

PARISH Barlborough

APPLICATION Up to 8.3 MW solar photovoltaic park with accompanying access track, transformers, inverters, kiosks, substation, security fencing and CCTV cameras.

LOCATION Land North Of Westfield Farm Beighton Fields Barlborough

APPLICANT Mr M W C/o Agent

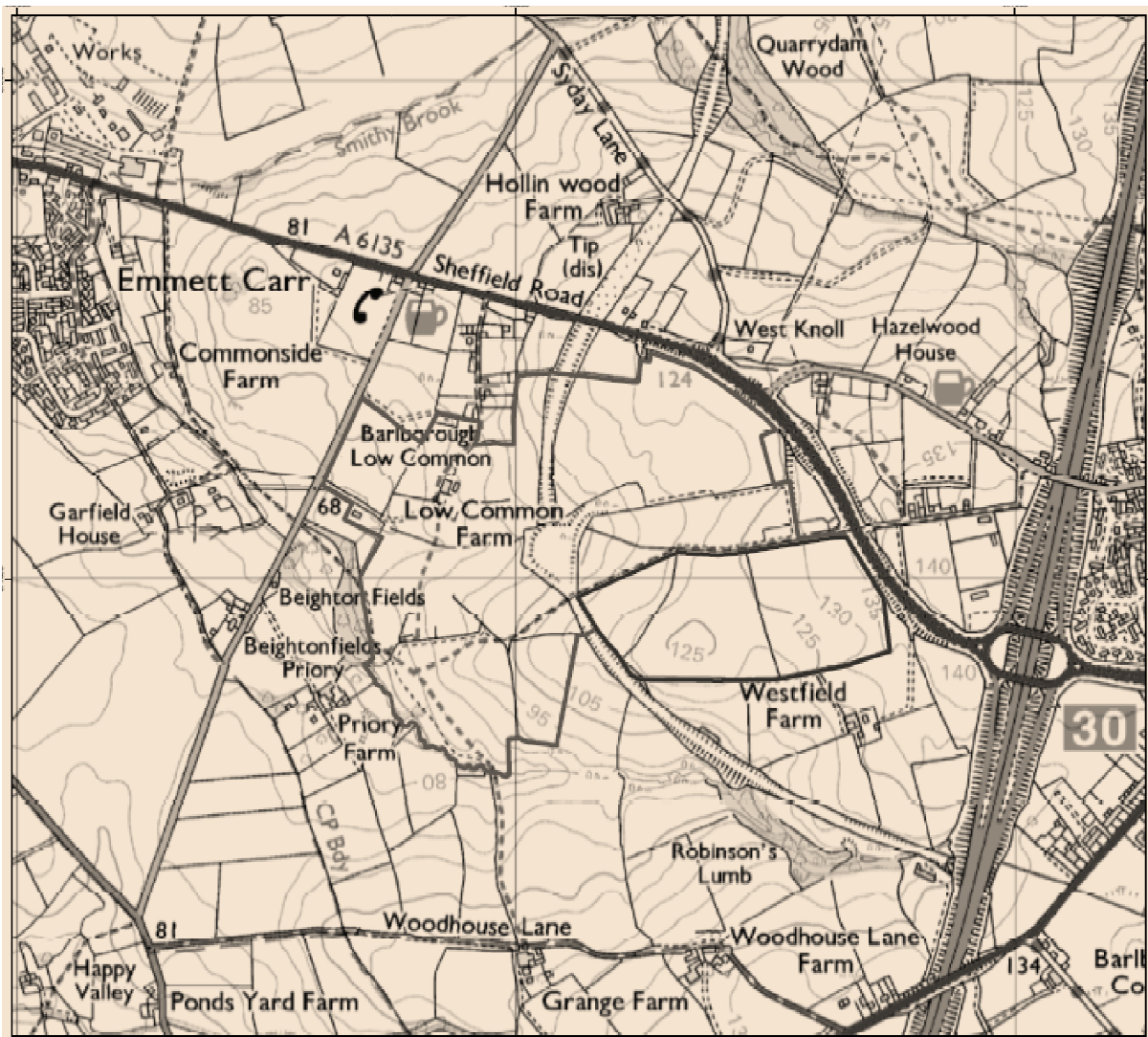
APPLICATION NO. 15/00493/FUL

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 25th September 2015

SITE

Three agricultural fields currently growing oilseed rape with a total area of approximately 12 ha to the west side of and accessed from Sheffield Road, Barlborough. The site is also west of the M1, about 400m west of Barlborough and is approximately 1km east of Renishaw. It is grade 3b agricultural land and is within the green belt.



