Kirklees COUNCIL

Originator: Nick Hirst

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2021/93644 Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements Low Farm, Wakefield Road, Flockton, Huddersfield, WF4 4BB

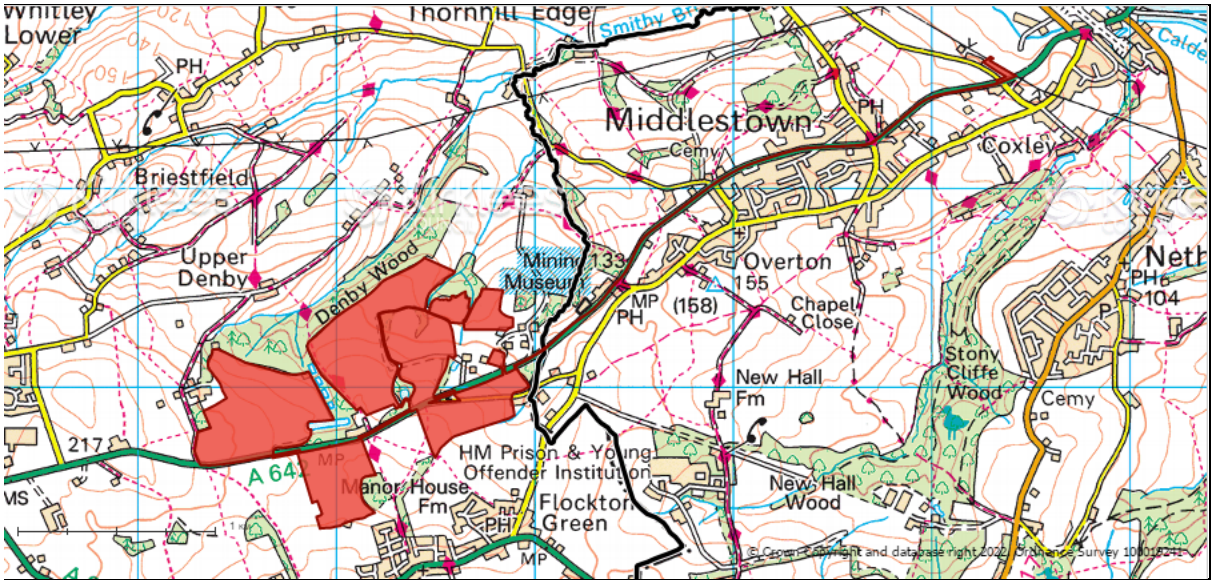
APPLICANT
Mark Hogan, Boom Power

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
14-Sep-2021	14-Dec-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

Public speaking at committee link

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE to the Head of Planning and Development to notify the Secretary of State of the Local Planning Authority's intention to approve the application, to give the Secretary of State the opportunity to consider whether to exercise their 'call in' powers. Subject to the response from the Secretary of State, progress to approving the application and the issuing of the decision notice and completion of the list of conditions, including those contained within this report.

1.0 INTRODUCTION

1.1 This application seeks full planning permission for the erection and operation of a grid-connected solar photovoltaic farm, to supply up to 49.9MW, with ancillary infrastructure, landscaping, and biodiversity enhancements

1.2 This application is brought to Strategic Planning Committee in accordance with the Delegation Agreement, as it triggers several categories for referral. These include being non-residential development over 0.5ha, being energy production development (with an area exceeding 1ha and generating greater than 5MW), and being a departure.

1.3 This application is cross boundary with Wakefield Council. However, most of the site, and all solar panels, fall within Kirklees Council's boundary. Development within Wakefield is limited to subterranean caballing to reach the point of connection (POC) into the national grid at Lady Ing Farm, to the east of Middleton. Accordingly, the applicant has submitted a separate application to Wakefield Council (ref. 21/02792). Wakefield Planning Officers have recommended to their Planning Committee that they devolved their development control functions to Kirklees Council. Their committee is to be held on the 7th of July, and a summary of the outcome will be made available for members within the Update.

1.4 Prior to submission of the application the applicant submitted a request for a screening opinion for an Environmental Impact Assessment (EIA). The local planning authority concluded the proposal did not amount to EIA development.

2.0 SITE AND SURROUNDINGS

2.1 The application site covers an area of 89.6ha. This includes 1.8ha of land within Wakefield Council's boundary, leaving 87.8ha in Kirklees.

2.2 The land within Kirklees is primarily split amount eight main parcels and one smaller parcel, accessed and linked by a connecting corridor along Wakefield Road (A642). One parcel would be accessed from Grange Lane. There is an additional parcel required for the point of connection to the national grid, within Wakefield Council's boundary. Of the eight main parcels, three are to the south and six to the north of Wakefield Road.

2.3 The main parcels are between Overton (approximately 700m to the east-north-east) and Grange Moor (approximately 800m to the west). Flockton lies approximately 75m to the south of the southernmost field, and Briestfield lies approximately 1.2km to the north of the site. The National Coal Mining Museum is also located to the east, approximately 350m away. As well as the villages, there are sporadic farmsteads and hamlets around the site.

2.4 The site is wholly within the Green Belt. The site and surrounding area have an undulating landform, with an overall fall from south-west to north-east. The highest part of the Site lies at just below 210 m Above Ordnance Datum (AOD) at the western end of Parcel 1. The lowest part of the Site lies at approximately 125 m AOD at the north-eastern corner of Parcel 2.

2.5 The eight parcels are agricultural, predominantly arable with some pasture use. The boundaries to the various parcels are formed by a combination of hedgerows, often with frequent hedgerow trees, tree belts and woodlands. Much of the land between the different parcels is also wooded, with their being two parcels of ancient woodland to the north of the site. There are no watercourses or waterbodies within the Site, though there is a small watercourse just beyond part of the southern boundary of parcel 5. Between parcels 1 and 2 is a grouping of fishponds (outside the redline).

2.6 Surrounding fields are likewise agricultural, used as arable, pasture and grassland, and have similar boundary treatments. Several public rights of way (PROW) footpaths cross the field between parcels 4 and 5, including:

- KIR/103/40
- KIR/103/30
- KIR/103/20
- KIR/104/20
- KIR/104/30
- KIR/103/60
- KIR/103/50

PROW KIR/43/10 is between parcels 1 and 2, with Bridleway KIR/42/10 being to the west and north of parcel 1.

3.0 PROPOSAL

3.1 This application seeks full planning permission for the erection and operation of a grid-connected solar photovoltaic farm, to supply up to 49.9MW, with ancillary infrastructure, landscaping, and biodiversity enhancements.

3.2 The area that would have solar panels installed on would total circa 58.4ha hectares (65.2% of the total site). The remainder would be the connection to the network, buffer areas, planting, access tracks, and ecological enhancements zones.

3.3 The solar farm would generate up to 49.9MW of renewable electricity. This is just below the maximum capacity for which an application for planning permission may be considered by a Local Planning Authority under the Town and Country Planning Act; installations with a capacity of more than 50MW are considered to be nationally significant infrastructure projects, and such applications must be submitted to central government and determined by the Secretary of State for Energy.

3.4 The photovoltaic panels would be organised into arrays and mounted upon galvanized steel or aluminium frames, with a fixed tilt of 15 degrees facing south. They would stand on metal legs that would be driven into the ground without the use of any concrete so that they can be removed without leaving any trace in the soil at the end of their life by simply digging the legs out of the ground. The panels would be laid in straight lines of varied length, laid east to west, and parallel to the other rows with a gap of approximately 5m between. Each panel's lowest point would be 1m above ground level, and the highest would be 2.8m at their top edge. The surface of each panel segment would be 7.2m.

3.5 All solar farms require inverters and transformers. Inverters change direct currents (DC) to alternating current (AC) and. These would be built upon the frames for the solar panels and are small cabinets. Seventeen transformer units would be located throughout the farm. Transformers convert low voltage output from the inverters to high voltage suitable for feeding into the substations Each would be sited within a metal container, which would measure 6m (L) x 2.5m (W) x 3m (H).

3.6 There would be two substations on site, adjacent to each other. They would be located within the smallest parcel, sited just north of Wakefield Road and east of Low Farm. These consist of:

- 132kV kit would be surrounded by a 2.4m high galvanised steel palisade fence forming a secure compound. The fencing would be rectangular, measuring 48m x 25m. Within the fencing would be a variety of large electrical apparatus, the tallest of which would measure 5.9m. The apparatus would be sited centrally within the compound. This would adjoin a relay/control structure, measuring 6m (L) x 5m (W) x 3.5m (H) and both sited on a concrete slab

- 33kV kit housed in a building measuring approximately 3m (L) x 4m (W) x 3.5m (H) sited on concrete slab.

The function of the substation is to combine electricity from the transformers distributed across the site before transferring it to the local electrical distribution network via a Point of Connection (POC) to the 132kV network. This is proposed via the pylon at Lady Ings Farm, Middlestown in Wakefield, which will be reached via underground electrical cables along Wakefield Road.

3.7 Each parcel would have a 2.0m high perimeter fence, consisting of wooden poles and metal fencing between. All panels would have a 5m minimum buffer zone from the fencing. The exception is the small parcel to host the substation, which would benefit from the aforementioned palisade fence. Security cameras are proposed around the site perimeter. Cameras would be inward facing on poles of up to approximately 2.5m high, spaced at approximately 50-

70m intervals along the fence. External lighting would be provided at the substation compound. Manually activated lights, are proposed at the substation, transformer, and inverters in the case of an emergency.

3.8 Access tracks are to be laid for maintenance vehicles, comprising processed rockfill on a geotextile membrane. These would provide access into the centre of each parcel, with turning facilities, for each of management and maintenance. Parcels 2, 3, 7, and 8 would share a single access point, with the other parcels having individual access points. All parcels would be access from Wakefield Road except from 5, which would be accessed from Grange Lane. All access points are existing but would be widened including 5.5m wide carriage ways, 6.0m radii, and suitable sightlines.

3.9 There is no cutting or raising / lowering of land levels proposed in association with the development other than to lay the necessary cables.

3.10 The proposal includes a comprehensive ecological and landscaping strategy. This includes, but is not limited, additional planting along the field boundaries to provide both ecological enhancements and visual screening for the proposal.

