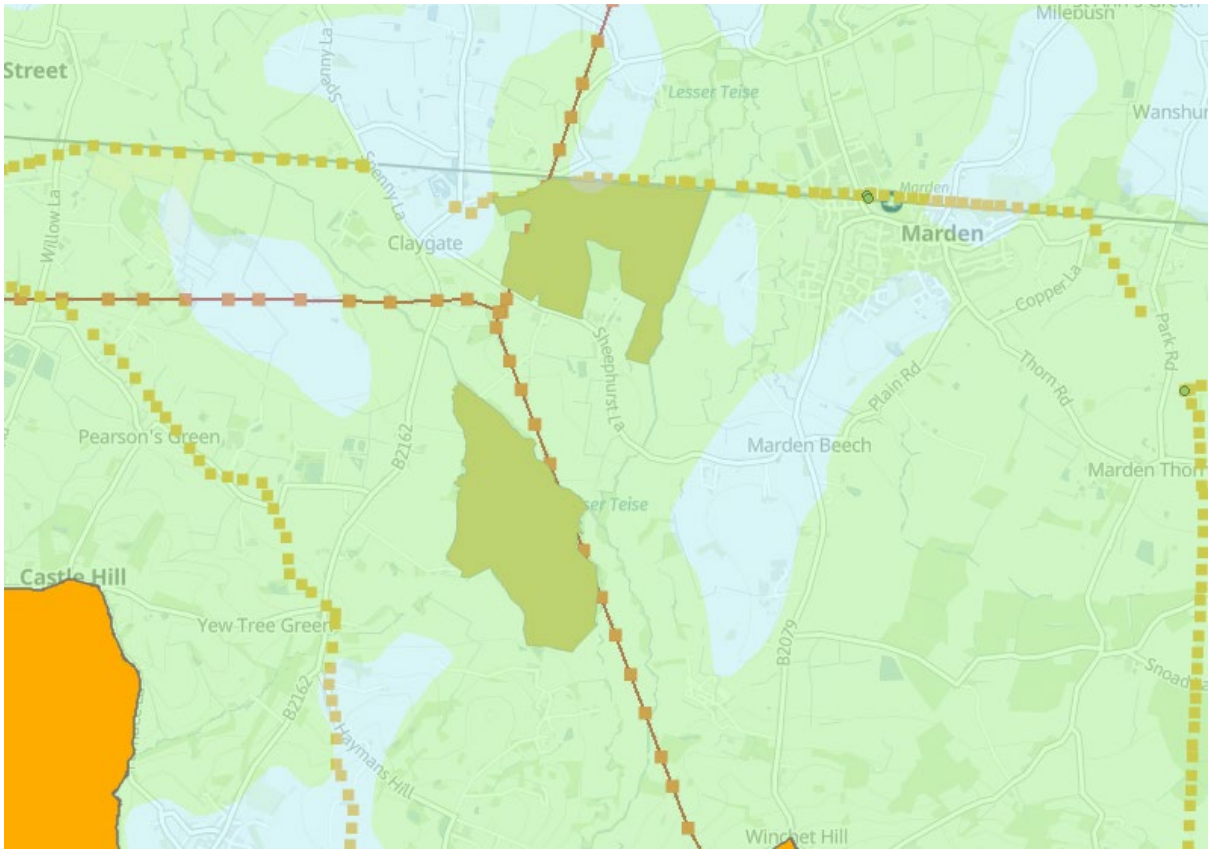
Carter Jonas was instructed by Solarcentury on the 16 March 2020 to identify and screen possible sites for a solar farm development along the Northfleet to Harley 132kV overhead line route. Due to the grid connection being 132kV, we were required to identify sites of between 70 to 100 hectares, and where the overhead line was either within or in close proximity to the potential site boundary, to ensure project viability.

The following key parameters were considered when identifying possible sites:

- Proximity to the grid connection
- Environmental/heritage/landscape designations
- Visual impact and local residences
- Flood zones
- Topography
- Agricultural land grade
- Fragmentation of array blocks (including overhead lines)
- Vehicle accessibility
- Open/common land access and rights of way
- Constructability of connection route

A large part of the overhead line route was omitted on the basis of two Areas of Outstanding Natural Beauty (AONB); these were Kent Downs around the northern part of the overhead line route, and High Weald to the south. Areas to the north of the overhead line route are also designated Green Belt, which was avoided where possible. This omitted about 13.8km of the overhead line route. A further 11km of line was omitted between Snodland and Coxheath due to the land grades, with the agricultural land in the area comprising a mix of Grades 1 and 2. Between Coxheath and the High Weald AONB, there was a further 10.7km of land along the overhead line that comprised a mix of Grade 2 and Grade 3 agricultural land.