The site is on high ground relative to the land to the west of it and is undulating but with a general slope from east down to west. The fields are largely bordered by established hedgerows and some trees apart from the northern side of the western field which has an open boundary to footpath 11 adjacent (Essentially footpath 11 cuts through the middle of the existing western field but the Applicant has chosen not to include the northern side of the existing field within the application site). To the west side the site is adjacent to a local nature conservation site (Local Wildlife Site BO 066) along the line of a former railway which appears to have become a linear woodland habitat which provides some screening of the site from closer view of the site from the south and west. There is a public footpath (11) which runs adjacent to the north side of the site which meets other public footpaths including 9, 12 and 13 to the west south and north sides of the site.

There are a number of heritage assets in the vicinity. The closest of these are the group of assets at Beighton Fields Priory GII* listed and Priory Farm Barns GII. Barlborough Hall G1 lies approximately 1.5km to the northeast, Park Hall GII* 1.3Km to the north and Renishaw Hall G1 3km to the northwest. The Church of Immaculate Conception GII 2km to northwest at Spinkhill. Also Barlborough conservation area containing several listed buildings is 800m to the west.

PROPOSAL

Up to 8.3 MW solar photovoltaic park with accompanying access track, transformers, inverters, kiosks, substation, security fencing and CCTV cameras. Permission is sought for a period of 25 years plus 6 months each for construction and decommissioning.

This installed capacity will equate to approximately 6.5 million kWh/p.a. (sufficient to supply the annual electrical consumption of 1,797 households).

The panels are to be laid out in angled arrays running east west in rows about 5 – 6m apart. Each array will be mounted on a metal framework typically 3m above ground level installed at approximately 20-25 degrees from horizontal. The lower edge of the array will be approx' 0.8m above the ground. The framework is to be driven into the soil without concrete foundations.

Six inverter/transformer units are to be sited in a line along the northern boundary. Each would be 13m long x 3.5m wide x 3.5m high (similar in appearance to a portacabin).

Two substations are also proposed at the eastern end of the northern boundary each 8m x 5.7m wide x 5.6m high to gable of pitched roof. Two storage containers for parts are also proposed.

2m high galvanized net security fencing is proposed to surround the site with a series of CCTV cameras (13 shown) mounted on 3.5m posts.

The existing public footpath along part of the northern boundary will be upgraded with crushed aggregate to maintain its current condition throughout and post construction. Also two sections of new access track (approximately 70 and 65m each) will lead from the existing public footpath to the electrical infrastructure buildings.

During the construction phase of the project it is anticipated there will be approximately 420 HGVs (equals to 840 vehicle movements) to the site. It is anticipated that the construction phase could take around 10-12 weeks.

A dedicated ecological area is proposed on the eastern boundary of the site providing a seed rich habitat said to be in line with RSPB guidance. This is to be supplemented by the planting of a new 190m section of native hedgerow along the southern boundary replacing the existing low quality boundary. The applicant states that it will be possible for sheep to graze between and beneath the solar panels, retaining agricultural use of the site.

The Applicant states that: no significant impacts on the environment have been identified, that there are significant benefits including generation of renewable energy and ecological enhancements and that the consideration of these factors, together with the limited harm to the purposes of the Green Belt demonstrates there are very special circumstances which means that granting planning permission for a solar photovoltaic farm is justified.

The application is supported by the following reports:-

Planning Statement

Design and Access Statement

Ecology

Landscape and Visual Impact Assessment

Heritage Assessment

Flood Risk assessment

Mining Risk Assessment

The submitted Design and Access Statement refers to the intention to allocate 3.4MW of the 8.3MW scheme for the benefit of the community. The Applicant says that it is intended that it to be held in a 'community organisation' as defined by recent legislation in the latest Feed in Tariff order (Article 11 (6) – FIT Order). Regardless of the availability of the additional community support mentioned above, the project commits to make a minimum community payment of £2,000 per MW installed. This would equate to £17,000 in total. Through consultation of relevant parties a committee will be established to allow the funds to be allocated annually, and a legal obligation between the applicant and committee will be drawn up and signed on approval of the Planning Application.

AMENDMENTS

4.11.15 Coal Mining Risk Assessment submitted.

12.11.15 Visuals confirming view from the Milner Plantation of the Renishaw Hall estate are not possible

15.12.15 Sequential test provided to identify the most appropriate site. A sequential preference should be given to previously developed land (brownfield) and/or commercial roof-space. When it is determined that the use of agricultural land is necessary, a sequential preference should be given to avoid the loss of Best and Most Versatile land (Grades 1, 2 and 3a).

(However the submitted test only considers the merits of other nearby sites within the same

ownership as the current Applicant. All alternatives considered are within the greenbelt. Sites outside the greenbelt have not been considered).