3.11 The development is stated to have an operational lifespan of 40 years. The infrastructure has been designed to be removed when no longer required. The site will not normally be staffed, but for routine checks and maintenance.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2018/92512: Work to TPO(s) 07/18 – Granted

4.2 Surrounding Area

National Coal Mining Museum, New Road, Overton, WF4 4RH

2016/93704: Work to tree(s) within a conservation area – Granted

2020/92459: Erection of stable block/storage rooms/wc/multifunction room (within a Conservation Area) – Approved

2021/62/93414/E: Use of land for siting of heavy duty UPVC covers with metal frames (within a Conservation Area) – Approved

Flockton Cricket Club

2017/90925: Erection of single and two storey extension – Approved

Enforcement

Nonrelevant.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 The application was received September 2021. The description of development was initially:

> *Erection and operation of grid-connected solar photovoltaic farm with ancillary infrastructure and landscaping and biodiversity enhancements*

Officers sent initial queries principally relating to procedural matters or asking for clarification on certain points. This included querying whether a joint application has been submitted. Responses to the comments were received that allowed the assessment to progress.

5.2 An objection from Sport England was received, due to solar panels being within 80m of the Flockton Cricket Club. The proposal was swiftly amended to include an exclusion zone. Sport England were subsequently consulted and advised no objection.

5.3 A first meeting took place on the 7th of December between the case officer, the case officer for Wakefield's corresponding application, and the applicant's agent. This was principally as an initial briefing and discussion on the cross-boundary nature of the proposal. Co

5.4 Following the end of the initial public representation period and all consultee responses being received, officers provided the applicant with their initial comments on the 31st of January 2022. These surmised that the proposal could not be supported as submitted and raised various issues, including:

- Seeking clarification on the proposal's energy generation.
- Requesting further justification for the proposed development, specifically the need for its siting within the Green Belt and what they deemed to be Very Special Circumstances. Concerns were expressed over the impact on the Green Belt, particularly through the inclusion of parcel 4.
- Elaboration on the proposal's impact upon local agriculture.
- Clarification on the ancillary development required.
- Requesting that the noise impact assessment be amended to include the proposed substation.
- Requesting more details on the proposal's Glint and Glare impacts.
- Seeking a more comprehensive understanding of the proposal's traffic generation, particularly during construction.
- Requesting that an Arboricultural Impact Assessment be provided. As submitted, it was noted that minimum 15m buffer between the ancient woodland and the works was required, and the new accesses cut through (non-ancient) woodland protected by TPOs.
- Confirming that a full Ecological Impact Assessment was needed to support the proposal, as opposed to their Preliminary Ecological Assessment initially submitted.
- Comments from West Yorkshire Archaeological Advisory Service (WYAAS) were shared, where they requested that survey work be undertaken prior to determination.
- The initial public representation comments were surmised and put to the applicant to consider and respond to key queries.

5.5 A document responding to the above concerns was received by officers on the 9th of March along with amended plans and updated reports. The submission and document were comprehensive and addresses many of the above concerns, some partly and others completely. However other issues remained unresolved. Correspondence continued between the applicant, officers, and consultees on various issues. A meeting was held on the 27th of April 2022 to discuss the principal outstanding matters of parcel 4 and landscaping screening.

5.6 It was agreed that parcel 4 include a 'no build zone' where the land raises, as it negated much of the boundary screening. The extent of landscaping and boundary screening was also agreed to be increased.

5.7 Amended plans and documents which cumulatively captured all agreed amendments were received on the 6th of June 2022. This included amending the description of development to:

> *Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements*

The application was re-advertised to interested parties and neighbouring residents, while consultees were re-consulted.

5.8 Final discussions took place on securing additional planting / screening at important areas previously discussed, the suitable wording for an archaeology condition between officers, the applicant, and West Yorkshire Archaeology Advise Service, and amendments to remove a Public Right of Way mistakenly overlapped. These were minor in nature and not considered necessary to readvertise. Based on these final amendment's officers were supportive of the proposal.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

<u>Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents</u>

6.2 The application site is designated as Green Belt within the Kirklees Local Plan. The Hope Pit Conservation Area is to the east of the site, immediately adjacent parcel 8. Woodland around the site is designated as Habitat Network.

6.3 This site is not allocated in the adopted Kirklees Local Plan for development or for any use other than agriculture, and therefore the proposal must be regarded as a departure from the Local Plan.

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP10** – Supporting the rural economy
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **Chapter 19** – Green Belt and open space

6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council:

Supplementary Planning Documents

- N/A

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

<u>National Planning Guidance</u>

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land

- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.7 Other relevant national planning guidance and documents:

- MHCLG: National Design Guide (2021)
- A Green Future: Our 25 Year Plan to Improve the Environment

Climate change

6.8 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.9 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

The applicant's statement of community involvement

7.1 The application is supported by a Statement of Community Involvement. Methods of pre-application public engagement included:

- A Virtual Public Exhibition, held on the 3rd of June 2021. A thirteen-slide deck presentation (Appendix 3) was presented during the virtual public exhibition, giving information about the Applicant, the Site and the Concept Design of the project. The Applicant and its development team were panellists of the virtual public exhibition, helping to explain the design of the site as well as engage in a Q&A session answering any questions attendees had.
- A 12-page brochure for the event was posted out in May 2021 to circa 1,200 residential addresses and 30 business.
- The Applicant briefed ward councillors via email and has been invited to present to Kirkburton Parish Council

7.2 In person events were disrupted due to the COVID-19 Pandemic.

7.3 The consultation feedback was received via post and email and in total 12 feedback forms were received. Of the 12 residents that completed a feedback form or submitted feedback over email, 3 were in favour of the proposal, 9 were in objection and 0 were of no opinion. Key matters raised during pre-application consultation included:

- Green Belt
- Biodiversity
- Landscape impact
- Visual impact
- Construction traffic routing and site access points

7.4 The applicant provides the following summary of how the consultation period has affected their proposal:

- *One of the main issues raised during the public consultation process was the creation of local jobs, in response we have added to the EPC Contract that where possible, jobs must be advertised locally.*

- *The location of the education board on public footpaths passing alongside the development is open to suggestion from the local community – either through the LPAs consultation process or through the Parish Council*

- *The access point for parcel 6 has been changed following feedback at the webinar. It now avoids the residential properties on Grange Lane and uses an existing field access point.*

- *An area of woodland planting along the southern edge of Parcel 2 is included following residents' concerns about views from the south and following advice from Landscape Visual.*

- *Amendments to the kerbline at the access to Parcel 1 require some relocation of traditional dry stone wall. Southwest Archaeology considered this during their site visit and confirmed that the boundary wall in this location would benefit from some rebuilding and repair. These walls are part of the agricultural heritage of the area and are appreciable from the highway and footpaths and as such reasonably be counted as a heritage improvement arising from the scheme.*

- *Landscaping plan responds to public comments about key views and the need to enhance the natural environment.*

- *The benefits of the development to the local area clear will be made more clear in the Planning Statement following feedback that this hasn't yet been clearly communicated.*

- *The Planning Statement responds specifically to concern raised by one local resident about the impact of the development upon the hunting ground of nesting buzzards and reference to a research paper is provided.*

The planning application's public representation

7.5 The application has been advertised as a Major development (and a departure) via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement. Following the principal amendments to the application it was readvertised via neighbour notification letter. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation. Final amendments / updated reports were not readvertised, as they were deemed minor in scale and in direct response to concerns raised.

7.6 The end date for the second period of advertisement was the 5th of July 2022. Across the two public representation periods a total of 52 public representations were received. The following is a summary of the comments received:

<u>Procedural</u>

- The amended proposal (following re-advertisement) is not considered to overcome the previous concerns raised.

- The pre-application public engagement is considered lacking.

- The applicant's calculations on energy production of circa 49.9MWs is incorrect. It is stated by objectors that one acre of solar panels creates 500W of energy. This equates to 92MW at 185 acre / 75ha. Another resident claims that three cares create 1MW (or 333W per 1acre). Other residents' reference that the applicant's initial documents referenced a capacity of 66.5MW. It is therefore contended that the development should be determined by the Secretary of State (who are required to determine all energy developments exceeding 50MW). It is also noted that the legislation which refers items to the SoS states 50MW of 'installed capacity'.

- If approved the development will result in the site becoming brownfield land, which will be developed for other uses in the future.

<u>Green Belt, landscape, and appearance</u>

- Proposals of this scale must be located in suitable locations.

- The development would 'ruin views for many driving through and ruin views for local residents'.

- The proposal will result in the area appearing as an industrial landscape. The site is visible from long distances.

- Farmland is a finite resource and should not be 'misused'. The UK is a small island and food security is important. Food security has been prominent in the news recently.

- Development should not be undertaken on Green Belt land. This development goes against the purpose of the Green Belt. It will result in villages being merged together.

- The application does not include a feasibility assessment.

- The application does not comply with government guidance contained within the Planning Practise Guidance specific to solar panels.

- Solar panels are visually unattractive to look at.

- The development will harm the landscape through development, including the fences, panels, and associated infrastructure.

<u>Solar Panels</u>

- Solar panels only last 30 years, not the stated 35 – 40.

- The proposed development would not benefit local residents. It will benefit investors.

- Solar farms produce radiation / electromagnetic waves and other harmful effects to human health.

- Solar panels should be incentivized to be placed on roofs of homes, not within fields.

- Solar panels in the UK are ineffective. It is cited that solar farms only operate at '12%' of their full generation potential.

- Solar panels are not 'green energy', as their manufacturing process leaves a 'huge carbon footprint, and are manufactured on the other side of the wall'. Their lifetime is short and they are exceedingly difficult to recycle. The development includes concrete which has a high CO2 cost.

- The development would be within the top 5 largest solar farms, from the 2020 figures.

- The development will lead to a permanent loss of agricultural land. This will necessitate more important of food, which itself has a carbon / climate impact.

- Solar farms should be targeted at brownfield lands: questions of why this development is not sited on such land. As the UK has a national grid, energy production can be anywhere.

- Solar farms only operate when the sun shines. Yorkshire's climate is not appropriate for them.

- Excess energy made by the development will be lost.

- The solar panels are produced in China, ‘where slavery and human rights abuse …is reported as rampant’. China uses coal power to make solar panels, which is contrary to their purpose.

- Question whether there are more suitable locations for this within the Kirklees.

- The solar farm will replace grass, crops and trees which absorb CO2.

