

Campaign to Protect Rural England: Gloucestershire County Branch (CPRE)

Planning Application Reference P0664/15/FUL

Installation of a 49.9MW solar farm and associated infrastructure including stock proof fencing and transformers, grid connection hub, CCTV, landscaping, access improvements and underground cabling for a temporary period of 25 years

Introduction

This report sets out in detail the reasons for CPRE's formal objection to the proposed development.

While CPRE supports the use of alternative means to fossil fuels to produce electricity, including PV solar panel arrays, it is opposed to the unwarranted urbanisation of the rural landscape and the loss of the nation's farmland for food production. Instead, CPRE's preference is for the re-use of brownfield land and existing buildings for PV solar panels.

In this context we draw attention to DECC's UK PV Strategy Part 2 document which states:

"While large scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well planned and well screened. There can also be problems where local communities see no benefit but consider that they bear amenity issues. The Solar Trade Association has developed a statement of "10 Commitments" for solar farm developers..... which seeks to ensure that the impact of large-scale solar farms on communities, visual impact and long term land use are minimised....."

In April 2013, the Rt Hon. Gregory Barker, Minister of State, Department of Energy and Climate Change, in a speech to the Large Scale Solar Conference, expressed his views over some of these matters and, in his 1st November 2013 letter to all planning authorities, he restated his concerns over permitting large scale solar arrays on farm land which do not appear to take full account of the latest planning guidance. In his letter he stated:

"Our new Solar Roadmap makes it very clear that new solar installations need to be sensitively placed and sets out four guiding principles, which form the basis of the Government's strategy for solar PV. This includes the principle that: "Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as **landscape and visual impact, heritage and local amenity**, and provide opportunities for local communities to influence decisions that affect them".

It should also be noted that renewable energy generation stands only third in the energy hierarchy, after energy saving and energy efficiency.

National Planning Guidance and Policy (NPPF)

The NPPF emphasises strongly at the outset the importance of the development plan in the determination of planning applications, at paragraph 2 and again at paragraph 11.

We deal with the three dimensions of sustainable development and other overarching guidance in the NPPF in the section below headed The Planning Balance.

Turning to Section 10 of the NPPF, paragraphs 93 to 96 mainly relate to energy saving or generation elements of development generally, not developments like this one whose sole or principal purpose is to generate energy.

In respect of paragraph 97, we consider that the existing Forest of Dean Core Strategy does comply with the first two bullet points. The third bullet point only requires local planning authorities to “consider” identifying suitable areas for renewable and low carbon energy.

In respect of the fourth bullet point, in spite of (for example) the cover of the Environmental Statement (Awre Peninsula Farmers Community Solar Scheme Ltd) the proposal cannot in our view be reasonably regarded as a “community-led initiative”.

We note the permissive stance on planning applications set out in the second bullet point of paragraph 98. However, this is subject to the very important qualification of footnote 18, and is addressed in detail in The Planning Balance.

The provisions of paragraphs 100 to 104 are dealt with below under the subheading of Flood Risk Assessment.

The Core Strategy

The Forest of Dean Core Strategy has been the only component of the development plan since the regional and county elements of it fell away in 2013.

One important issue is the extent to which a development such as this could have been anticipated at the time of the preparation and adoption of the Core Strategy. It is significant that the nominal output of the proposed development falls only just short of the threshold which would require it to be treated as a Nationally Significant Infrastructure Project, to which a different consent regime applies. We assume this is deliberate. However, it does mean that the development plan applies.

Examination of the Core Strategy shows that it contains no policies which directly relate to the kind of development now proposed and its scale. However, this does not mean that the Core Strategy is deficient, for reasons outlined above in relation to NPPF paragraph 97.

The first of the five objectives of the Core Strategy is Providing Quality Environments. Supporting paragraph 4.5 states in part: *“The Forest of Dean itself, its landscapes and culture, is the key to much of the area's identity but there are several other landscapes of great significance (eg Severn Vale) with their own cultural and historical identities. The Core Strategy must maintain or improve the understanding of these. Many will be protected for their own sake and as part of the need to “market” the assets of the district to achieve the changes needed. The recognition, safeguarding and protection of the natural and historical assets of the area must be the starting point for its revitalisation”* [CPRE emphasis].

We consider that the proposed development will be wholly inimical to this objective.

The second objective is to develop the local economy. Paragraph 4.8 states in part: *“A broader base and a closer relationship to the natural assets of the area ... will be promoted through the Core Strategy”* [CPRE emphasis].