Given the scarcity of Grade 3 land, search efforts were made to the south of the railway line running between Ashford and Tunbridge Wells. As shown on the image below, there are large areas of Grade 3 land in this area, which is considered to be more suitable for solar farm development. There are also no statutory designated sites in this area that could be impacted.



Key:
Orange – AONB
Blue – Grade 2 agricultural land
Green – Grade 3 agricultural land
Brown Line & Squares – 132kV overhead line
Orange Squares – 33kV/11kV overhead line
Brown – Sites identified by Carter Jonas

Carter Jonas identified two possible sites for a potential solar farm development taking account of the various parameters, which are illustrated in brown on the above image. Of these, the northerly site (known as Sheepwash) was selected as the preferred site due to the proximity to the road network, minimal impact on local residential properties (non-financially involved), and because the solar farm development could be accommodated on a single landowner's property. The landowner of the southerly site was also contacted to see whether they would be willing to host a project, but the landowner confirmed that they were not interested in a solar farm development at that time.

Kind regards,

Amy

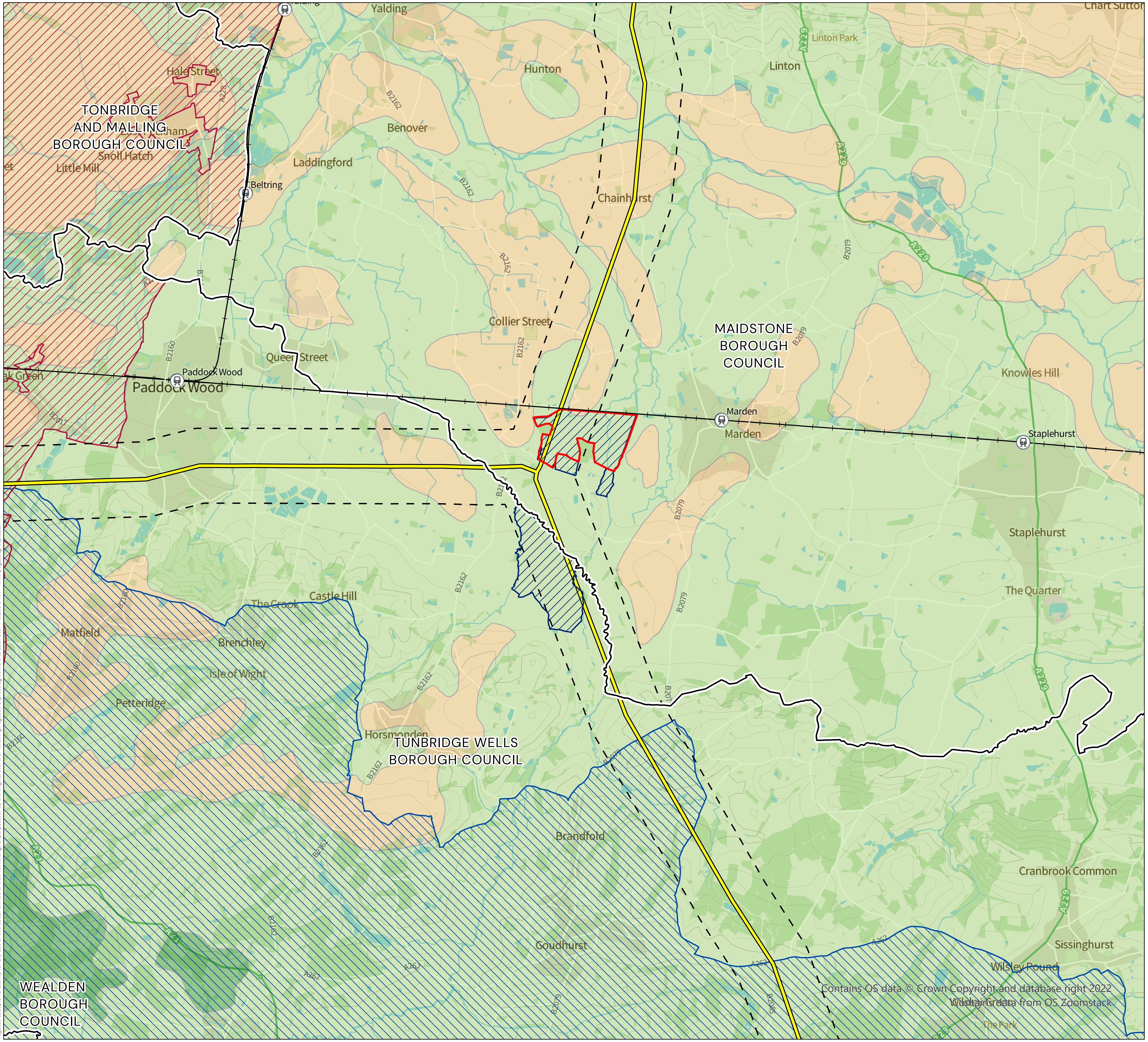
Amy Nolan
Partner

Carter Jonas

T: 0113 203 1093 x4093 | M: 07734 192437 | **carterjonas.co.uk**
9 Bond Court, Leeds, LS1 2JZ

Please consider the environment. Do you really need to print this email?

APPENDIX 3 INITIAL SITE SIFT – KEY CONSTRAINTS PLAN



KEY

- SITE BOUNDARY
- CARTER JONAS IDENTIFIED SITE
- LOCAL AUTHORITY DISTRICT
- GRID BUFFER (500M)
- RAILWAY STATION
- RAILWAY TRACK
- 132KV OVERHEAD LINE
- GREEN BELT
- AREAS OF OUTSTANDING NATURAL BEAUTY

PROVISIONAL ALC GRADE

- GRADE 2
- GRADE 3
- GRADE 4

APPENDIX 3 - INITIAL SITE SIFT - KEY CONSTRAINTS PLAN

SHEEPWASH SOLAR FARM

CLIENT
STATKRAFT UK LTD

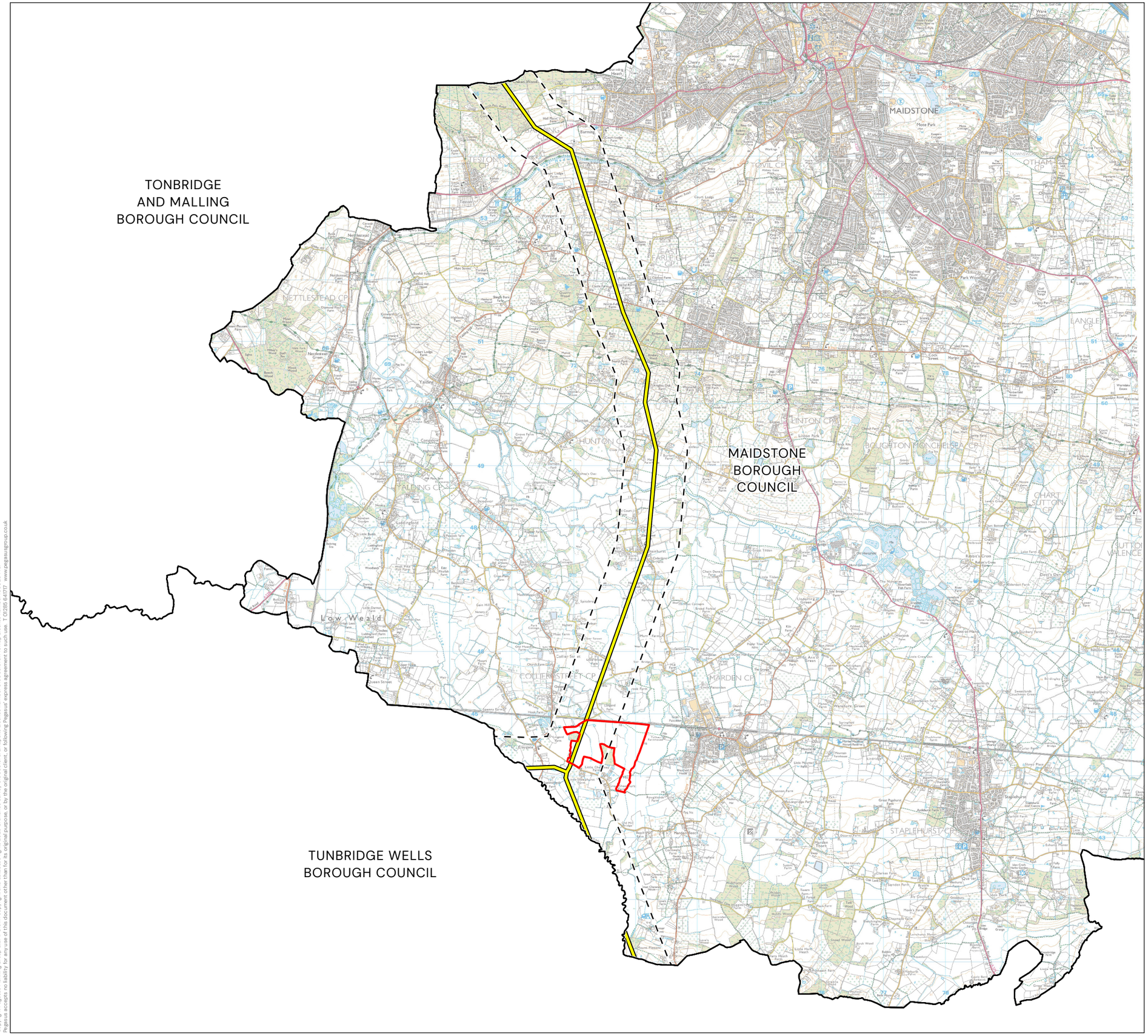
DATE	DRAWN	APPROVED	SCALE
21/02/2023	RL	AT	1:50,000@A3