- Alternative methods of sustainable energy should be explored over solar panels, such as tidal and water.

- The panels will feed the national grid, not local residents.

Residents and Amenity

- The development would harm the living standards and amenity of surrounding residents. Noise pollution will be caused.

- The loss of greenspace and views will harm mental health. Access to the sites will also harm physical health.

- The proposal will harm local house prices.

Ecology

- The proposal will harm local ecology, including local badgers, bats, birds, and deer. Hedgerow would be destroyed and harm important habitat.

- The development will erode the site’s function as a ‘green corridor’, preventing the movement of animals.

- There are insufficient details on how the proposal will provide a net gain to local ecology, as required by local and national policy.

Highways

- Flockton needs a bypass, which will becoming less feasible by virtue of this development.

- The development will result in glare which will harm residents and the safety of drivers.

- Flockton ‘is already on its knees due to the amount of traffic travelling through. To add further vehicles associated with the construction and operation of this huge project would be tragic’.

- ‘If the project is to go ahead surely a new road should be incorporated into the scheme firstly for construction traffic and secondly for operational vehicles. The new road could be retained to ease congestion on Barnsley Road, which is not safe for pedestrians and unsuitable for large vehicles offering at least some community benefit for what is likely to be a very profitable scheme’.

- Traffic generation will have massive impacts on Wakefield Road and Barnsley Road through Flockton.

- The proposed fencing will limit the movement of animals, to the detriment of local ecology.

Other

- The ancient woodland to the north is 'commercial woodland'. If it is felled, the glint and glare of the proposal would be worse than that assessed.

- The Coal Authority have raised comments about access, outside of their statutory role to comment. There are concerns over the access of plot 9, how it would impact upon their land and security (the Coal Mining Museum and its surrounding land). The easement to the land is for agricultural access only.

- The site is close to Leeds Bradford Airport and will affect plane safety through glint and glare.

- Questions over how many jobs will be created, particularly for local people.

- Fears that the development, once implemented, will then need to fell trees which would presumably affect efficiency of the panels.

- The development will harm the amenity of PROW users, as there are many adjacent to the sites, including the Kirklees Way. Question who will be responsible for the management and maintenance of the PROWs.

- The proposed development would erode the heritage environment, of particular note the setting of the National Coal Mining Museum which has grade 2 listed buildings. The Museum attracts 'thousands of visitors' each year, who would witness the solar farm.

- Solar panels will act as an impermeable barrier and result in flooding in the area, harming more farmland.

7.7 The site is within Kirkburton Ward. The local ward Councillors were notified, with no comments received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Coal Authority: No objection subject to conditions.

Environment Agency: No comments received.

K.C. Highways: Sought initial clarification on the construction phase. This was provided. No objection, subject to conditions/

K.C. Lead Local Flood Authority: No objection. The site is within Flood Zone 1, and rainwater intercepted by the panels will run off the panels and discharge into the grass, as existing.

Natural England: No comment.

Sport England: Expressed an initial objection due to the panels being too closer to Flockton Cricket Club. The plans were amended to include a buffer zone from the club. Sport England thereafter withdrew their objection.

Wakefield Council: No objection, however raised that '*the visual impact on the South West Coalfield and Calder Valley LCTs as a potential issue. They stated 'The Calderdale Core Strategy aims to protect and enhance the district's landscapes through Policy CS10 – Design, Safety and Environmental Quality. The visual impact would need to be addressed through landscape mitigation and enhancements.*

Yorkshire Water: No objection subject to condition.

8.2 <u>Non-statutory</u>

Historic England: Offered no comment.

K.C. C+D: On review of the initial proposal concluded that there would be less than substantial harm to specific identified heritage assets through impacts to their setting. Ways to reduce this harm were recommended. However, the notable public benefits of the proposal were deemed to likely outweigh this less than substantial harm, particularly if mitigation was secured. Raised greater concern over the impact upon the landscape, but again recommended mitigation measures to reduce this. Amended plans have been submitted with more robust screening and landscaping, which are deemed to have overcome Conservation and Design's comments.

K.C. Ecology: Initially the proposal was only supported by a Preliminary Ecological Appraisal. This was not considered detailed enough for the proposed development. This led to an Ecological Impact Assessment being provided, which on review was accepted. The proposal is to lead to notable ecological net-gain enhancements, which weighs in favour of the proposal. No objection subject to conditions.

K.C. EV Health: As initially submitted more details were required for the noise impact assessment. These were provided and concluded to be acceptable. A Construction Management Plan was also requested and provided; however, it remains lacking in site specific details. Nonetheless this may be conditioned. Overall, no objection, subject to conditions.

K.C. Landscape: Expressed initial concerns. This included requiring further work in the submitted Landscape Visual Impact Assessment and enhanced screening in various locations. led to further LVIA details and updated planting / screening works, which enable Landscape to support the proposal subject to conditions.

K.C. PROW: Noted that the proposed development encroached onto a Public Right of Way. This was raised with the applicant, who noted it as an administrative error, and amended the plans. No other objections subject to appropriate management and maintenance of vegetation adjacent PROWs.

K.C. Trees: Expressed initial concerns, due to the proposal lacking an Arboricultural Impact Assessment, the proximity to ancient woodland, and access routes through protect woodland. The AIA was submitted and the layout amended to include a minimum 15m buffer from ancient woodland. The access routes were re-routed where possible. Where still close to protected woodland, a dedicated method of road is proposed that would not cause undue harm to nearby trees. Based on these amendments, and requested conditions, K.C. Trees offer no objection.

Kirkburton Parish: No comments received.

Leeds Bradford Airport: No comments received.

West Yorkshire Archaeology Advise Service: Expressed initial concerns and requested that a survey be undertaken to identify any archaeological ruins. This was done, and found two potential archaeological features. Discussions on whether further surveys were required pre-determination took place between WYAAS officers, planning officers, and the applicant. It was determined that a suitably worded condition could be imposed that allowed such surveys to be undertaken post determination. Subject to this, and associated conditions, WYAAS offer no objection.

Woodland Trust: Objected to the proposal initially, due to panels being within 15m of ancient woodland. This was a concern shared by K.C. Trees. The proposal has been amended and the 15m buffer zone is now in place, to K.C. Trees satisfaction.

9.0 MAIN ISSUES

- Principle of development, including the Green Belt designation and renewable energy development
- Environmental sustainability and climate change
- Siting of the proposed development
- Impact upon the land as an agricultural asset
- Glint and Glare
- The historic environment, including archaeological value
- Residential Amenity
- Highways
- Drainage
- Other Matters
- Representations

10.0 APPRAISAL

10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Principle of development, including the Green Belt designation and renewable energy development

10.2 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF.

Whether the proposal is inappropriate development in the Green Belt

10.3 Paragraph 145 of the NPPF and Policy LP59 of the Kirklees Local Plan state that other than for limited exceptions, the construction of new buildings in the Green Belt is inappropriate. Paragraph 146 of the NPPF advises that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it. The proposed development does not fall within any of the exceptions listed in Paragraphs 145 or 146. It therefore represents inappropriate development in the Green Belt that, in accordance with Paragraph 143 of the Framework, should not be approved except in 'very special circumstances'.

10.4 In this regard, Paragraph 144 of the NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Considering the harm to the Green Belt, including its purpose and openness

10.5 Openness is an essential characteristic of the Green Belt. It can be considered to be the absence of building and development. The concept of "openness" in paragraph 137 of the NPPF is naturally read as referring back to the underlying aim of Green Belt policy that is "*to prevent urban sprawl by keeping land permanently open...".* The application site comprises of open agricultural fields. While there are buildings intermittently located around the site, the fields themselves are currently devoid of any buildings or structures (bar low height overhead electric caballing crossing parcels 2 and 3) and are considered to be highly open.

10.6 The area of the application site that would have solar panels installed on would total circa 58.4ha hectares (65.2% of the total site). The remainder would be the subterranean connection to the network, buffer areas, planting, access tracks, and ecological enhancements zones.

10.7 The proposed ancillary works, such as the buffer area, planting, and access tracks, would not have a material impact upon the openness of the Green Belt, due to be low-level in nature and of a type typical within the Greenbelt environment. However, the erection of solar panels with a maximum height of 2.8m, on 58.4 hectares of land, would introduce a substantial man-made feature across several adjoining parcels of land within the otherwise open environment. This has the potential to have a significant impact upon the openness of the Green Belt, if not appropriately managed and dependant on site specific circumstances.

10.8 While the potential exists, consideration must be given to the landscape and mitigatory factors which may reduce the harm to openness. The application is supported by a Landscape Visual Impact Assessment which has been reviewed by K.C. Landscape and planning officers. The LIVA notes that the Kirklees District Landscape Character Assessment places the site within the Rolling Wooded Farmland Landscape Character Type (LCT), and more specifically within Landscape Character Area (LCA) N1: Emley Moor: '*This LCA consists of the main expanse of Emley Moor, which rises up to the east of the Fenay Beck valley and occupies a large area in the south east of Kirklees District adjacent to Wakefield District*.'

10.9 The LVIA undertakes an initial assessment to determine the visibility of the site. Clearly a site of this size has more and less visible areas. It then progresses to assess the impact of the development, both at the short, medium, and long range. It then considers the relevant methods of mitigation to reduce this impact upon the landscape the openness of the Green Belt. This methodology and approach are supported by K.C. Landscape and planning officers.

10.10 The report surmises '*The Proposed Development is well located. The undulating topography and strong levels of tree cover serve to limit views towards the Site from much of the surrounding area. The Proposed Development would be low level, with the majority of structures being below 3m in height. The design of the scheme has also incorporated various landscape measures to reduce landscape and visual effects, including extensive new tree and shrub belts, hedgerows and hedgerow enhancement, and numerous hedgerow trees*.' Officers concur with this determination. The landform is beneficial to mitigate the prominence of the proposal, as is the substantial level of screening in and around the sites, although this alone does not remove all harm.

10.11 Through the assessment officers have provided feedback on the LVIA and the proposed mitigation measures, including seeking amendments. This has secured notable enhancements in various areas initially considered insufficient. Screening includes a mixture of hedgerow (circa 2.0 – 2.5m when grown), both new and strengthening existing hedgerow, and tree-belts. Full technical details of the makeup of this screening across the whole site, its planting strategy, and subsequent management and maintenance is recommended to be secured via condition. However, in effect it would be a

circa 2.5m high and thick natural barrier, partly with trees within or to the rear in places. On the mitigation, the LIVA says it helps *'to integrate the solar development into the surrounding landscape. The effectiveness of the mitigation would increase as the proposed vegetation matures, and in the medium-to-long-term, the proposed planting would improve the integration of the Proposed Development into the landscape and further reduce the impact on views*.' Officers agree with this summary.