The Applicant states that in order to identify the most appropriate location for arraying solar development a range of factors have been considered including:

- practical constraints on the implementation of solar photovoltaic technology including topography, vegetation cover, site accessibility, ability to connect to National Grid;
- environmental constraints including statutory and non-statutory designations;
- residential amenity; and
- other material planning considerations.

The sequential test submitted concludes that:-

1. The proposed use of any agricultural land has been shown to be necessary because there is no brownfield land or commercial roof space with the area of search;
2. Poorer quality agricultural land has been used in preference to higher quality land; and
3. That the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

15.12.15 Revised Site layout and Planting Proposals.

21.1.16 Additional info on skylark mitigation.

17.02.16 Additional info and revised drawings submitted:

Fig 2.3 Inverter Station elevations.

Fig 5.3 Site Layout and Planting proposals accounting for the former mine shaft.

Rev A Site layout accounting for the former mine shaft.

The inverter units and substations are to be coloured green.

Connection to the grid will be by underground power lines.

CCTV flood lights are to be infra red (not visible light).

05.04.16 Addendum to Landscape Appraisal – Cumulative Effects

Considers cumulative visual impacts with three existing solar farms: at Oxcroft, at Breck Farm (NED 3.4km to the west), and at Arkwright. Concludes that the addition of the proposed development would result in negligible cumulative effects upon landscape character and that minor visual effects would be experienced at five identified cumulative viewpoints.

HISTORY (if relevant)

13/00544/SCREEN request for a screening opinion as to whether an Environmental Impact Assessment will be required for the proposed development. This was for a solar photo-voltaic farm on a site extending to some 13.5 ha on land at Low Common Farm Beighton Fields Barlborough. Included the current application site but was a slightly larger. Decision: Not EIA development.

13/00156/SCREEN request for a screening opinion for a single 79m high wind turbine: Withdrawn.

CONSULTATIONS

Environment Agency

No comments

DCC Flood Risk Team

No objections subject to the recommendations of the FRA being followed.

Environmental Health Officer

Concerns regarding the potential accumulation of ground gases in the proposed buildings at the site. Hence recommends a condition requiring a gas risk assessment for the buildings proposed. Also a condition to deal with any unexpected contamination if found during the development.

Derbyshire Wildlife Trust

10.12.15 From our records we are aware that the site is located adjacent to the Local Wildlife site BO066 Westfield Railway noted for unimproved calcareous grassland. It is noted that the survey undertaken as part of this application identified the area of the LWS accessed to have now succeeded to dense woodland.

It is understood that no tree removal will be required by the scheme and that only a low amount of bat activity was recorded from the site. We therefore do not anticipate any impacts on roosting bats as a result of the proposal. In addition, we acknowledge that the scheme has been designed to provide suitably sizeable off-sets from the panels to the woodland edges and hedgerows which will therefore remain unaffected by the proposal. We would therefore advise that if the Council is minded to grant consent the development should be carried out in strict accordance with Figure 3. Site Layout and Planting Proposals Plan.

No impacts on badger are anticipated.

One of the main ecological impacts associated with solar farm developments is the loss of nesting opportunities for ground nesting bird species following the installation of arrays. We do not consider the details provided in the accompanying report to constitute a detailed breeding bird survey. We would expect that opportunities should be provided as part of the scheme to maintain suitable nesting habitat for skylark.

We note that the proposed mitigation measures for birds are based upon the outdated RSPB's 2013 guidance. Such measures to provide infield nesting habitat for skylark are unlikely to be successful. While such measures may be beneficial in providing additional feeding sources we do not consider that they will maintain nesting habitat for ground nesting species.

Further consideration should be given to the provision of suitable nesting habitat for skylark as part of this development as we are of the view that the application as currently submitted will have a detrimental impact on nesting opportunities for a Species of Principal Importance. Although it is noted that an area of 1.05ha of arable land to the immediate east to the proposed security fence will be subject to biodiversity enhancements we are not confident that this area will be suitable to provide nesting habitat for skylark due to noise and disturbance from the adjacent busy road.

Also requests conditions preventing installation during bird nesting season (1st March to 31st August) unless ecologist confirms none present; and a condition requiring a habitat management and monitoring plan to be submitted and approved.

We welcome the proposed planting of 190m of new native hedgerow along the southern boundary of the site and advise that the species composition listed on the Site Layout and Planting Proposal Plan dated 21/09/15 is considered appropriate for the corresponding

landscape character type.