SHEET	REVISION	DRAWING NUMBER
-	-	P22-2992_12

N — 0 — 1 km

PEGASUS GROUP

APPENDIX 4: STUDY AREA PLAN



KEY

- SITE BOUNDARY
- LOCAL AUTHORITY DISTRICT
- GRID BUFFER (500M)
- 132KV OVERHEAD LINE

APPENDIX 4 – STUDY AREA PLAN

SHEEPWASH SOLAR FARM

CLIENT
STATKRAFT UK LTD

DATE	DRAWN	APPROVED	SCALE
21/02/2023	RL	AT	1:60,000@A3

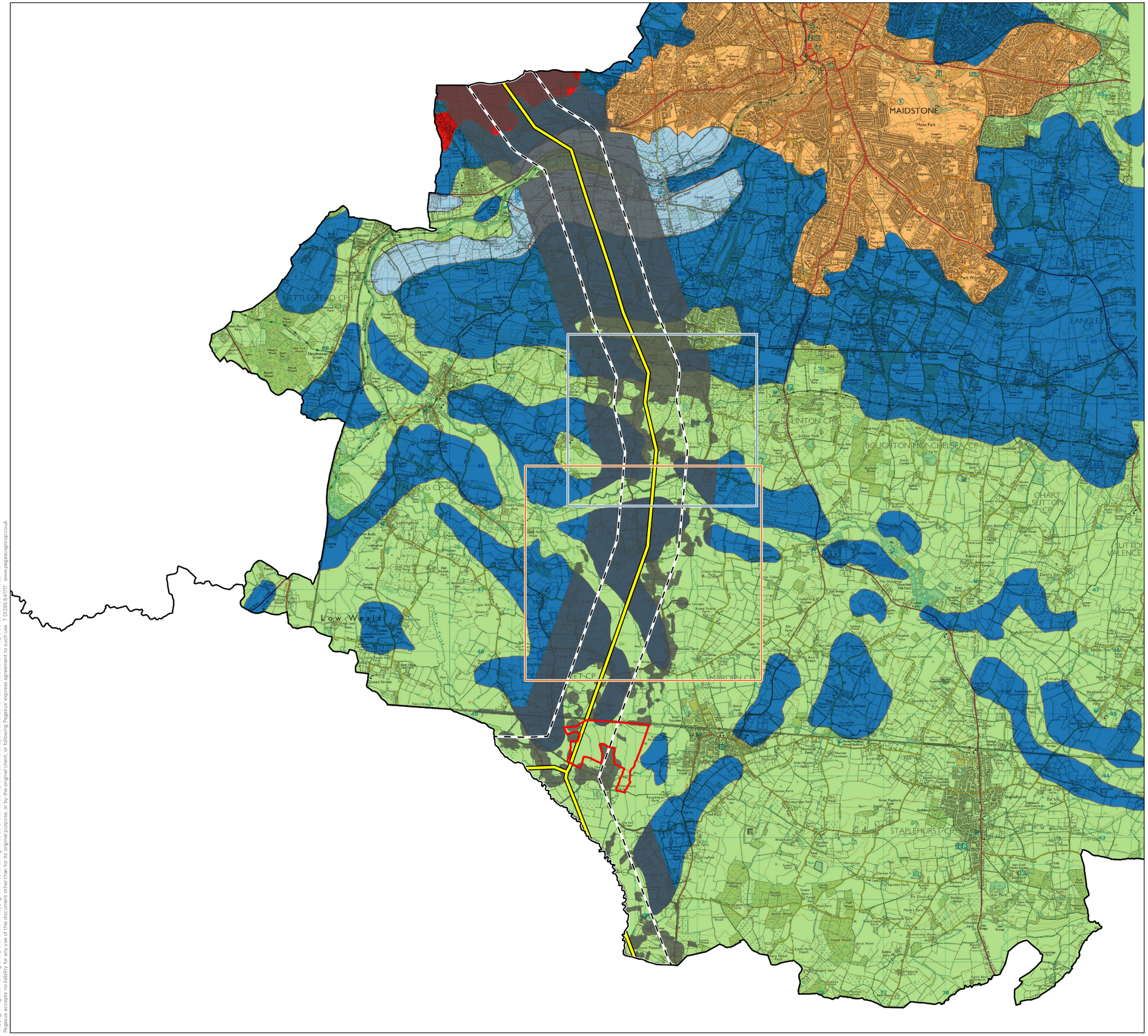
SHEET	REVISION	DRAWING NUMBER
–	–	P22-2992_13