10.12 The proposed development would typically be 2.8m or less in height, although the two sub-stations (parcel 9) are 3.5m high and, as more sensitive equipment, would have 2.4m high palisade fencing surrounding. The substations are fundamentally a utilitarian item of infrastructure necessary to enable the development. While having a greater impact on openness through their height, the area dedicated to the substations is much more limited. It is noted that the substation is located adjacent to development, with agricultural structures to the north, east and west. This is preferable, and reduces the harm, then if it were sited in an open empty field. The substation would have its own new hedgerow and tree belt, to further help mitigate its impact, but that impact must still be accepted as harmful to the Green Belt.

10.13 The transformers are to be sited in containers within each field (17 in total across the 8 parcels with panels). These would largely be lost within the panels and would not have a notable impact in themselves. However, they are proposed as 'signal white' in colour. Officers are dubious whether this is an appropriate colour and expect it to exacerbate any impact they have. A condition for further details / consideration on the colour of the containers, to allow for something more appropriate, is recommended.

10.14 Inappropriate lighting in the Green Belt can have impacts upon openness. However, the parcels would not be illuminated. The only intended lighting are manually operated floodlighting at the substations (parcel 9) which can be activated in the case of an emergency. This is reasonable; however, a condition is recommended requiring no lighting be erected until details are submitted for approval.

10.15 In terms of security, CCTV cameras erected upon poles 2.5m in height and fencing 2.0m in height will be erected around each individual parcel. It is reasonable to expect a development of such investment to necessitate a level of security. Furthermore, Permitted Development rights allow for means of enclosure up to 2m (where not adjacent to the Highway) to be erected without planning permission. The CCTV poles will be narrow in frame and interspaced, being of limited prominence by virtue of their narrow frame. Due to their narrowness, their impact is anticipated to reduce to negligible at medium to long range. A condition is recommended requiring a CCTV location plan, to ensure the exact location is appropriate (i.e., not too prominent, or clustered). In terms of fencing, as deer fencing it will consist of a fine mesh which will limit its visual impact. The fencing would be sited behind the hedgerows or adjacent woodland. Considering this screening, and its low height, it is not deemed unduly harmful to the Green Belt.

10.16 The LVIA concludes that the main visual effects would arise for:

- Users of PROWs which cross the Site or run along or near to its boundaries (up to major adverse significance on completion and up to major-to-moderate adverse significance in the medium-to-long-term).

- Occupants of residential properties close to the Site (up to major-to-moderate adverse significance on completion and up to moderate adverse significance in the medium-to-long-term).

- Users of Grange Lane as it passes through the Site (major-to-moderate adverse significance on completion and moderate-to-minor adverse significance in the medium-to-long-term)

10.17 It is acknowledged that when close to the site, mitigation will be less effective and the visual impacts of the proposal upon the landscape and openness more evident. As noted, several PROWs run past the site and users will inevitably get views of the panels which will harm their perception of openness. Likewise, dwellings near the site will have their perception of openness reduced. This does weigh against the proposal, although it is inevitable that the closer you are to something, the more evident it is. From distant views the harm is lessened; at medium to long distance views the screening and topography of the site will substantially mitigate the impacts of the proposal. At substantial distance, any views of the development will become 'part of the landscape', as opposed to an oppressive or unduly prominent feature.

10.18 A material factor when considering openness is the permanence of the development. the development in question is intended to be temporary, albeit for a prolonged period of 40 years. Each aspect of the proposed development has been designed to have limited permanent impact. For example, the solar panels are to be erected upon frames that are not permanently fixed into the ground and the transformer units are to be fitted within containers that are likewise not permanently fixed into the ground. A condition is proposed to limit the operation of the site to 40 years, requiring the site to revert to its previous (agricultural) use following this period (or following a period of unuse). A clause is also recommended about decommission if the site is not operated for a given period (considered at 1 year). Alongside this, a condition for a decommissioning strategy is recommended that details how the site would be remediated and returned to its current form. It is considered reasonable to have this decommissioning strategy submitted prior to the development being brought into use, to ensure it is prepared should the site end operations unexpectedly.

10.19 Regarding the period of construction, this would introduce a level of activity into the Green Belt that must be considered. Nonetheless, anticipated at circa 6 months, the level of activity associated with the construction is not anticipated to have an unreasonable impact upon openness, in the context of the proposal.

10.20 Paragraph 138 of the NPPF states that the Green Belt serves five purposes. These are:

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

10.21 **to check the unrestricted sprawl of large built-up areas**: as the site is not part of a 'large built-up area', the development is not considered to contribute to such sprawl.

10.22 **to prevent neighbouring towns merging into one another**: While near to Flockton to the south, there is a notable distance between the site and Grange Moor to the west and Briestfield to the north, preventing this concern.

10.23 **to assist in safeguarding the countryside from encroachment**: The proposal would encroach into the Green Belt, and the proposal does conflict with this purpose of the Green Belt.

10.24 **to preserve the setting and special character of historic towns**: The proposal's impact upon the historic environment is considered later within this report. However, there is no 'historic towns' within the immediate setting. The site does adjoin a Conservation Area; however, this area covers the national coal mining museum as opposed to a town.

10.25 **to assist in urban regeneration, by encouraging the recycling of derelict and other urban land**: The reason for the proposal's siting is explored later in this report. In summary, solar farm development of this scale is highly unlikely to be feasible within derelict and other urban land.

10.26 Overall, inevitably a proposal of this scale and nature within the Green Belt and open landscape will have an impact. In addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt. Quantifying this harm is difficult, and is largely down to the professional judgement of the decision maker.

10.27 Officers have considered and weighed the impact carefully. Considering the beneficial topography of the land, the existing screening, and the extent of new planting proposed (to be secured via planting), officers conclude that the level of harm caused to the Green Belt in the short term (construction period and first few years, while the planting establishes) would be moderate. Following the end of construction, and the screening becoming mature, the impact is expected to be reduced to low harm.

10.28 To conclude this section on Green Belt impacts and landscape impacts, paragraph 144 of the NPPF stated:

> *'Very special circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

10.29 Paragraph 151 of the NPPF does however identify that:

> *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.*

Therefore, the identified harm to the Green Belt harm (and any other harm, to be assessed) must be weighed against the proposal's very special circumstances. These are considered hereafter – particularly in the section relating to climate change and sustainability and in the section relating to ecology and wildlife benefits.

Other Considerations

Environmental sustainability and climate change

10.30 The National Planning Policy Framework (2021) states in paragraph 152 that:

> '*The planning system should support the transition to a low carbon future in a changing climate… and support renewable and low carbon energy and infrastructure*'

10.31 To contextualise the proposed development, 49.9MW of energy equates to powering approximately 14,000 – 15,000 family homes. The anticipated CO2 displacement is stated to be around 23,300 tonnes per annum, which represents an emission saving equivalent of a reduction in c. 7,500 cars on the road every year.

10.32 Paragraph 158 states that the need for renewable energy developments should be regarded as a given and '*not require applicants to demonstrate the overall need for renewable or low carbon energy'*. It continues that LPAs should '*approve the application if its impacts are (or can be made) acceptable'.*

10.33 Notwithstanding the provision of paragraph 158, it is deemed reasonable to outline the policy context, to establish and ensure understanding of the weight in favour of renewable proposals. The following statement outlines the UK Government's action on climate change:

> *The UK played a key role in securing the 2015 Paris Agreement, where for the first time, 195 countries adopted the first-ever universal, legally binding global climate deal.*
>
> *The Agreement sets out a global action plan to put the world on track to avoid dangerous climate change. Governments agreed to a long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels and to aim to limit the increase to 1.5°C. To achieve this, they also agreed to reaching a global balance of sources and sinks of greenhouse gases in the second half of the century. This would significantly reduce risks and the impacts of climate change.*
>
> *The Climate Change Act 2008 introduced the UK's first legally binding target for 2050 to reduce greenhouse gas emissions by at least 80% compared to 1990 levels. We have made strong progress – between 1990 and 2017, the UK reduced its emissions by 42% while growing the economy by more than two thirds. However, we have recognised the need to go further. On 27 June 2019 the UK government amended the Climate Change Act and set a legally binding target to achieve net zero greenhouse gas emissions from across the UK economy by 2050. This world-leading target will bring to an end the UK's contribution to climate change.*

The UK government is:

- *working to secure global emissions reductions*
- *reducing UK emissions*
- *adapting to climate change in the UK*

10.34 Numerous national and international policy documents, planning related or otherwise, cover the matter of climate change. It is not considered practical to detail these in this report, and it is reiterated that Paragraph 158 of the NPPF states that the need for renewable energy developments should be regarded as a given and '*not require applicants to demonstrate the overall need for renewable or low carbon energy'*. Nonetheless, the applicant's planning statement document includes substantial information on these documents.

10.35 At the local level members of the Planning Committee will be aware that Kirklees Council declared a Climate Emergency in 2019. Within this, the Council outlined the 'visio*n is for a Net Zero and Climate Ready Kirklees by 2038*'. This includes, '*For mitigation, carbon emissions from human activities within Kirklees will need to be dramatically reduced to zero, with any remaining emissions safely removed from the atmosphere'*. This is an ambitious target, which the proposed development would assist with.

10.36 Turning to the Local Plan, the NPPF requires Local Plans to plan positively to deliver renewable and low carbon technology developments. This is to help tackle climate change and address the environmental role of planning as set out in the NPPF. This helps to meet the UK's legally binding target to reduce carbon emissions by 80% on 1990 levels by 2050. Policy LP26 (Renewable and low carbon energy) states that '*renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met*:

> *a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;*
>
> *b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;*
>
> *c. the statutory protection of any area would not be compromised by the development;*
>
> *d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;*
>
> *e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits*

These criteria are considered where relevant throughout this report.