However, we consider the following details to be missing in relation to the landscaping associated with the proposal and need to be provided (could be a conditional requirement):

- Specifications of the grassland seed mixes
- Details of the long-term management of the grassland areas
- Details of the long-term management and monitoring of all created and retained habitats

17.12.15 following reconsultation on additional information provided.

The information does not address the issues raised in our consultation response dated 10th December 2015 in respect of provision of skylark nesting opportunities, specification of grassland seed mix and details of long-term management of grassland. As stated in our earlier response the Wildlife Enhancement Package for Solar Farms on former arable land produced by the RSPB is no longer endorsed by the organisation and has since been revised.

29.02.16. We have now considered additional submitted information including a letter from Kevin Shepherd dated 21 January 2016 and a revised Site Layout and Planting Proposals Plan T.0276_09-C dated 10/02/2016. While the overall wildlife enhancement package is welcomed, including the use of wildflower-rich and wild bird seed mixtures together with the enhancement of existing and the planting of new hedgerows, the potential to displace nesting skylark remains.

Although the wildlife enhancement measures might improve foraging opportunities and increase the abundance of insects which are important for chick rearing, such measures are somewhat irrelevant if the habitat is no longer suitable for the species to nest.

Having considered the revised Layout Plan we would advise that the area of former mining activity which is shown to be left free from panel installation along with the proposed wildflower grassland on the eastern boundary could form the mitigation/compensation as suitable skylark nesting habitat.

The specification for the wildflower meadow grass is still lacking and needs to be provided. Such information along with full details of the grassland management should be included within an Ecological Management and Monitoring Plan to be submitted to and approved in writing by the local planning authority as a condition of any consent.

Conservation Officer

The applicant has submitted a heritage statement addressing the potential impacts upon various heritage assets surrounding the proposal site. There was some doubt over the potential visibility towards Renishaw Hall/Park but the applicant has since confirmed that there will be no inter visibility by the submission of more photographs taken from Renishaw estate. I therefore have no objections to the proposal as it has been demonstrated through the submitted heritage statement (and later clarification) that there will be no harm to surrounding heritage assets.

25.05.16. It has been brought to my attention that the solar park would be visible in views towards Spinkhill Church (grade II listed) from motorway bridge and near footpath 12 (near Grange Farm, Barlborough). This view at present is an uninterrupted rural view of agricultural land, with the church spire in the distance. This impact would be considered as less than substantial harm to the listed building and should form part of the overall consideration.

DC Archaeologist

22.10.15 Significant archaeological impacts from the proposed solar farm are unlikely. There is no need for further archaeological work.

Regarding setting impacts above ground: The applicant has assessed visual impacts in relation to a number of designated heritage assets, including Renishaw Hall (Grade I Listed) and Park (Grade II* Registered) and Barlborough Hall (Grade I Listed) and Park (Grade II Registered). I am satisfied from the information supplied (heritage assessment and ZTV with DSM) that there will be no impacts to Barlborough Hall/Park. There seems however to be some confusion in the application with regard to Renishaw Park, where the heritage assessment states that there will be no visibility, but the ZTV with DSM study shows visibility of the development from parts of the Park, some of them close to the Hall.

I recommend that the applicant should provide further clarity with regard to Renishaw Hall/Park, including a more detailed assessment of views across the Park and a worst case illustration of views of the proposed development from Renishaw Park.

12.11.15 following additional info confirms that we can be reasonably confident that there will be no adverse impacts on Renishaw Hall and grounds.

Coal Authority

Following initial objections regarding a mine shaft on site the application has been amended to exclude the arrays from within 20m of the mine shaft. CA response 23.11.15 confirms that the objection is now withdrawn.

DCC Highways

No objections subject to conditions:-

1. Construction Traffic Management Plan (CTMP) be submitted and approved to include details of the access and improvements/ widening to accommodate two-way vehicle movement in the vicinity of the public highway, passing places, measures to protect pedestrians on the public footpath, type, frequency of HGV deliveries and other vehicles generated by the works, routing of HGVs and signage and temporary traffic management on Sheffield Road.
2. Site compound detail be approved.
3. Provision of wheel cleaning facilities
4. Decommissioning CTMP be submitted and approved.

Plus advisory notes recommended.

Highways Agency (consulted on the application for a screening opinion)

15.01.14. Construction traffic will have minimal impact on M1 J30. The development is unlikely to generate significant amounts of traffic once operational.

Chesterfield BC

No comments. However BDC to note that since the preparation of the Cumulative ZTV accompanying the application submission (dated 08/07/2015) there have been two further solar farms approved within Chesterfield Borough boundary. The first at The Breck, Breck Lane, nr Barrow Hill (our ref. CHE/15/00460/FUL) and the second at the former Oxcroft

Stocking Ground, between Woodthorpe and Shuttlewood (our ref. CHE/15/00477/FUL). Both of these installations lie between the 2km and 5km search areas shown on the cumulative ZTV on figure 5.6.