N

0 1 km

PEGASUS GROUP

APPENDIX 5: CONSTRAINTS PLAN



KEY

- SITE BOUNDARY
- PLANNING AUTHORITY BOUNDARY
- GRID BUFFER (500M)
- 132KV OVERHEAD LINE
- CONSTRAINED AREA
- UNCONSTRAINED AREA B
- UNCONSTRAINED AREA B

PROVISIONAL ALC GRADE

- GRADE 1
- GRADE 2
- GRADE 3
- GRADE 4
- NON AGRICULTURAL
- URBAN

APPENDIX 6 – COMBINED CONSTRAINTS AND ALC PLAN

SHEEPWASH SOLAR FARM

CLIENT
STATKRAFT UK LTD

DATE	DRAWN	APPROVED	SCALE
21/02/2023	RL	AT	1:60,000@A3

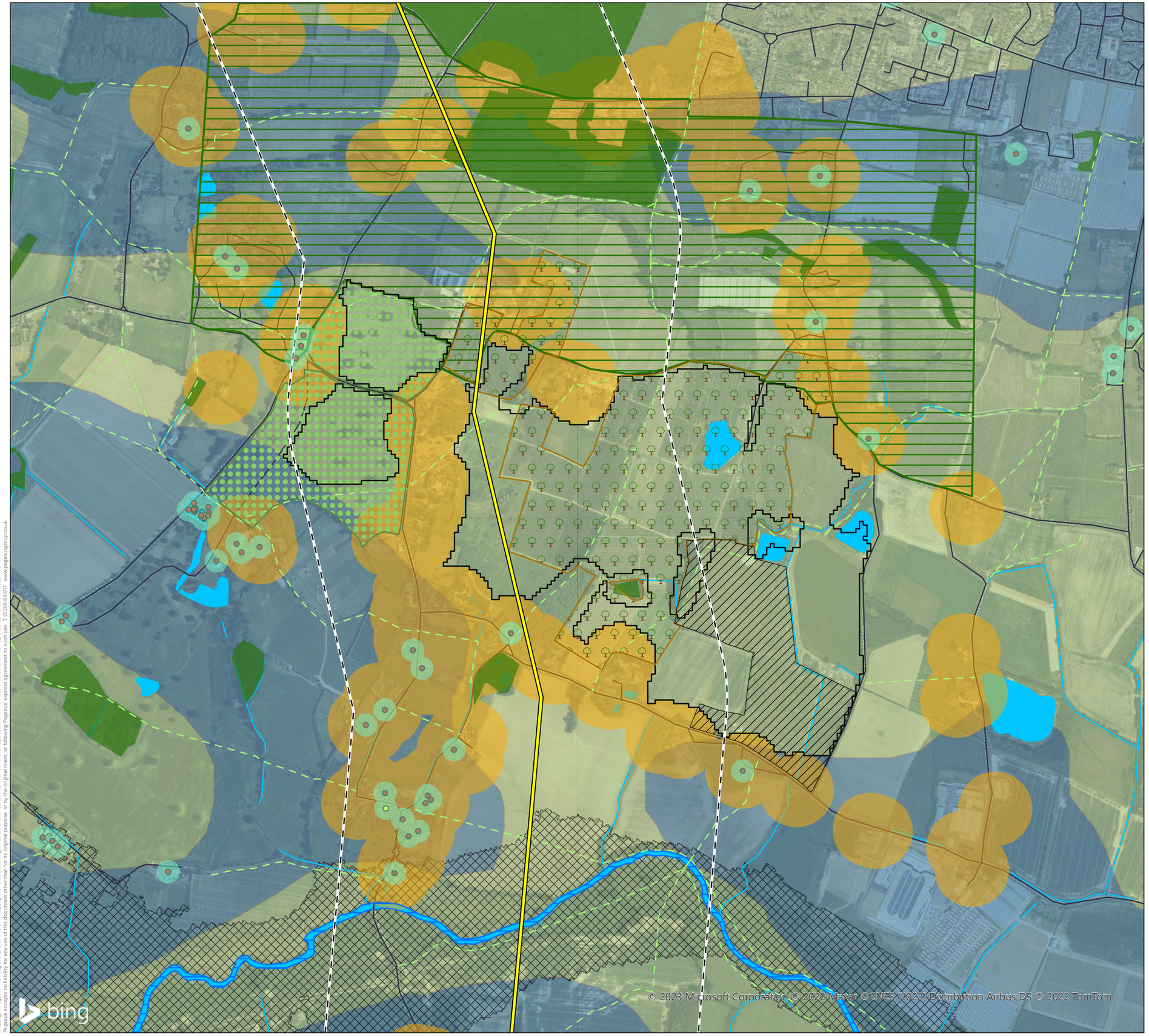
SHEET	REVISION	DRAWING NUMBER
-	-	P22-2992_14