Again, the proposed development would be inimical to this objective.

We consider that the proposed development is contrary to the first paragraph of Policy CSP1 and to its first bullet point in particular.

Policy CSP2 applies to development generally; its primary purpose appears to relate to development in which features facilitating adaptation to climate change should be incorporated, rather than a development such as this whose primary purpose is to generate energy.

However, we consider the proposed development to be contrary to part 3/2 of the policy.

Policy CSP3 is not applicable.

Thus we conclude that the proposed development does not comply with the development plan.

Planning Design and Access Statement (PDAS)

CPRE has paid particular attention to this document given the importance of the development plan in the determination of planning applications, and the apparent absence of policies in the Core Strategy which directly relate to a development such as this.

Nothing in paragraphs 1.1.1 to 1.1.3 constitutes a planning argument in favour of the proposed development. It is also in our opinion wholly inappropriate to invoke the threat of more wind farms, as paragraph 1.1.4 does.

Paragraph 2.3.1 refers to “meadows without solar panels”; Figure 18 shows wild flowers growing around solar panels. Matters arising are taken up below.

Paragraph 3.14 refers to the permitted scheme at Hall Farm. This is on an altogether different scale – much smaller, having an output of one tenth of the proposed development, and on a commensurately smaller site area. Reference to this development, and to the absence of significant harm, therefore does not justify the present proposal.

Nor do paragraphs 4.8.3 and 4.8.4, which refer to the lack of take up of roof top schemes, constitute a justification for the present proposal.

The material in Section 4.11 on the NPPF is covered above.

We do not disagree with the statements at paragraphs 4.15.2 and 4.15.3. However, the absence of any designations does not in itself justify development, particularly not on the scale proposed.

We strongly disagree with the assertion at paragraph 5.1.4 that *“overall the principle of a solar farm on the site is strongly supported by planning policies at all levels. This is exemplified by the solar farm recently granted planning permission at Hall Farm, within open countryside”*.

In our opinion, the difference in scale is sufficient to make any comparisons between the two schemes inappropriate.

Section 6.1 refers to what is described as the low ecological value of the site in its present condition. CPRE is altogether unconvinced that the proposed development would

necessarily bring about an improvement in biodiversity, and to the extent that it might, any such improvements would be outweighed by the landscape impact.

We deal with landscape matters in the context of the Environmental Statement (ES), but here it is sufficient to note that in our opinion the screening effect of the flood defence bank referred to in paragraph 6.3.5 is exaggerated, and in any event this bank is not continuous around the peninsula, and is absent altogether on the northern side.

We disagree entirely with the assertion at paragraph 6.8.7 that there are no adverse effects on public rights of way. A representative of CPRE walked the public footpath around the peninsula from south to north on 9 July 2015. The path appeared to be moderately well used. All the stiles were in usable condition, a number of GCC waymarks were found, and there was evidence of vegetation having recently been cleared in some places.

The issue is not just one of the existence of the rights of way, it is also one of the quality of the experience to be gained from using them. In this context, the proposal to extend the “dead end” public right of way from the former dwelling marked on the Ordnance Survey 1:25,000 sheet as “Hayward” to the bank of the estuary provides very limited compensation.

Section 7.2 covers economic benefits. Two points are of particular concern. Paragraph 7.2.5 states *“at the current time, the Environment Agency will not commit to funding long term maintenance of the flood bund. This will inevitably result in the peninsular (sic) being reclaimed by the River and the farmland and network of footpaths will be lost”*.

This we regard as both alarmist and disingenuous. We consider it extremely unlikely that the River Severn will “reclaim” the peninsula in the foreseeable future, and its security will not in any way be guaranteed by the proposed development. The main location of the erosion currently taking place is in fact the opposite bank of the river at Hock Cliff.

Secondly, the two examples from the Best Practice Guidance referred to at 7.2.8 are both much smaller (less than 10%) of the likely output from the proposed development and like Hall Farm are inappropriate comparators.

The social benefits described in section 7.3 do not relate in any way to NPPF paragraph 7.

Finally, the balancing exercise set out in Section 9 is in our opinion wholly inadequate, both in its lack of detail and its failure to acknowledge any adverse impacts.

In summary, we consider that this document does not justify the proposed development.

Environmental Statement

We deal below with the topics in the order in which they appear in the ES.

Landscape Character and Visual Amenity

CPRE considers that the sheer scale of the application is a significant material consideration. The proposed development would occupy, apart from the river bank, almost the whole of the Awre peninsula east of the village. The site also represents most of the Landscape Character Area 7c, Drained Riverine Farmland and Grazed Salt Marsh.