PUBLICITY

Site notice, press notice, 5 neighbours consulted. No objections received.

POLICY

Bolsover District Local Plan (BDLP):

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN4 (Development on Contaminated Land)

GEN5 (Land Drainage);

GEN8 (Settlement Frameworks);

GEN9 (Development in the Green Belt)

TRA12 (Protection of Existing Footpaths and Bridleways);

CON 1 (Development in Conservation Areas)

CON10 (Development Affecting the Setting of Listed Buildings);

ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings);

ENV3 (Development in the Countryside); and

ENV5 (Nature Conservation Interests throughout the District);

ENV6 (Designation and Registered Nature Conservation Sites);

ENV8 (Development Affecting Trees and Hedgerows).

National Planning Policy Framework (NPPF)

Paragraph 14 comments on the importance of:

“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.

Paragraph 17 lays down twelve core planning principles that must be taken into account when plan-making and decision-taking. This paragraph states that planning must:

“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”.

Renewable energy generation is discussed at length in Part 10 and paragraph 97 comments that we need to “recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”. It also states that Local Planning Authorities should have: “a positive strategy to promote energy from renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily”.

Paragraph 98 states that Local Planning Authorities should “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.

Paragraph 28 comments that local plans should “promote the development and diversification of agricultural businesses”, thereby supporting rural communities.

Paragraph 91 states: “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

Paragraph 87 states: “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

In considering the existence of ‘Very Special Circumstances’ (VSC), paragraph 88 of the NPPF indicates that: “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

It is therefore clear that the balancing of harm against the existence of VSC, requires an assessment of any harm caused to both conventional planning matters (such as highways, heritage, amenity) referred to in paragraph 88 as ‘any other harm’ and then to the Green Belt itself and the purposes behind its formal designation.

The purposes of Green Belt designation are stated in paragraphs 79 to 80 of the NPPF to be:

Paragraph 79 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 80 ‘Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.’

Paragraph 81 “... local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”

Paragraph 112 “Local planning authorities should take into account the economic and other

benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

Paragraph 132 “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.....”

Paragraph 134 “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

Other (specify)

National Planning Practice Guidance (NPPG) indicates that:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.”

The NPPG goes on to state that “The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”, indicating that particular factors a Local Planning Authority will need to consider including: -

- 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.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;

- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015. Indicates that a sequential preference should be given to previously developed land (brownfield) and/or commercial roof-space. When it is determined that the use of agricultural land is necessary, a sequential preference should be given to avoid the loss of Best and Most Versatile land (Grades 1, 2 and 3a).

Conservation Duties:

Planning applications affecting conservation areas and listed buildings:

Section 66 has a duty with respect to planning applications affecting a Listed Building or its setting in that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990: In considering planning applications “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

ASSESSMENT

The Principle of Development

The proposed solar farm would constitute “inappropriate development” in the Green Belt as defined in the NPPF. Paragraphs 87 and 88 of the NPPF explain that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The main issues in this case are therefore:

- a) The harm that the proposal would cause to the Green Belt;
- b) Any other harm that the proposal would cause;
- c) Considerations that weigh in favour of the proposal;
- d) Whether those other considerations in favour would clearly outweigh the harm to the Green Belt and any other harm, such that the very special circumstances necessary to justify the proposal would be demonstrated.

a) Harm to the Green Belt

Paragraph 79 of the NPPF identifies “openness” as one of the essential characteristics of the Green Belt. The relatively low-level nature of this type of development, and the fact that it would follow the existing contours of the land, may make it less visually intrusive than taller structures such as (for example) wind turbines. Nevertheless, previously open and undeveloped fields would be covered with black glass panels set on metal supports, together with a series of cabins housing electrical equipment, and would be enclosed by a security fence. It is clear that the proposed solar farm would reduce, rather than preserve, the openness of this part of the Green Belt.