10.37 To conclude this section on environmental sustainability and climate change, in view of the above, it is considered that this proposal, which is for what would be by far the largest zero carbon renewable energy infrastructure in the borough, would make a very substantial and significant contribution towards meeting local, national and international objectives and policies, and this must be given great weight in the Planning balance.

10.38 To reiterate, paragraph 158 of the National Planning Policy Framework is clear that Local Planning Authorities must 'approve the application if its impacts are (or can be made) acceptable.' That question of what the impacts are and whether they are (or can be made) acceptable – for instance as regards potential impact on the setting of designated heritage assets and impacts on the openness of the Green Belt – is considered throughout this report.

Siting of the proposed development

10.39 The Planning Practise Guidance encourages 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. The applicant's choice of the site was queried.

10.40 The first considerations on site selection are identifying a potential Point of Connection (POC) where there is sufficient grid capacity. This has been identified at the POC at Lady Ing Farm, to the east of Middleton in Wakefield. The distance to the POC is a limiting factor in searching for a suitable site, as distance from generation to network results in efficiency (i.e. electrical loss). Within the search area the Applicant also considers environmental and planning constraints, such as landscape designations, policy designations, sensitive habitats, archaeological and heritage issues etc. The Applicant also carefully considers geographical and topographical factors such as slope and aspect, shading, access etc. Once a potential site is identified a willing landowner is needed.

10.41 Residents have queried why this development could not be located on brownfield land. The applicant states '*It is unusual to find areas of previously developed land in the UK which are large enough to make a solar farm viable without government subsidy'* or that is within a reasonable distance to a POC. Ultimately solar farm viability is tied to size, and the district does not have appropriate brownfield land (circa 60ha) that is large enough for commercial solar farm purposes. Likewise, the siting of solar panels upon roofs, as a commercial endeavour, would require a substantial number of buildings to be covered and is not viable.

10.42 It is noted that the adopted Kirklees Local Plan does not allocate any sites for development as renewable energy sites. If seeking to accommodate a renewable power generation site of this scale in the district, giving the lack of suitable brownfield sites, there is unlikely to be a feasible alternative than using Green Belt land.

Impact upon the land as an agricultural asset

10.43 The proposed development would be built upon agricultural land. Local Policy LP2 requires that development that helps to reduce, adapt and mitigate climate change are designed to avoid the 'best and most versatile' agricultural land where possible. This is mirrored by paragraph 174 of the NPPF, which highlights the economic and other benefits such land provides. Planning Practise Guidance identifies agricultural land classification as a particular factor to be assessed on schemes for large scale ground-mounted solar photovoltaic farms, stating the following should be considered:

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.

10.44 In addition to these planning policies, the government's 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to:

- protect the best agricultural land
- put a value on soils as part of our natural capital
- manage soils in a sustainable way by 2030
- restore and protect peatland

10.45 The Agricultural Land Classification (ALC) assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, Grades 1 – 5, with Grade 3 subdivided into 3a and 3b. The 'best and most versatile' land is defined as Grades 1, 2 and 3a. Planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land. The application is supported by an Agricultural Land Classification Report.

10.46 The land is currently used for a mixture of arable and grassland / pasture farming (sheep), with the following ALC mixture:

ALC Grade	Area (Ha)	Area (%)
Grade 1 (excellent)	0	0
Grade 2 (Very Good)	0	0
Subgrade 3a (Good)	15	18
Subgrade 3b (Moderate)	24	28
Grade 4 (Poor)	46	54
Grade 5 (Very Poor)	0	0
Other Land / Non-agricultural	0	0
Total:	**85**[1]	**100**

10.47 In total, 15ha of the site falls within the definition of the 'best and most versatile' agricultural land. The use of this land weighs against the proposal. However, the applicant has set out several arguments which mitigate the harm.

10.48 First and foremost, the development would not prevent the agricultural use of the land. Currently the land in question is farmed by two individuals, for arable and pasture farming. While the arable use would end, fields with solar panels may still be occupied by certain livestock. The farmers each have season sheep flocks, which would be increased in size to make use of the available

[1] The Agricultural Land Classification Report study area is the whole site and does not take into account later removal of solar panels from certain parcels.

land no longer given over to arable purposes. The shared agricultural use of solar farms is common practise. The British Research Establishment (BRE) have published a set of advisory documents on solar farms. The document Agricultural Good Practice Guidance for Solar Farms (2014) states:

> *In most solar farms, the PV modules are mounted on metal frames anchored by driven or screw piles, causing minimal ground disturbance and occupying less than 1% of the land area. The rest of the infrastructure typically disturbs less than 5% of the ground, and some 25-40% of the ground surface is over-sailed by the modules or panel. Therefore 95% of a field utilised for solar farm development is still accessible for vegetation growth, and can support agricultural activity as well as wildlife*

10.49 In light of this continued agricultural use, officers consider the harm through being built upon category ALC 3a land to be mitigated. A condition for a Grazing Management Plan recommended. This is to ensure that, during the temporary period in which the site is used for the generation of renewable energy, part of it will remain in use as agricultural (grazing) land.

10.50 Arable land farming affects the quality of soil through constantly taking nutrients out. The long-term end of this will give the soil opportunity to be enhanced. The applicant has outlined that the management of grassland under solar PV panels can improve soil health, such as increasing soil organic matter (SOM), and hence soil organic carbon (SOC), increasing soil biodiversity, and improving soil structure is consistent with aims and objectives for improving soil health in the Government's 25 Year Plan for the Environment.

10.51 Finally, the proposal would be temporary and reversable, allowing (and requiring) the site to return to agricultural use after 40 years.

10.52 The proposal would prevent the arable farming of 15ha of the 'best and most versatile' land, albeit land at the lowest end of this scale. However, the proposed use is temporary and reversable, while the land will continue to be farmed as sheep pasture, ensuring its continued agricultural use and benefit to both food supply and the economy. By preventing the arable farming of the land, it will also enable an improvement to the soil's quality. Accordingly, subject to the recommended conditions, officers are satisfied that harm to location and national agriculture and the economy would be limited, with the harm outweighed by the proposal's public benefits.

<u>Glint and Glare</u>

10.53 Glint is defined as a momentary flash of bright light while glare is a continuous source of bright light. Glint and glare are essentially the unwanted reflection of sunlight from reflective surfaces.

10.54 Solar photovoltaic panels are not particularly reflective; they are designed to absorb light and to minimise reflection because any light that is reflected would be wasted as far as their purpose of energy generation is concerned. Modern PV panels are even designed to absorb light on their undersides, so as to make use of any solar energy that is reflected up from the ground. Nevertheless, there is the potential for some glint and glare, and this should be taken into consideration.

10.55 The proposed panels are to be fixed in place and will not rotate to follow the sun. The panels will face south and will be inclined at an angle of 15 degrees

10.56 The application is supported by a Glint and Glare Assessment, drafted by Neo Environmental Ltd. The report's methodology first seeks to establish a 'bald earth' scenario, calculating where solar reflections from the development may be caused as a 'worse case' situation, followed by the impact being quantified (none – high impact). Potential receptors, in this case dwellings and road users, in the surrounding area (750m) are identified.

10.57 For residential properties, the following conclusion is reached:

> *Solar reflections are possible at 49 of the 52 residential receptors assessed within the 750m study area. The initial bald-earth scenario identified potential impacts as High at 34 receptors (including four residential areas), Medium at seven receptors (including one residential area), Low at eight receptors (including two residential areas) and None at the remaining three receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduced to None for all receptors (including seven residential areas).*

10.58 For road users, 35 receptors approximately 50m apart along Wakefield Road, Hardcastle Lane and Barnsley Road were studied. The following conclusion is offered:

> *Solar reflections are possible at 29 of the 30 road receptors assessed within the 750m study area. The initial bald-earth scenario identified potential impacts as High at 29 receptors and None at the remaining receptor. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at seven receptors and reduce to Low at one receptor and None at the remaining 22 receptors. Once mitigation measures were considered, impacts reduce to None for all receptors.*

10.59 In terms of aviation safety, the site is well removed from major aerodromes, the closest being Leeds Bradford Airport at 25km. The airport was consulted, with no comments received. The site is also within 11.93km of the Crosland Moor Airfield. The proposed development is not located within the safeguarding buffer zones for either of the two aviation receptors identified, and detailed assessment not undertaken.

10.60 The supporting landscaping strategy has been drafted with this necessary mitigation in mind. All parcels would be encircled by either woodland or hedgerows (2.0m minimum) that would operate as an effective screen. A condition requiring the proposed landscaping to be fully detailed, implemented, and thereafter managed and maintained is recommended.

10.61 Glint & Glare occurs when the sun is low in the sky (dawn/dusk), therefore if there are lots of trees/obstacles around in the area (like there is for this site) then the sun will simply not reflect off the panel and cause glare. In this case there are mature trees along much of the southern edge of the site where it meets Wakefield Road and large areas of vegetation extending north from the road and on raised ground which would be between the panels and the sun's rays. This, plus the proposed planting would effectively manage glint and glare at the site.

10.62 In summary, the report concludes that the existing topography of the land and other features that screen, such as vegetation or structures, will prevent materially harmful glint and glare being caused to residential properties in the area. However, existing screening is insufficient to satisfactorily prevent harm to road users, therefore additional screening is required in several spaces. The report therefore recommends:

10.63 Officers have considered the methodology of the Glint and Glare assessment carefully. The approach detailed is considered to be reasonable, logically, and robust. The conclusions of the report, that there would be no harm to aviation and that the impacts to residential and road users via screening, are accepted.

The historic environment, including archaeological value

10.64 It is noted that there are 11 Listed Buildings, two scheduled monuments and the Hope Pit Conservation Area (part of the National Coal Museum) recorded within 1km of the proposed development. However, the development would have no direct (physical) impact on any of these designated heritage assets.

10.65 In terms of indirect impacts, most of the designated heritage assets are sufficiently detached or located at such a distance to negate or minimise the visual impact of the proposed PV arrays on the appreciation or understanding of the identified designated buildings and monuments. The development would adjoin the designated Hope Pit Conservation Area and could have a moderately adverse impact on the setting (and thus the character or appearance) of the former colliery site. Conversely, by virtue of the proposed screening (which has been strengthened during the course of the application) which is to be secured via condition, the negative impact is minimised.

10.66 The proximity of the PV array to the grade-II listed milestone on Wakefield Road (near Denby Lane, Denby Grange Barn) and the undesignated Rookery Farm, would have a minor adverse impact on the setting of these heritage components but would not compromise their intrinsic heritage values and would be screened by the road or extant landscape features.