N

0 1 km

PEGASUS GROUP

APPENDIX 6 – COMBINED CONSTRAINTS AND ALC PLAN



KEY

- UNCNSTRAINED AREA A (84.94 HECTARES)
- GRID BUFFER (500M)
- 132KV OVERHEAD LINE
- RIVER
- ROAD
- BONFLEUR XC COURSE
- ORCHARD
- MATURE TREES

LISTED BUILDING GRADE

- I
- II*
- II
- LISTED BUILDING BUFFER (50M)
- PROWS
- LANDSCAPES OF LOCAL VALUE
- SITES OF SPECIAL SCIENTIFIC INTEREST
- ANCIENT WOODLAND
- RESIDENTIAL BUFFER (100M)
- EA FLOOD ZONE 3

ALC GRADE

- GRADE 2
- GRADE 3

LOCATION: SOUTH OF COXHEATH
NEAREST POSTCODE: ME15 0RJ
OS X (EASTINGS): 573687
OS Y (NORTHINGS): 149723

APPENDIX 7 – POTENTIALLY DEVELOPABLE AREA PLAN A

SHEEPWASH SOLAR FARM

CLIENT
STATKRAFT UK LTD

DATE	DRAWN	APPROVED	SCALE
21/02/2023	RL	AT	1:10,000@A3