One of the purposes of the greenbelt defined in the NPPF is “to assist in safeguarding the countryside from encroachment”, and since the proposal would involve developing some 12 ha of the countryside that is currently undeveloped, it would be at odds with this aim. Planning permission for the proposed development is sought for a temporary period of 25 years, and its removal at the end of that period could be secured by condition, but for the duration of its existence it would constitute the encroachment of development into the countryside. The proposed inappropriate development would, then, materially reduce the openness of this part of the Green Belt, and would conflict with one of the purposes for its designation. Taking this into account, the NPPF indicates that: “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

It should also be noted that the majority of Bolsover District is not within the greenbelt and so there will be many other sites which could be explored as potential alternatives to accommodate similar development which would not result in harm to the greenbelt. The Applicant has not considered such alternatives in this instance.

b) Whether any other harm would be caused

i) Landscape and Visual Impacts:

The Application Site does not form part of any statutory or non-statutory landscape designations. In terms of Landscape character, at a county level, the Application Site is located within the Wooded Farmlands landscape character type in the Derbyshire Landscape Character Assessment published in 2003. This landscape type is described as: “A small scale undulating landscape rising to the magnesian limestone plateau. Characteristically well wooded, sparsely settled and dominated by mixed farming.”

Landform and existing tree and hedgerow belts generally limit the visibility of this site from longer views from the east and partially from the north and in the case of the western field only, from the west and south as well. There are more open views of the higher level eastern and middle field mainly to the south and west.

Additional hedgerow and tree planting proposed to the northwest boundary to footpath 11 and restoration planting to the southern boundary will provide some additional screening although will not be able to eliminate views entirely.

The main impacts identified in the submitted appraisal of landscape and visual effects are views from public footpath 11 which runs adjacent to the northern boundary of the site and then from footpaths 12 and 9 approximate 450m-550m to the south west. The proposal will

also be visible from sections of Worksop Road A619 to the south and southwest towards Mastin Moor. It is considered that the relevant main viewpoints have been correctly identified.

Users of public rights of way are recognised as being sensitive receptors to development and despite the relative proximity of the M1 to the east and Sheffield Road to the North east the character of the countryside as experienced from footpaths 9, 11 and 12 is that of a surprisingly tranquil, secluded undulating agricultural landscape. The proposed development would significantly affect the experience of walking these footpaths to the north and southwest of the site.

The installation of large black glass panels and their associated infrastructure would clearly alter the nature of the site, introducing precision-engineered structures at odds with its existing rural character and appearance. The sub-station, transformers and security fences would add visual clutter and exacerbate the incongruity of the development.

Footpath 11 runs immediately adjacent to the whole northern boundary of the site for approximately 550m. When walking down this path, instead of occasional long distance sweeping views to the west which can be had over or between the gaps in the hedge (see below), the existing hedgerow will need to be maintained at a higher level to screen the development from the path increasing the enclosure and altering its character. At openings and gaps in the hedge the development would be obvious and its presence would be exacerbated as a result of the hum of the transformers all lined up at the other side of the hedge.



There is currently no boundary at all between footpath 11 and the western field and whilst a

new hedgerow is proposed it will take at least 5 years to start to screen the development successfully. The current limited view to the south will also be prevented. The proposal would therefore harmfully affect the open character of this stretch of footpath and would detract significantly from its visual amenity.

At footpaths 9 and 12 some 450m – 550m to the southwest of the site there is approximately a 600m continuous length of path where uninterrupted views of the eastern and middle field can be had (viewing in the area around Woodhouse Lane Farm and Grange Farm). The footpaths are at a lower level than the proposed solar farm and looking up from the path the solar farm will appear to be on top of a hill lining the horizon for approximately 40 degrees of the available field of view. This would be a major and sustained visual impact on the landscape from a sensitive receptor view point. The additional hedge and tree planting proposed could only mitigate this harm to a modest degree and not eliminate it. It should be noted that the NPPG advises that *“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.”* This site is within an undulating landscape.

On the stretch of footpath 12 between Woodhouse Lane Farm and Chesterfield Road views of the site are only intermittent between hedgerow gaps and are also less extensive.

Overall it is considered that the presence of the proposed solar farm would fundamentally alter the rural character of this landscape, and would appear as a major, and incongruous, new element within the countryside and this would be significantly harmful to the visual amenity of the area. As a result the proposal would be contrary to local plan policies: GEN2 (1), GEN9 and ENV3 (C).

ii) Heritage Impacts

The closest heritage assets which might be affected by the proposal are set out above (at the end of the “Site” description section). Having regard to consultation advice from the Conservation Officer and the DC Archaeologist it is considered that the majority of heritage assets nearby would not be affected because there would not be any intervisibility between the site and the assets. The only exception to this is The Church of Immaculate Conception GII listed 2km to northwest at Spinkhill. When the application site is viewed from the path adjacent to A619 to the west side of the motorway bridge, the Church spire can be seen in the distance directly above the fields of the application site. Hence with the development in place the Church Spire will appear in the distance above a wide expanse of solar panels and there will be some harm to the setting of the Church as a result.