Permission has already been granted for a large 5 MW PV solar array at Hall Farm, on land less than a mile away, immediately to the west of the railway line. The taking of an additional 108.5 ha of farmland in the Awre area for PV solar will undoubtedly adversely affect the Awre community, and cause major visual impact. Also, should the PV array be constructed, since rather than being permanent pasture most of the intended site has for many years been used to grow crops, the proposal to limit it for at least the next quarter of a century to little more than land for sheep grazing will mean there will be long term land use impact.

The site forms part of the Awre drained farmland, a subset of the District's Drained Riverine Farmland and Grazed Salt Marsh. It contains generally unsettled flat landscapes defined in the Forest of Dean's (FoDDC) November 2002 issued Landscape Character Assessment as being low lying, windswept and generally treeless. Made up of inundation grasslands and drainage ditches sometimes lined with pollarded willows, the landscapes are a mosaic of productive improved cattle pastures and arable crop fields with a distinctive pattern of hedgerows dividing the landscape up into large geometric fields.

The 2004 FoDDC published Landscape Strategy for the Forest of Dean states that with the exception of the industrial area to the south of Lydney the whole of the District's Drained Riverine Farmland and Grazed Salt Marsh area's (including Awre) are flat, visually open and remote landscapes that are highly sensitive, particularly in areas where there are open views across the river to the Cotswold escarpment and east Gloucestershire. It identified a number of key features to conserve and enhance. Nowhere did it identify introducing solar arrays of the scale now applied for into the landscape.

The claims that the site is already reasonably screened and that the proposed development will have little visual impact are exaggerated. The site is not well screened in all directions, because from some points along the Forest of Dean escarpment it will be visible at distances up to 5 km and beyond. It will be very visible to many local residents, and from public rights of way, some points along the Forest of Dean eastern escarpment, the River Severn and its eastern shoreline, and higher land further to the east of that shore.

Further, the hedgerows in their present form will not be adequate to hide from sight a solar array of the magnitude proposed. The Environment Statement Section 9.6 claims that these existing hedgerows will go a long way to break up and screen the arrays, and that "the majority of the heritage assets in Awre and Northington have their views towards the Site screened by hedgerows, other buildings and by their orientation: moreover, the additional screening proposed, once established, will reduce any indirect visual impact to **minor adverse** for the duration of the scheme". The key point in that statement is "once established" because until then (a time not specified in the Environment Statement, but likely to be at least ten years) the growth provided following the planting of additional hedges will contribute virtually nothing to camouflaging this huge site from view. Nor during the period from late autumn to mid-spring, when they are lacking their leaves, will any deciduous hedge provide much in the way of camouflage.

Turning to visual amenity, the Awre peninsula is an attractive landscape in itself. The footpath around the peninsula usually occupies the top of the riverside bank where it exists – about half of the distance between Whitecourt and north of Northington Farm. Representatives of CPRE have walked these routes, and conclude that the amenity of users

would be adversely affected by the proposed development. The route provides a panoramic view in both directions taking in May Hill, the eastern ridges of the Forest of Dean, and a considerable length of the Cotswold scarp. Closer to hand are views of the Arlingham peninsula and Hock Cliff in particular. These views would be substantially harmed by the proposed development and in particular where the security fence which would necessarily run close to the footpath.

The quality of the views is enhanced by the constantly changing direction of the footpath around the bend of the river.

The site occupies a particularly prominent location, opposite the Arlingham peninsula on a significant bend in the Severn estuary. Although neither bank of the river is covered by any national landscape designation, we consider the area to offer some of the most striking views in Gloucestershire. In this context, we consider the letter of 27 March 2015 from the Minister of State for Housing and Planning to the Chief Executive of the Planning Inspectorate to apply with particular force.

This begins "I have become aware of several recent appeal cases in which harm to landscape character has been an important consideration in the appeal being dismissed. These cases are a reminder of one of the twelve core principles at paragraph 17 of the National Planning Policy Framework – that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context".

The Severn Way runs along the eastern bank of the estuary. Representatives of CPRE have also walked relevant sections of this route, and again conclude that the amenity of users would be adversely affected.

There is an elevated view of the Severn estuary from the churchyard of St Peters in Newnham, with the Cotswold Hills as a backdrop. The view, which includes the Awre peninsula to the right, would be adversely affected by the proposed development.