10.67 Consequently, the proposed development is considered to have a minor adverse indirect heritage impact on the appreciation and understanding of the historic environment. In accordance with paragraph 199 of the NPPF the harm to the historic environment must be quantified. In light of the assessment undertaken, the harm to the historic environment, both in the individual case for each heritage asset identified and cumulatively, is deemed to be less than substantial. When considering less than substantial harm, the NPPF requires:

> *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 including, where appropriate, securing its optimum viable use. (NPPF, Paragraph 202)*

10.68 This harm must be considered in itself, but also as ‘other harm’ in the context of the Green Belt and the development requiring Very Special Circumstances that outweigh the already identified harm to the Green Belt. This will be considered wholistically in the conclusion of this report.

Archaeology

10.69 The application site has remained in agricultural use since at least the medieval period and is located within the former Denby Grange Estate, which comprised a combination of parkland, woodland, plantation, and agricultural fields. Residual structures and boundary features remain which historically defined the estate character of the field systems, despite the rather dilapidated state of the boundary walls facing the Wakefield Road. The surviving structures and landscape features appear to largely date from the C19th.

10.70 However, much of the historic landscape's-built heritage features have been lost and the Historic Environment Record contains little detail about the Denby Grange Estate, omitting many of the features shown on the historic map records.

10.71 The applicant has undertaken geophysical surveys which have found the majority of the site to be absent of features of interest. However, it has identified highly likely archaeological remains in two areas within parcel 2. The West Yorkshire Archeological Advice Service initially requested that these be further surveyed prior to determination. Discussions have taken place on this. Given the small area of the sites, and low impact nature of the solar panels, a condition prohibiting development commencing in the areas in question (two relatively small areas of parcel 2) beginning prior to appropriate survey work has been agreed. This condition, and a condition for follow up survey / mitigation work, is therefore recommended, to ensure compliance with LP35.

<u>Residential Amenity</u>

10.72 There are neighbouring residential dwellings interspaced around the site. It is acknowledged that the solar farms will be visible from several of the neighbouring properties. It is established in the planning system that there is no fundamental right to a view. However, due consideration must be given as to whether the outlook caused would cause material harm to resident's amenity.

10.73 Give the separation distance, low height of the panels (3m max) and proposed boundary treatment / screening, officers are satisfied that the development would not be considered overbearing. The low height and separation likewise prevent overshadowing being a concern. In terms of overlooking, no permanently occupied facilities are proposed. Maintenances / repair work will be transient and not result in materially harmful overlooking. Glint and Glare has been considered previously.

10.74 Consideration must also be given to sources pollution that can affect amenity. Pertinent to this proposal are noise pollution and light pollution.

10.75 Potential noise sources for the development are the transformer / inverter units and the substation as they will create a low noise. The applicant has submitted a Noise Impact Assessment which has been reviewed by K.C. Environmental Health. At nearby sensitive receptors (residential properties) the noise will be inaudible during the day, at 2dB below background level. However, at night two properties will experience a noise increase of 2dB and 3dB above the existing background level. Nonetheless, this level of noise will not exceed the British Standard thresholds for either internal or external amenity. It is

accepted that a 3dB increase is the smallest perceptible difference in level that can be heard and the fact that this increase is still within the guideline values of the relevant British Standard means that there is not anticipated not be a loss of amenity to the occupiers at this location. It is recommended that a condition be imposed requiring that the site operate in accordance with the Noise Impact Assessment.

10.76 Lighting on the site is to be limited, to emergency lighting activated manually at the substation and transformers. No permeant security lighting is proposed. Given this, light pollution is not anticipated to be a cause for concern.

10.77 Notwithstanding the above, a condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. This is to manage disruption to neighbouring residents during the construction phase. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.

10.78 To summarise, the proposed development is considered not to result in undue detriment to the amenity of neighbouring residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

Highways

10.79 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. The Highways Design Guide SPD outlines expected standards for new developments and their roads.

10.80 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe

10.81 There are proposed to be five primary access points to serve the solar farms different parcels, including an additional access to serve the sub-station area. The access points are proposed to be taken via the A642 Wakefield Road, and one from Grange Road, via existing agricultural entrance points. The accesses are all to be improved to a standard suitable for the proposed use, including 5.5m wide carriage ways, 6.0m radii, and suitable sightlines. Appropriate access for vehicles has been demonstrated by swept path. K.C. Highways have reviewed these details, and confirmed them to be acceptable. A condition is recommended that the relevant access works are undertaken and the necessary sightlines secured prior to construction work commencing on the panels (per parcel).

10.82 The proposal is unusual in that, once construction is complete, there will be limited movement to and from the site. The site will not host any employment, with visitors being limited to ad hoc management and maintenance. This is expected at approximately two visits per month (therefore four two-way movements) attending in either 4x4 vehicles or light vans. The impact this would have on the highway network would be imperceptible. Because of the nature of the proposal, dedicated sustainable transport measures are not considered necessary.

10.83 No dedicated parking is proposed on site, however given the scale of the site and nature of the development, informal site parking of an impromptu nature would not be unacceptable (i.e., maintenance worker parking informally near to the area to be repaired).

10.84 The impact of potential glint and glare on drivers has been considered previously.

10.85 Notwithstanding the above, consideration must be given also to the construction phase. The application is supported by a Construction Management Plan (CMP). The construction phase is expected to take six months; however, the bulk of deliveries will be focused within the a six-week period following initial site preparation. During the six weeks 256 construction traffic movements are anticipated, equating to 512 two-way movements. Spread across the six weeks, this equates to an average of eight vehicle movements a day (16 two-way). This relates to the delivery of goods / materials only, and does not account contractors as numbers are currently unknown, although these would not be significant.

10.86 The number of average daily traffic movements, even if reasonably inflated to include contractor movements, is not considered substantial. Sixteen two-way movements across a work day equates to 1.8 vehicle movements per hour (9-hour work day). This would not harm the local highway network.

10.87 Residents have raised concerns of construction traffic driving to the site through Flockton from the M1. The CMP includes a construction traffic route plan which shows traffic will come from the M62 (via Halifax Road and Wakefield Road). This is welcomed. Other key considerations for a CMP include the provision of wheel washing facilities, contractor parking, and construction access details, which are provided. These have been reviewed by K.C. Highways and considered to be acceptable. However, it is considered prudent to condition that an updated CMP is provided. This is to ensure that the CMP may be updated alongside the Construction Environmental Management Plan (CEMP) if required.

10.88 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework, along with the guidance contained within the Highways Design Guide SPD.

Public Rights of Way

10.89 The site is adjacent to several public rights of ways (PROWs), including those that comprise part of the Kirklees Way.

10.90 The proposed development will not affect the ability to walk the paths, which are outside the red-line (following an amendment to parcel 5, which originally encroached upon KIR/103/40 in error). New and thickened hedgerows will be planted alongside the PROW routes, which will assist in screening. A landscape management plan is to be secured via condition, which will require details of management hedgerow adjacent the PROWs to prevent undue growth.

10.91 Given the proximity of the paths to the PROWs, the proposed solar panels will inevitably be visible from various vistas when walking the paths. Ultimately the impact the view of these will have on PROW users and their amenity will be subjective. By virtue of the proposed screening, the technical detailing, implementation and management of which may be secured via condition, officers are satisfied that the proposed development would not cause undue, material harm to the amenity of PROW users (the landscape implications of the site being visible from the PROW have been considered previously).

<u>Drainage</u>

10.92 Policy LP27 of the Kirklees Local Plan and Chapter 14 of the NPPF outline the required approach to considering flood risk. Policy LP28 of the Local Plan and Chapter 14 of the NPPF form the relevant policy context and require an adequate drainage strategy be in place.

10.93 The proposed development is entirely within Flood Zone 1, leading to no concerns of fluvial flooding. Considering pluvial flooding, the proposal is for the installation of solar panels located over grassland. Rainfall intercepted by the panels will run off the lower edge of each panel and discharge onto the grass covered surface below. Flows in excess of the infiltration capacity of the soils will flow overland, following the existing land drainage features either to Smithy Brook to the north or Mill Beck to the south. It is not anticipated that the solar panel will increase flood risk as natural flow patterns will be maintained and no significant re-profiling of the existing topography is planned. The structures within the fields, hosting the transformers and maintenance, are individually small scale and spread out from one another and would not materially affect natural drainage. Parcel 9 hosts a substation within a compound; this would have a gravel base which is a permeable material. Accordingly, there are no surface water drainage concerns and a dedicated drainage strategy for the solar farm is not considered necessary.

10.94 Notwithstanding the above, the proposal includes a temporary construction compound. The submitted FRA acknowledges that simple compounded soil could potentially increase surface water run-off. To address this, they propose that ‘temporary construction compounds should be formed pre-construction using permeable materials’. A condition requiring specific details of temporary surface water drainage arrangements during construction, and its implantation, are proposed to be secured via a condition.

10.95 Yorkshire Water note that a water main (100mm) is sited within the red-line boundary. They request a condition for an easement of this sewer. This is considered reasonable and is recommended.

10.96 Considering the above, subject to the proposed condition, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Other Matters

Maximum capacity of energy generation

10.97 The solar farm would generate up to 49.9MW of renewable electricity. This is just below the maximum capacity for which an application for planning permission may be considered by a Local Planning Authority under the Town and Country Planning Act; installations with a capacity of more than 50MW are considered to be nationally significant infrastructure projects, and such applications must be submitted to central government and determined by the Secretary of State for Energy.

10.98 Some objectors have noted that, at 49.9MW, the proposed solar farm would be only just below the threshold of 50MW above which an energy infrastructure development should be considered by national government as a nationally significant infrastructure project, rather than by a local planning authority. Others have claimed that the energy generation would exceed 50MW and therefore this application should only be considered by national government.

10.99 Objectors cite that an originally submitted plan references a higher than 50MW number in notes, and using 'industry standards of MW per acre' demonstrate that the site should exceed 50MW.