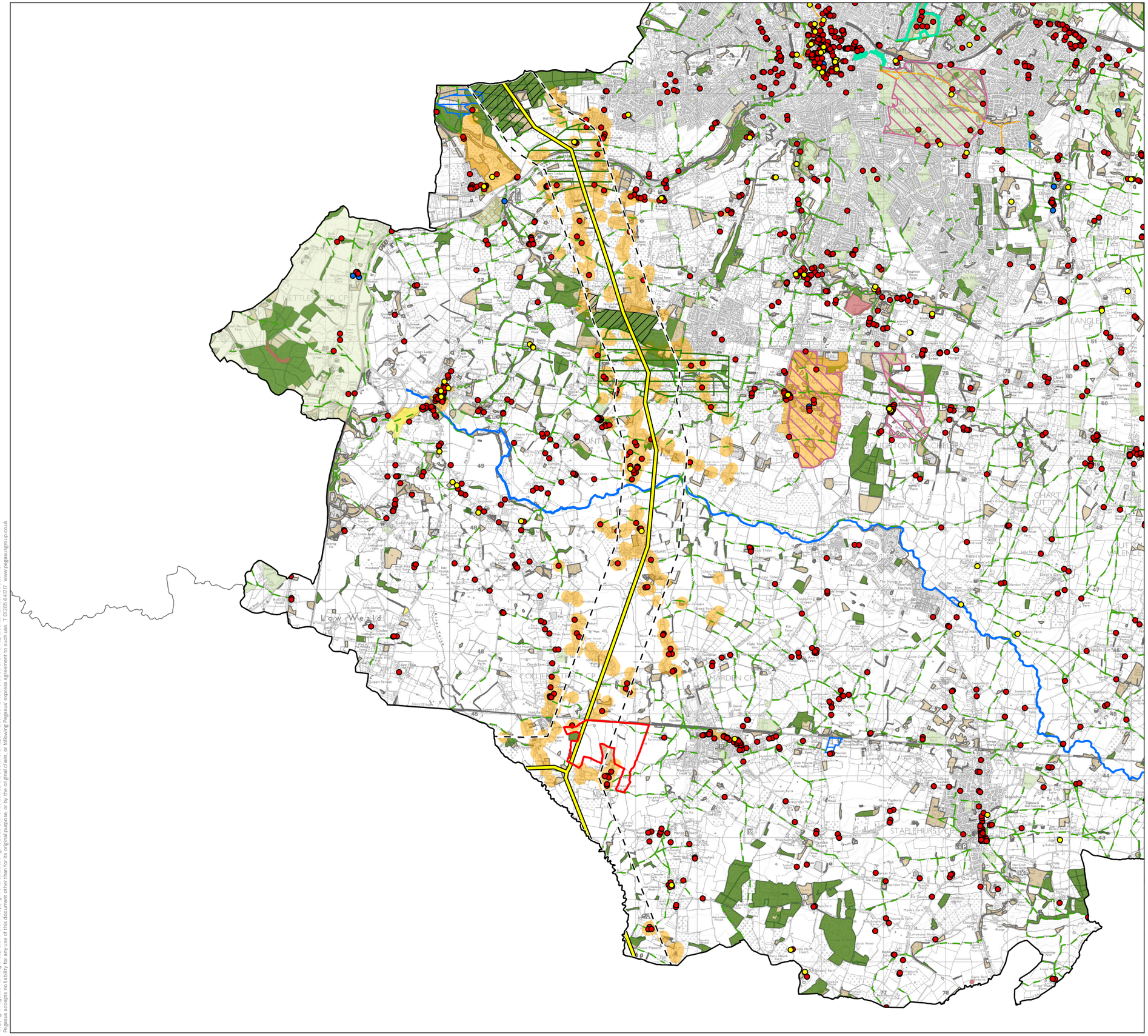
SHEET	REVISION	DRAWING NUMBER
-	-	P22-2992_15

N

0 200 Meters

PEGASUS GROUP

APPENDIX 7 – UNCONSTRAINED AREAS PLAN A



KEY

- SITE BOUNDARY
- MAIDSTONE PLANNING AUTHORITY
- GRID BUFFER (500M)
- LOCAL PLANNING AUTHORITY
- 132KV OVERHEAD LINE
- RESIDENTIAL BUFFER (100M)

LISTED BUILDING GRADE

- I
- II*
- II
- LISTED BUILDING BUFFER (50M)
- LANDSCAPES OF LOCAL VALUE
- PROWS
- NATIONAL CYCLE NETWORK
- AREAS OF OUTSTANDING NATURAL BEAUTY
- CROW ACCESS LAND
- COUNTRY PARKS
- REGISTERED PARKS AND GARDENS
- SCHEDULED MONUMENTS
- CONSERVATION AREA
- LOCALWILDLIFESITE
- LOCAL NATURE RESERVES
- SITES OF SPECIAL SCIENTIFIC INTEREST
- RSPB RESERVE
- ANCIENT WOODLAND
- GREEN BELT
- GREENSPACE SITE
- WOODLAND