In other views from public footpath 12 the Church is seen to the left side of the site and so will be seen in the same field of view but not in such juxtaposition. However given the distance involved and the limited views of the Church with the application site it is considered that the harm to the significance of the setting of The Church of Immaculate Conception is less than substantial. The harm should be weighed against the public benefits of the proposal in the balance (para 134 of the NPPF). In doing so special regard must be had to the desirability of preserving the building or its setting (S66 test). This means that even though the harm may be at the lower end of the possible range of impacts it must nevertheless be given substantial weight in the balance of consideration. The church spire is the main urban element in the predominantly rural view and therefore the introduction of a competing urban form reduces the significance of the church in this view. Any harm should require clear and convincing justification. In view of the lack of confidence in the assessment of sequentially preferable sites it is considered that there is no clear and convincing justification for the heritage impact and therefore this must weigh against the proposal.

iii) Use of Agricultural Land

The application site is agricultural land currently producing an oil seed rape crop. Government guidance in the NPPG and within the written ministerial statement of March 2015 (both material considerations) indicates that for solar farms a sequential preference should be given to previously developed land (brownfield) and/or commercial roof-space and only when it is determined that the use of agricultural land is necessary, then a sequential preference should be given to avoid the loss of the Best and Most Versatile land (Grades 1, 2 and 3a).

In this case the Applicant has submitted a sequential test at the request of the Planning Officer. However the area of search chosen by the Applicant for alternative sites has been restricted solely to land within the Applicant's ownership; all of which is agricultural land within the greenbelt. No brownfield land or commercial roof space has been considered (nor any land outside the greenbelt although this is a separate matter). As such it is considered that the sequential test submitted is fundamentally flawed since it has not demonstrated that the use of agricultural land is necessary to accommodate the development.

However the site is grade 3b agricultural land and so the proposal does not involve the loss of the Best and Most Versatile land (Grades 1, 2 and 3a). As such the proposal is not contrary to policy ENV2 of the local plan. The proposal would also allow for the continued agricultural use of the site in line with the NPPG albeit restricted to potential grazing rather than crop production. Hence its versatility would be reduced.

The reduction in the versatility of 12 ha of agricultural land without proper justification is a material consideration. However the weight which can be given to this harm is limited because the proposal is not contrary to policy ENV2 and does not involve the loss of the best and most versatile agricultural land.

iv) Other

The solar farm would be visible from a few dwellings on the north side of Worksop Road but at that distance visual amenity at private dwellings is unlikely to be affected to a material degree. The risk of glare from reflecting the sun is very low because the site is to the north side of dwellings within the zone of theoretical visibility.

Ecology impacts should be minimal with some minor concern remaining about impacts on skylark and with additional hedgerow planting, tree planting and wildflower areas the overall effect should be positive subject to appropriate habitat management conditions.

No significant harms regarding drainage, flooding or hydrology are expected.

The area at risk from former mining activity has been excluded from the proposals.

There is a short section of the M1, perhaps 50m – 100m just to the south of junction 30 where there is direct intervisibility with the central field of the proposed solar farm. Hence there is a risk of glare/glint in the evening in sunny conditions for traffic northbound in the vicinity of the slip road to J30. This issue had not been dealt with in the application but further information was awaited on the level of risk at the time this report was written. Committee Members will be updated prior to the meeting.

No other harms have been identified which cannot be overcome by appropriate planning conditions.

c) Considerations that weigh in favour of the proposal (The benefits)

The proposed solar farm would achieve an output of 8.3MW each year and that this equates to producing electricity sufficient to power about 1800 average homes in Bolsover District. This would make a meaningful contribution to the attainment of national renewable energy policy objectives and targets; it would help to improve the security of the energy supply through diversifying the range of resources, would have direct and indirect economic benefits, and would reduce carbon dioxide and greenhouse gas emissions, thereby helping to mitigate climate change. These are benefits which carry a great deal of weight in favour of the proposed development. Paragraph 91 of the NPPF states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

With the ecological mitigation and enhancement measures proposed, including the sowing of nectar flowers, fine grasses and wild bird seed mixture and planting 190m of hedgerow, there is the potential for a net ecological gain of habitat, enhancing the biodiversity of the site. The Wildlife Trust still has some concerns over the possible loss of suitable nesting ground for Skylark but overall it is considered that the proposal would be likely to have a positive effect. This should be given some limited weight in the balance.

In terms of community benefits the Applicant says that they might, depending on Government policy and the availability of a supporting mechanism, allocate 3.4MW of the 8.3MW scheme for the benefit of the community. The Applicant says that it is intended that it to be held in a 'community organisation' as defined by recent legislation in the latest Feed in Tariff order. But regardless of the availability of the additional community support mentioned above, the applicant says that they commit to make a minimum community payment of £2,000 per MW installed. This would equate to £17,000 in total. Through consultation of relevant parties a committee would then be established to allow the funds to be allocated annually, and a legal obligation between the applicant and committee will be drawn up and signed on approval of the Planning Application.