In respect of views from east of the Severn, Cotswold Conservation Board has said that the site is in the distance and will have no impact on views from the AONB. We disagree very strongly. When looking across the river from Coaley Peak, Uley Bury, Cam Longdown, Cam Peak and parts of Stinchcombe Hill the eye is drawn to the bend in the Severn round Arlingham – it is the first dramatic bend of the Severn going inland. It is a change of colour and a change of texture in the landscape and at high tide is even more prominent. The tongue of land at Awre is equally conspicuous as it is formed by the sharp bend and highlighted by the water - any development is bound to be intrusive.

It should be remembered that the Cotswold Way, a very popular National Trail, follows the top of Stinchcombe Hill, Cam Peak, Cam Longdown, Uley Bury and Coaley Peak and the views out from this path will be affected.

The Severn Way, also a very popular long distance path will have direct views of the proposed array at Awre from Slimbridge right round to The Passage pub at Arlingham. The views from the Severn Way at Hock Cliffs, opposite Awre, will be completely spoiled.

It should also be remembered that the Severn Vale has a large solar array at Hill House Farm, Cambridge and applications for another north west of Cam and Dursley railway

station, less than a mile away, and yet another near Newport. We should be considering the cumulative impact of solar arrays on the whole Severn Vale, not each bank in isolation, as both sides of the valley have escarpments with long reaching views of outstanding quality.

Ecology and Nature Conservation

As noted above, the PDAS refers to benefits arising from the scheme, and Figure 18 in it shows wild flowers growing in a field around solar panels.

In CPRE's opinion none of these benefits will arise without a substantial amount of work before the panels are installed, and maintenance during the operational period. Wildflower meadows need to be maintained (principally by mowing), not left alone, and maintenance of any kind is likely to be difficult and expensive once the panels are in place. We consider it probable that without such maintenance the fields will be overrun by plants such dock, nettle, ragwort and bramble, leading to none of the claimed benefits and adding to the difficulties of restoring the land to agriculture after deconstruction.

Ornithology

We draw the Council's attention to the representations dated 9 July 2015 from Wildlife and Wetlands Trust on this matter.

Heritage and Archaeology

CPRE notes and supports the response dated 5 June 2015 of the County Archaeologist.

Flood Risk and Water Quality

The content of Chapter 10 of the ES is noted. The separate Flood Risk Assessment is considered below.

Transportation

CPRE notes the content of Section 11 of the ES, and considers that the Council should be entirely satisfied that the proposed main route from the A48 to the site is satisfactory for the number of likely traffic movements and the larger vehicles involved.

Landscape and Ecological Management Plan

This document makes a number of references to "meadow mix" in relation to proposed reseeded. We cannot however find any acknowledgement in this document of the distinction between "meadow" and "pasture". The former is defined as grassland which is mown for hay; the latter as grassland which is grazed by farm animals.

The presence of the panels will make mowing difficult if not impossible. Reference is also made to continued grazing by sheep. This would in our opinion be incompatible with any meadow regime.

This therefore casts doubt on the soundness of the Ecological Management Plan.

Agricultural Appraisal

Agricultural land quality was the subject of CPRE's letters of 15 June and 12 July. The map (Appendix 4 to the Agricultural Appraisal) implies that the land quality in every single field

included with the red line has been separately assessed. The map purports to show that there are three contiguous fields on the northern side of the site which fall into Grade 3a (and are therefore included in the best and most versatile land). It also shows three fields falling into Grade 4, with the remainder, most of the site, in Grade 3b. Land quality is most unlikely to be related exactly to field boundaries.

The key point is that the agricultural land quality assessment provided by the applicants does not follow the Government's Agricultural Land Classification system, which is the process required to be used for land use planning purposes. As such it cannot be considered to be a reliable and authoritative assessment of land quality. It is quite possible that a proper survey would show a higher proportion of the land to be of 'best and most versatile' quality according to the Government's definition.

The covers of two of the documents (ES, PDAS) which accompany the application themselves show that a significant proportion of the application site was in arable use at the time the photographs were taken. Observations from public footpaths also indicate that much of the site is subject to an arable rotation, including maize, barley and (in a previous year) peas. Whilst arable cropping does not necessarily indicate 'best and most versatile' land, it does add weight to the probability that a significant proportion of the site may be of such quality.

Flood Risk Assessment/Flood Risk Sequential Test

The content of these two documents is noted.

Site Selection Sequential Test

Since the site area is more than a square kilometre, it is hardly surprising that a sequential approach to site selection yielded no other opportunities. The larger the area of land required for development, the fewer the opportunities available.