AAPENDIX 5 – CONSTRAINTS PLAN

SHEEPWASH SOLAR FARM

CLIENT
STATKRAFT UK LTD

DATE	DRAWN	APPROVED	SCALE
22/02/2023	RL	AT	1:60,000@A3

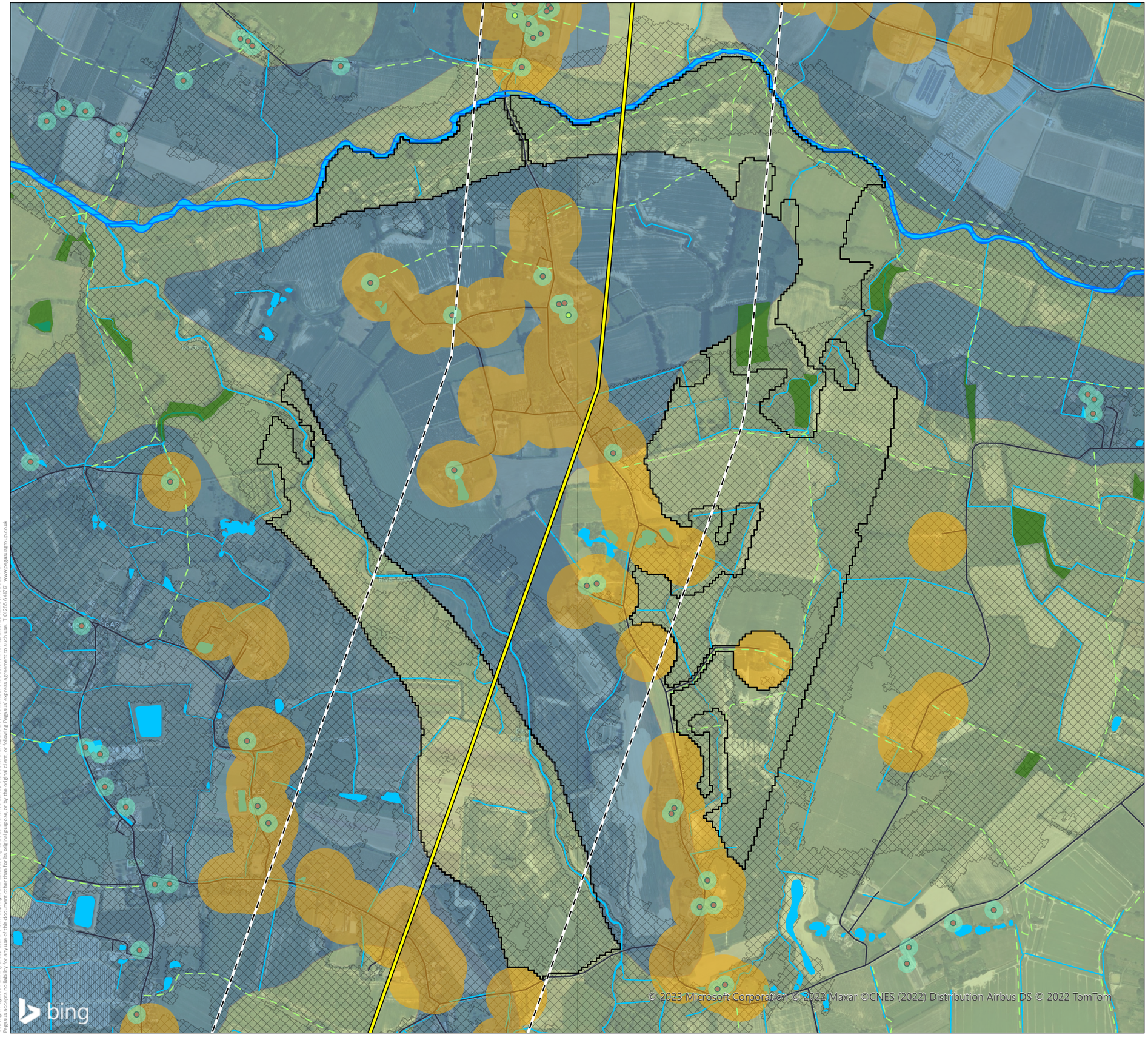
SHEET	REVISION	DRAWING NUMBER
-	-	P22-2992_16

N

0 1 km

PEGASUS GROUP

APPENDIX 8 – UNCONSTRAINED AREA PLAN B



KEY

- UNCONSTRAINED AREA B (188.6 HECTARES)
- GRID BUFFER (500M)
- 132KV OVERHEAD LINE
- RIVER
- ROAD

LISTED BUILDING GRADE

- II*
- II
- LISTED BUILDING BUFFER (50M)
- PROWS
- SITES OF SPECIAL SCIENTIFIC INTEREST
- ANCIENT WOODLAND
- RESIDENTIAL BUFFER (100M)
- EA FLOOD ZONE 3

ALC GRADE

- GRADE 2
- GRADE 3

LOCATION: CHAINHURST
NEAREST POSTCODE: TN12 9SS
OS X (EASTINGS: 572827
OS Y (NORTHINGS): 147602

APPENDIX 8 – POTENTIALLY DEVELOPABLE AREA PLAN B

SHEEPWASH SOLAR FARM

CLIENT
STATKRAFT UK LTD

DATE	DRAWN	APPROVED	SCALE
21/02/2023	RL	AT	1:12,500@A3

SHEET	REVISION	DRAWING NUMBER
-	-	P22-2992_17

N

0 250 Meters

PEGASUS GROUP

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Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE

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