It should be noted that the above offer is made entirely on trust and is not secured by means of a S106 obligation or undertaking neither would such an undertaking pass the tests in the CIL regulations:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Neither could the offer be secured by planning condition since it would not pass the tests for conditions. Essentially the offer of community benefits is not material to the determination of this application and should be given no weight in the planning balance.

The Applicant also states that whilst it is difficult to quantify local job creation, they would look to incorporate as many local contractors and service providers into their plans as possible. However it is considered that job creation during the construction phase is transient and long term operational job creation would not be significant. Little weight is given to this benefit as a result.

d) The Balance: Whether the considerations in favour would clearly outweigh the harm to the Green Belt and any other harm, such that the very special circumstances necessary to justify the proposal would be demonstrated.

The proposed solar farm would constitute "inappropriate development" in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The harm that the proposed development would cause to the Green Belt carries substantial weight against a grant of planning permission. To this must be added the harm that the proposal would cause to the character and appearance of the area, including its adverse impact on the visual amenity of the footpaths which pass adjacent to and near to the site: these are factors of considerable weight. The less than substantial harm that the proposed development would cause to the setting and significance of The Church of Immaculate Conception, a Grade II listed building, is also a consideration which must be given considerable weight in the overall planning balance (as required under the Act and para 134 of the NPPF). There is harm to that setting must be given special consideration and that must be weighed against the benefits, particularly as the harm could potentially be avoided by providing the facility on another site.

Furthermore there is no compelling evidence to justify the siting of the solar panels on agricultural land reducing its versatility and this is a further consideration which adds only limited weight against the proposed development.

Weighing in favour in the balance the proposed solar farm would make a significant contribution toward meeting national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. It would have economic benefits, and would also help to increase the security and diversity of the electricity supply. These are benefits which carry a great deal of weight in favour of the proposed development. Some limited weight applies to the benefits of the ecological improvements to the site that the proposed development would secure. Some limited weight is given to job creation.

Weighing all of these considerations together, it is considered that the adverse impacts of the proposed development would outweigh the benefits. Since the totality of the harm caused would not be “clearly outweighed by other considerations”, as required by paragraph 88 of the NPPF, the “very special circumstances” necessary to justify development in the Green Belt do not exist in this case. The proposal would also conflict with policies GEN 2(1), GEN 9, and ENV 3(C) of the local plan to an unacceptable degree.

Other Matters

Listed Building: See report above

Conservation Area: See report above

Crime and Disorder: CCTV and security fencing are proposed.

Equalities: No significant issues

Access for Disabled: No significant issues

Trees (Preservation and Planting): see above

SSSI Impacts: No significant issues

Biodiversity: See above

Human Rights: No significant issues

RECOMMENDATION

Refuse for the following reason:

The proposed solar farm would constitute “inappropriate development” in the Green Belt which is, by definition, harmful to the Green Belt. The solar farm would materially reduce the

openness of this part of the Green Belt, and would conflict with one of the purposes for its designation in that, for the duration of its existence, it would constitute the encroachment of development into the countryside.

In accordance with the National Planning Policy Framework (NPPF) inappropriate development should not be approved except in very special circumstances. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In addition to the harm to the greenbelt the proposal would significantly harm the character and appearance of the area, including adverse impacts on the visual amenity of the footpaths which pass adjacent to and near to the site (footpath 11, 9 and 12 Barlborough Parish).

The less than substantial harm that the proposed development would cause to the setting and significance of The Church of Immaculate Conception, a Grade II listed building, and the lack of compelling evidence to justify the siting of the solar panels on this site is given due weight. Also the development on agricultural land reducing its versatility is given limited weight against the proposal in the overall planning balance.

Weighing in favour the proposed solar farm would make a significant contribution toward meeting national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. It would have economic benefits, and would also help to increase the security and diversity of the electricity supply. Some limited benefits would result from the ecological improvements to the site that the proposed development would secure and from job creation.

Weighing all of these considerations together the adverse impacts of the proposed development would outweigh the benefits. Since the totality of the harm caused would not be "clearly outweighed by other considerations", as required by paragraph 88 of the NPPF and the special consideration of the harm required under paragraph 132 of the NPPF and S66 of the Listed Building Act, the "very special circumstances" necessary to justify development in the Green Belt do not exist in this case. The proposal would also conflict with saved policies GEN 2(1), GEN 9, CON 10 and ENV 3(C) of the Bolsover District Local Plan to an unacceptable degree.