The report depends heavily on the ad hoc assessment of agricultural land quality whose validity (as indicated above) we dispute.

We consider that this document should be given little weight in the consideration of the application.

Appeal Decisions

We also wish to draw to the Council's attention three recent appeal decisions.

The first (2204846) concerned a smaller (38.5 hectare) proposal in Suffolk. Size apart, we consider that there are useful parallels between this case and the Awre scheme. The appeal was dismissed, the Inspector concluding that the benefits arising from the production of renewable energy were outweighed by the damaging landscape and visual effects.

The second, involving the construction of a solar farm on the best and most versatile agricultural land in Essex, was dismissed after an inspector was not convinced that compelling evidence had been submitted to justify it. Although the issue is not the same (in this case it had definitely been established that the site consisted of the best and most versatile agricultural land), it illustrates the importance of sound evidence on this topic.

The third is a case in Kent (PINS ref 221259) in which the Inspector concluded that before landscaping matured *“the wide expanse of the arrays would be seen in strident contrast to the surrounding landscape of typical agricultural appearance, harming the character of the area.”***Consultee Responses**

We note the consultee responses, in particular those of the Cotswold Conservation Board and Stroud District Council. While we recognise that these bodies are statutory consultees whose views should be based on informed professional opinion, we nevertheless believe that there will be adverse landscape impacts in parts of Stroud District, in some of the riverside parishes and from parts of the Cotswold scarp. These issues have been addressed above.

Regulation 22/Additional Information

Before any recommendation is made to the Planning Committee, CPRE strongly believes that the Council should seek further information from the applicant under Regulation 22 (The Town and Country Planning (Environmental Impact Assessment) Regulations 2011) on the subject of archaeology, in order that the application can be properly determined. We support the County Archaeologist on this matter. We would also like to receive assurances from the Council that this has been done.

CPRE considers that additional information should be sought on the subject of agricultural land classification, if not necessarily under Regulation 22. We consider for reasons given above that this issue has not been satisfactorily addressed.

The Planning Balance

We address the planning balance in terms of the three dimensions of sustainable development, and in terms of the development plan.

In economic terms the development will provide minor benefits in the construction stage and negligible benefits in the operational stage. The application itself makes this clear in the context of attempting to minimise the disadvantages of the proposed development.

The proposed development does not in our view relate at all to the elements of the social dimension of sustainable development set out on paragraph 7 of the NPPF.

We consider it significant that there is no chapter in the Environmental Statement dealing with social and economic effects.

Paragraph 7 of the NPPF also sets out the elements of the environmental dimension. The proposed development might help in “moving to a low carbon economy” but it emphatically does not contribute to “protecting and enhancing our natural ... environment”. On the contrary, it will in our opinion have an extremely damaging effect on the natural environment which substantially outweighs any benefits arising from the generation of renewable energy.

Thus the balance – very limited economic benefits, no social benefits in the terms in which the NPPF defines them, and severe adverse environmental effects – in our opinion weighs very heavily against the proposed development.

In terms of the development plan, it is acknowledged that the Core Strategy contains no policies which bear directly on a development of the kind now proposed. Paragraph 2 of the

NPPF not only affirms the importance of the development plan, but also makes it clear that the NPPF itself is a material consideration in planning decisions. As noted above, the permissive stance of paragraph 98 is strongly qualified by footnote 18. The particular other material considerations in this case derive from the sheer scale of the proposed development, which in this context also weighs heavily against the proposed development.

Conditions and Related Matters

Our firm conclusion, set out below, is that the planning application should be refused. If however the Council is minded to grant planning permission, we consider that the following matters should be taken into account.

A condition of permission should be that only the least reflective PV panels and other engineering features must be used, and that the choice must be submitted for approval before installation can commence.

We feel it is essential that a further planning condition be imposed in addition to our earlier condition requests. The NPPF identifies that most PV solar arrays are temporary structures and the applicant has accepted that. It is, therefore, most important that the land does not lose its agricultural designation. We therefore request that any planning consent granted must include a condition that as soon as the currently intended PV solar array units cease to generate, the site will be decommissioned and the land fully restored to its original agricultural potential, and that it shall not be treated as 'previously developed' land for future planning purposes.

Conclusion

CPRE concludes that the planning balance as discussed above falls strongly against the proposed development. If it were permitted, it would in CPRE's view fundamentally change the essential character of this key site and its surroundings alongside the Severn estuary. It represents the industrialisation of the countryside on a massive scale in what we regard as a particularly sensitive location.

We therefore strongly urge the Council to refuse planning permission.

14 July 2015