10.100 The applicant has stated that the above-mentioned plan was an early design draft including in an appendix for a technical supporting report drafted by an external consultant, which was unfortunately not updated correctly. The older document included additional arrays which were later removed. This has been corrected. On the matter of 'industry standards for generation per hectare', they state:

> *You also query the acreage in relation to the stated installed capacity of the development. This is calculated by Boom Power and takes into account the latitude of the site, the terrain, shading from boundaries and vegetation, seasonality, the technology specific panels being used (of course efficiency has increased exponentially in recent years). The industry figure of 500KW per acre for solar farms is now out of date and based on early model panels that produced approximately 240 watts capacity, whereas panels being used today secure are more like 670 watts capacity.*
>
> *The British Research Establishment (BRE) uses an estimate of approximately 1 MW to 2.8 hectares.*
>
> *2.8 hectares x 49.9 MW = 139.72 hectares, using the BRE figure.*

The actual site area being proposed is much smaller than the area the BRE figures suggest would be needed and so it does not seem unusually large for the stated installed capacity and taking into account more improved solar technologies now available

10.101 Installed capacity is the full-load, continuous rating of generating equipment under specific conditions as designated by the manufacturer. In other words, this is the power generated when the equipment is working at full capacity

10.102 Officers have considered these comments carefully. Ultimately officers are required to undertaken their assessment based on the details available before them. While comments from residents are noted, no definitive evidence has been provided to substantiate their claims. References to 'industry standard figures' are not sourced. Officers have been unable to find an agreed standard figure for the industry of MW per ha (or acre), given the complexity of any such calculations. As such, the explanation from the applicant is accepted. The description of development limits the site's installed capacity to 49.9MW and, along with a suitably worded condition, is considered sufficient to resolve this matter.

10.103 A further point worth noting is that the Council must not grant planning permission without having first referred the matter to the Secretary of State for Levelling Up, Housing and Communities and allowed at least 21 days for him to call the case in for determination (for reasons relating to this being an "inappropriate development" in the Green Belt that is a departure from the Development Plan, as outlined previously). Therefore, if members were to vote to approve this application, Central Government would be given the opportunity to call the case in to be determined at national level if they thought it appropriate to do so.

The status of the land post-development

10.104 Numerous representations have raised concerns that either post approval or post development the site would be considered 'brownfield land'. This is raised as a concern, as it would make further / different development on the site within the Green Belt feasible.

10.105 This is a misunderstanding of brownfield land and how it is created / operates. The NPPF defines brownfield land as:

> *Land which is or was occupied by a <u>permanent structure</u>, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) <u>and any associated fixed surface infrastructure</u>. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

Underlines are officer emphasis.

10.106 Considering residents' concerns, the granting of planning permission does not immediately convert any site to brownfield land (i.e., if planning permission is granted but not implemented). Beyond this, only permanent structures may convert a land to brownfield status. As already set out the proposed solar panels (and their associated infrastructure) are temporary in nature, with an operation lifetime of 40 years. A condition is recommended that, following 40 years, the site is cleared and returned to its original use. This shall include a site restoration strategy, to detail how it would be reverted. With such a condition in place the proposed solar panels could not be considered permanent structures and the land would not become brownfield land.

Contamination and Coal Legacy

10.107 The site has been identified as potentially contaminated, along with the scale of the development necessitating consideration of contamination. The proposal is supported by a Phase 1 Ground Contamination Report which has been reviewed by K.C. Environmental Health. Given the nature of the proposal, the report recommends limited targeted intrusive investigation. K.C. Environmental Health concur with this conclusion. Conditions pertaining to the undertaking of investigation, and any subsequent remediation / validation, are therefore recommended.

10.108 Further to the above the site falls within the High-Risk Coal Referral Area. A Preliminary Coal Mining Risk Assessment has been submitted (alongside the Phase 1 Ground Contamination Report) which has been reviewed by the Coal Authority. The reports recommend further investigation and remediation be undertaken; however, the Coal Authority are satisfied that this may be addressed via condition.

10.109 Considering the above, subject to the given conditions, officers are satisfied that the proposal complies with the aims of LP53 of the Local Plan.

Ecology

10.110 Policy LP30 of the KLP and Chapter 15 of the NPPF, with guidance set out within Principle 9 of the HDG SPD, require that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist

10.111 The application is supported by an Ecological Impact Assessment (EcIA) which provides a robust assessment of the ecological receptors of the site and the potential impacts brought about by the proposed development. It is considered that as detailed within the report, there will be unavoidable short-term impacts brought about by the proposed development, however, due to the intense agricultural management of the site, it is determined that overall, the site is of minimal value of biodiversity. A condition requiring no site clearance during the bird breeding season, unless appropriate surveys are undertaken prior, is recommended. Smaller mammals, including rabbits and hedgehogs can permeate through the proposed deer fencing: a condition requiring 'badger holes' within the proposed fence is also recommended, to ensure the fencing does not harm their foraging dispersal opportunities

10.112 A Landscape and Ecology Enhancement Plan and DEFRA Metric v3.1 have been submitted with the application. These documents detail that the proposed development can bring about an overall enhancement on the current on-site situation. The submitted metric details there will be an increase of 97.57% in habitat units on site (uplift of 175.48 habitat units) and increase of 21.66% in hedgerows (7.68 units). This ensures that the scheme will provide an enhancement in biodiversity over the current baseline situation. A condition requiring a details Ecological Design Strategy which clearly and demonstrably outlines how this net gain will be achieved, and implemented, is recommended. This is well in excess of the 10% gain that is usually expected of a development, and it would constitute a major public benefit and contribute to the very special circumstances case in favour of the development. These benefits should carry significant weight in the Planning balance

10.113 Invasive non-native Japanese Knotweed has been identified within the site. A condition requiring a strategy for its removal is recommended. A condition for a Construction Environmental Management Plan (Biodiversity), which outlines how the development will be undertaken without harming local biodiversity, is also recommended.

10.114 Given the above, it is considered that the development will provide a significant increase in the biodiversity value of the site whilst ensuring that connectivity for faunal species is maintained throughout the proposed development. As the site is subject to intensive agricultural management with the proposed development focussed on targeted areas of ecological enhancement, it is considered that this scheme will provide a significant increase in the current biodiversity of the site and the local area. The proposal is therefore considered to comply with the aims and objectives of Policy LP30, subject to the proposed conditions.

Education

10.115 The proposed development includes the siting of an ‘education board’, which is to include details of the proposal to education walkers. This was added to the proposal following public engagement. This is welcomed, but that submitted is considered too limited in scope. LP26 (renewable and low carbon energy) requires that a development demonstrate that ‘*any significant adverse effects of the proposal are mitigated by wider environmental, <u>social</u> and economic benefits*.’ It is considered that a wider education strategy would contribute to social benefits. A condition requiring the submission of an education strategy, such as exploring engagement with local schools and community groups, or additional education boards, is recommended.

Trees and Ancient Woodland

10.116 Policy LP33 establishes a principle against the loss of trees of significant amenity value. Furthermore, the vast majority of trees and woodland surrounding the site benefit from Tree Preservation Orders. In response to the arboricultural constraints (e.g., the presence of high and moderate-quality trees and tree groups) the proposed development has been designed in order that Root Protection Areas (RPAs) can be largely avoided.

10.117 The proposal necessitates the removal of 1 low quality category C tree (sycamore) and a small section of the moderate-quality category B hedgerow would need to be removed in order to facilitate the security fencing. Neither the tree or hedgerow to be removed are considered to be assets of public amenity and their removal is considered low impact interventions needed to facilitate the development. Their removal is more than offset by the proposed re-planting.

10.118 No tree removals would be required to facilitate the installation of the proposed cable route; however, it may be necessary to install the cable close to and occasionally within the RPAs of significant trees and tree groups. In such cases work will be undertaken in accordance with National Joint Utilities Group (NJUG) Volume 4 (Section 4) - How to Avoid Damage to Trees which details acceptable working methods relating to '*excavations or other works occurring within the Prohibited zone or Precautionary Zone*'.

10.119 In places the proposed access tracks would encroach into the root protection areas of trees (including those protected by TPOs). The applicant has proposed to install a root-friendly surfaced road (cellweb gravel root protection system) in these locations, with technical details of the road provided. These have been reviewed by K.C. Trees and considered to be acceptable. A condition is recommended that requires a definitive plan showing where the root-friendly surfaced road will be laid, and that it be implemented.

10.120 A condition is recommended for an Arboricultural Method Statement and Tree Protection Plan, to inform the methods of the above protection works for trees, in sufficient detail.

10.121 To the north of the site are two woods that are designated Ancient Woodland. These are Harry Royd Clough Wood and Grange, Hepper, and Denby Woods. National guidance form Natural England and the Forestry Commission that that all development have a 15m minimum separation guidance from Ancient Woodland (or 5m from the canopy, whichever is greater). The proposal has demonstrated that this will be achieved, with the proposed panels being well in excess of the 15m. Officers are satisfied that there would be no harm to the Ancient Woodland. However, for the avoidance of doubt, a condition requiring no works within 15m of the Ancient Woodland is proposed, with the Arboricultural Method Statement addressing how it will be protected during development.

10.122 In light of the above, subject to the given conditions, officers are satisfied that the proposal would comply with the aims and objectives of LP33. The proposed landscaping plans include the planting of numerous trees and hedgerow, and as a result the proposal is expected to deliver a notable net increase in trees within the site. This is considered to weigh in favour of the proposal.

<u>Representations</u>

10.123 The following is consideration of the public representation comments not addressed within the main report.

- The pre-application public engagement is considered lacking.

Response: The pre-application engagement was hampered by COVID restrictions. The applicant's process has been detailed within paragraphs 7.1 – 7.4 of this report. The level undertaken is deemed reasonable, given the circumstances.

- The development would 'ruin views for many driving through and ruin views for local residents'.

- The proposal will result in the area appearing as an industrial landscape. The site is visible from long distances.

- Solar panels are visually unattractive to look at.

Response: There is no right for a view within planning, however the impact upon the landscape and Green Belt have been considered extensively within this report. The attractiveness, or lack thereof, for solar panels is noted but fundamentally they are a unitarian equipment designed to serve a purpose. The proposal does include negative and positive aspects, which have been weighed in the planning balance.

- The application does not include a feasibility assessment.

Response: It is unclear what feasibility assessment is being sought. Ultimately viability reports are not necessary for this form of development.

- The application does not comply with government guidance contained within the Planning Practise Guidance specific to solar panels.

Response: Officers have considered the guidance in drafting this report and are satisfied they have followed it.

- Solar panels only last 30 years, not the stated 35 – 40.

Response: This is noted but deemed to be a matter for applicant. The permission is intended as a maximum 40 years; if the panels are no longer effect and replacement not viable, this would allow for the site to be cleared early.

- The proposed development would not benefit local residents. It will benefit investors.

- Solar panels in the UK are ineffective. It is cited that solar farms only operate at '12%' of their full generation potential.

- Solar farms only operate when the sun shines. Yorkshire's climate is not appropriate for them.

Response: The proposed development is a commercial endeavour, which is not a material consideration. In terms of efficiency, the applicant has undertaken the required (private) assessments to satisfy themselves that a development on this site is viable. This includes assessing the climate within Yorkshire.

- Solar farms produce radiation / electromagnetic waves and other harmful effects to human health.

Response: This claim has not been substantiated. Solar panels are a common form of development in modern life with matters of health and safety managed by processes outside of planning.

- Solar panels are not 'green energy', as their manufacturing process leaves a 'huge carbon footprint, and are manufactured on the other side of the wall'. Their lifetime is short and they are exceedingly difficult to recycle. The development includes concrete which has a high CO2 cost.

Response: It is acknowledged that solar panels do have a notable upfront carbon cost. This has not been calculated as part of the application. Nonetheless, it would be contrary to reasonable judgement to believe that solar panels have, over their lifetime, cause greater harm to the environment. Solar panels are identified by national government as a reasonable measure to combat climate change.

- The development would be within the top 5 largest solar farms, from the 2020 figures.

Response: The source of this claim has not been verified. In discussions with the applicant, it has been commented that the size of solar farms over the last decade has continued to grow as subsidies and technology shift. It is understood that the proposed development is sizable, however in the context of numerous other solar farms in the planning system elsewhere, either approved or assessment ongoing, it is no longer deemed one of the larger.

- The solar panels are produced in China, 'where slavery and human rights abuse …is reported as rampant'. China uses coal power to make solar panels, which is contrary to their purpose.

Response: The source of the panels is unknown. However, the question of where building materials are bought from or where they are produced and under what conditions is not a material planning consideration and could not form a reasonable reason for refusal. If an embargo were to be placed on the import of solar panels from a particular country that would be a matter for national government, not for a district council.

- Alternative methods of sustainable energy should be explored over solar panels, such as tidal and water.

Response: Officers are required to assess each application on its own merits and it is not deemed material to consider other options.

- The loss of greenspace and views will harm mental health. Access to the sites will also harm physical health.

Response: The importance of open space to mental and physical health are noted. In terms of physical access, the land in question is private with no right of access. The surrounding PROW network would not be materially affected. In terms of mental health and views, as has been considered the site is well screened and will receive additional planting to minimise the visual intrusion.

- The proposal will harm local house prices.

Response: This comment does not form a material planning consideration.

- Flockton needs a bypass, which will becoming less feasible by virtue of this development.

- Flockton 'is already on its knees due to the amount of traffic travelling through. To add further vehicles associated with the construction and operation of this huge project would be tragic'.

- 'If the project is to go ahead surely a new road should be incorporated into the scheme firstly for construction traffic and secondly for operational vehicles. The new road could be retained to ease congestion on Barnsley Road, which is not safe for pedestrians and unsuitable for large vehicles offering at least some community benefit for what is likely to be a very profitable scheme'.

Response: There is no committed scheme or inclusion of a 'Flockton Bypass' within the Kirklees Local Plan. Once operation the traffic generation of the proposal will be negligible. Due regard has been considered on traffic during construction, which is not considered to be unreasonable and would be routed from the M62.

<u>Other</u>

- The ancient woodland to the north is 'commercial woodland'. If it is felled, the glint and glare of the proposal would be worse than that assessed.

Response: The complete felling of the ancient woodland is highly unlikely. Furthermore, applications can only go so far in assuming future scenarios.

- The Coal Authority have raised comments about access, outside of their statutory role to comment. There are concerns over the access of plot 9, how it would impact upon their land and security (the Coal Mining Museum and its surrounding land). The easement to the land is for agricultural access only.

Response: This is a private matter between land owners and does not form a material planning consideration.

- Fears that the development, once implemented, will then need to fell trees which would presumably affect efficiency of the panels.

Response: Most trees around the site are protected, either through being ancient woodland or TROs. However, the development includes buffer zones and has been designed on the premise of the trees being place.

11.0 CONCLUSION

11.1 The proposal is for a substantial level of renewable energy generation. Paragraph 158 of the National Planning Policy Framework is clear that we must '*approve the application if its impacts are (or can be made) acceptable*.' Conversely the proposal is within the Green Belt and is, by definition, inappropriate development within the Green Belt. Further to this, a level of harm to openness and the landscape have been identified. Therefore in accordance with Green Belt policy, Very Special Circumstances must be demonstrated which clearly outweigh the harm, and any other harm, identified. Paragraph 144 of the NPPF states:

> *'Very special circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

11.2 Paragraph 151 of the NPPF does however identify that:

> *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.*

11.3 The harm of the proposal can be considered:

- The proposal would be inappropriate development within the Green Belt, that would harm openness, albeit this harm is concluded to be low in the medium to long term (moderate harm in the short term while construction takes place and screening establishes). Furthermore, through encroaching into the countryside the development would contradict one of the five core purposes of the Green Belt.

- The proposal would cause less than substantial harm to the historic environment, notably the Hope Pit Conservation Area, grade-II listed milestone on Wakefield Road (near Denby Lane, Denby Grange Barn) and the undesignated Rookery Farm.

- The proposal would use 15ha of 'best and most versatile agricultural land', (classification 3a) which policy indicates should be avoided and kept for food production. The harm for this however is notably reduced by the site being kept as pasture and long-term benefits to soil quality.

11.4 The public benefits of the development can be surmised as follows:

- Firstly, the proposed solar farm would generate 49.9MW of renewable electricity which would be supplied to the National Grid. This would be a significant contribution towards addressing the Climate Emergency that the Council has declared, and towards meeting local and national policy on reducing carbon emissions, addressing climate change, and meeting the UK's obligations under the Paris Agreement of 2016.

- Secondly the development would benefit the natural environment on the site itself by allowing soil that has long been intensively farmed to rest and rejuvenate under grass for 40 years, and by bringing about a significant net gain in biodiversity on the site (94.8% for habitat and 32% for hedgerow would be delivered and is to be secured via condition) which would benefit not only the site itself but also the adjacent land and habitat networks.

- A condition for an education strategy is recommended, to ensure the proposal plays a social role, as required by LP26, via the education of the local community over the nature and benefits of the proposal and renewable energy. A Grazing Management Plan is recommended via condition to ensure the development does not unduly prejudice food security.

11.5 In closing, this application necessitates a consideration of the planning balance. It is concluded by officers the harms identified throughout this assessment would be outweighed by the public benefits of the development. The benefits would amount to very special circumstances that would justify the granting of planning permission despite the Green Belt location (and the other harm identified). Therefore, the recommendation of this report is approval (subject to conditions, and subject to referral to the Secretary of State for a possible call-in (see below)); however, it ultimately will be for the Planning Committee to decide which way the planning balance is tilted as regards the harms versus the public benefits.

12.0 REFERRAL TO THE SECRETARY OF STATE

12.1 If the Planning Committee were minded to grant permission it would then be necessary to consult the Secretary of State for Levelling Up, Housing and Communities, and to wait at least 21 days before an approval is issued. This is. This is a requirement of The Town and Country Planning (Consultation) (England) Direction 2021 made under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 N0 595).

12.2 The cited act requires that any Green Belt development involving an ‘inappropriate development’ on Green Belt land, which would be a departure from the Development Plan and which would, by reason of its scale or nature or location, have a significant impact on the openness of the Green Belt, should not be granted planning permission by a local authority until it has been referred to the Secretary of State so that they may decide (within 21 days of their acknowledged receipt) whether to exercise their power to call the case in for determination by issuing a direction under section 77 of the Town and Country Planning Act 1990.

12.3 The recommendation is therefore that the application is delegated to the Head of Planning and Development to notify the Secretary of State of the Local Planning Authority’s intention to approve the application, to give the Secretary of State the opportunity to consider whether to exercise their ‘call in’ powers. Subject to the response from the Secretary of State, progress to approving the application and the issuing of the decision notice and completion of the list of conditions, including those contained within this report.

13.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Development to commence within 3 years
2. Development to be carried out in accordance with the approved plans and specifications
3. Temporary permission (40 years, with non-operational clause for removal), with notice of commencement to be submitted
4. Limitation of site to 49.9MW
5. Green Belt: Prior to development commencing, full details of landscaping and screening strategy (i.e., numbers, species mixture, planting timeframe etc.) and management / maintenance to be submitted and approved.
6. Green Belt: Decommissioning statement prior to use
7. Green Belt: Notwithstanding the submitted plans, details of container colour to be submitted
8. Green Belt: No lighting erected without details being submitted
9. Green Belt: CCTV plan
10. Land use: Grazing Management Plan
11. Glint and Glare: Mitigation measures to be installed prior to use commencing
12. Amenity: Site operate in accordance with the Noise Impact Assessment
13. Amenity: Construction Environmental Management Plan
14. Highways: Access improvements to be implemented prior to solar panels being installed (per parcel).
15. Highways: Sightlines as shown on plan to be implemented and retained.
16. Highways: Construction Management Plan
17. Drainage: Yorkshire Water easement
18. Contamination: Ground investigation – Contamination (Phase 2, Remediation, Validation)
19. Contamination: Ground investigation – Coal (Phase 2, Remediation, Validation)
20. Ecology: No clearance within the bird breeding season without survey
21. Ecology: protected species holes in fence, for access.
22. Ecology: Ecological Design Strategy (EDS)
23. Ecology: Invasive species removal protocol
24. Ecology: Construction Environmental Management Plan: Biodiversity
25. Education: Submission of education strategy
26. Trees: No solar panels to be erected within 15m of the ancient woodland
27. Trees: An Arboricultural Method Statement and Tree Protection Plan shall be provided before development commences
28. Trees: A plan showing the exact location of tree friendly construction for access road.

PROW Note

Background Papers

Application and history files

Available at:

Link to application details
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93644

Certificate of Ownership

Certificate B signed. Notice served 8 individuals.