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**Report of the Chief Planning Officer**

***PLANS PANEL SOUTH AND WEST***

**Date:** 18<sup>th</sup> July 2013

**Subject:** **PLANNING APPLICATION 13/00874/FU for Development of solar farm on Site of Haigh Hall Farm, Batley Road, Tingley, Wakefield, WF3 1HA**

**APPLICANT**

Oakapple Renewable Energy  
Ltd

**DATE VALID**

15<sup>th</sup> March 2013

**TARGET DATE**

14<sup>th</sup> June 2013

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**Electoral Wards Affected:**

**Ardsley & Robin Hood**

Yes

Ward Members consulted  
(referred to in report)

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**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: Grant Planning Permission subject to conditions listed below.**

List of planning conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Operational and delivery hours restriction
4. Statement of construction management practice to be submitted to and approved by the Local Planning Authority.

5. Decommissioning and restoration of site within 25 years of the solar farm being connected to the national grid.
6. Full details of the solar panels, transformer and inverters, including details concerning sound installation, to be submitted to and approved by the Local Planning Authority.
7. No part of the solar panel or associated structure shall be higher than 3m above existing land level.
8. Full details of the substation to be submitted to and approved by the Local Planning Authority.
9. The swales shall be constructed in accordance with approved plans.
10. No building or other structure to be on or within 3m either side of the centre of the water main.
11. Full details of the security cameras and fencing to be submitted to and approved by the Local Planning Authority. The details of the fencing shall include details of how medium sized mammals will pass underneath.
12. Full details of both hard and soft landscaping works to be submitted to and approved by the Local Planning Authority.
13. Submission of a protected species survey shall be undertaken, include the woodland area between the site boundary and Haigh Hall Farm, and submitted to and approved in writing by the Local Planning Authority.
14. Biodiversity & Landscape Protection, Enhancement and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority.
15. Prior to the development becoming operation, a detailed long-term Biodiversity & Landscape Management Plan based on the biodiversity and landscape features in the "Landscape Management Plan dated May 2013 by Ecus" shall be submitted to and approved by the Local Planning Authority. The Management Plan shall be reviewed every 5 years through written agreement with the LPA and continue for a 25-year period after completion of works.
16. Existing trees/hedges/bushes shown for retention shall be fully safeguarded.
17. No retained trees/hedges/bushes shall be cut down, uprooted or destroyed nor any tree pruned, topped or lopped other than in accordance with approved plans and particulars, without prior consent of the Local Planning Authority.
18. No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August.
19. Prior to the commencement of development a method statement for the control of Japanese knotweed shall be submitted to and approved in writing by the Local Planning Authority.

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the Leeds Unitary Development Plan Review 2006 (UDPR), the Natural Resources and Waste Local Plan 2013 (NRWLP) and the emerging Publication Draft Core Strategy Nov 2012 (DCS).

Natural Resources and Waste Local Plan  
General Policy 1; and, Water 7

Unitary Development Plan (Review 2006)  
GP5; N10; N17; N32; N33; N37; N37A; N49; T2; and, LD1

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION:**

- 1.1 A position statement was taken to Plans Panel South and West on the 25<sup>th</sup> May 2013. At this meeting Members supported the proposals and agreed that the application should be deferred and delegated to officers subject to further discussion with Ward Members and the Panel Chair should significant objections be made. Since this meeting the Ramblers Association have made an objection to the proposal based on the visual impact upon the Leeds Country Way and an additional 13 letters of objection have been received. In response to this, the officers have corresponded with Ward Members and the Chair of Plans Panel in accordance with Plans Panel's resolution. Both Councillor Mulherin and Councillor McKenna consider that the proposal should be determined by Plans Panel.

## **2.0 PROPOSAL:**

- 2.1 The proposal comprises the installation of circa 7.5MWp of photovoltaic (PV) solar panels covering approximately 13.5 hectares of agricultural land, within the larger agricultural holding of Haigh Hall Farm. This would consist of approximately 32,000 solar panels over three fields laid out in rows of varying lengths designed to suit site conditions. Given the sensitivity and value of the equipment, the applicant is proposing to enclose the fields with 2.1m high post and mesh, dark green, perimeter fencing and supplement this with perimeter planting. In addition to this, pole mounted CCTV cameras would be installed inside the security fence at strategic locations around the site.
- 2.2 The applicant anticipates that the proposal would create enough energy to power around 2,180 homes and amount to a CO<sub>2</sub> saving of some 3,800 tonnes (equivalent to the output of approximately 1,400 cars) per annum.
- 2.3 The solar farm is proposed to have a lifetime of approximately 25 years. At the end of the proposal's operational lifetime, the solar arrays would be dismantled and all panels, frames and electrical infrastructure, such as the inverters and transformers, would be removed from site. At the time of decommissioning, a remediation process would commence that would include suitable landscaping to restore the agricultural land and to maintain any biodiversity features which have been developed over the life of the solar farm.

### Detailed Design

- 2.4 The applicant is proposing to use a polycrystalline panel with self-coloured aluminium perimeter frame. The PV modules would be elevated 1 metre off the ground by galvanised steel module racks that would be fixed to steel piles set into the ground to a depth of between 1.5 – 2 metres. The total height of the panels (including module racks) from ground level would be approximately 3.5 metres. The configuration of panels would either be banks of two in portrait or four in landscape on fixed galvanised steel racks, inclined at 30 degrees to the horizontal. The PV arrays would be contained within the areas defined on the layout plan and would be laid out in rows running east-west to provide them with a southerly orientation. Generally, the existing

ground contours would be followed with little or no cut and fill envisaged by the applicant.

- 2.5 To convert the DC current generated by the solar arrays to AC current (as required by the national grid) inverters (approximately 2562 x 899 x 2279) and transformers (approximately 2980 x 2380 x 1580) are required. This would take the form of approximately six sets of one transformer and two inverters spread across the site with subterranean cables connecting the equipment. The AC current would be transmitted to a new substation that is proposed to be situated to the north-west of the site, which would transmit the energy to the Distribution Network Operator.
- 2.6 The application is accompanied by a detailed landscape plan. To the north and west of the site a new hedge is proposed to be introduced with additional planting to close a number of gaps within the existing hedgerow. A woodland copse is proposed to the north-west, south-west and north-east corners to screen the site from strategic viewpoints. The Landscape Strategy Plan also identifies areas of wildflower meadow mix and neutral grassland to be planted.
- 2.7 A wildlife corridor is proposed to enhance links between Haigh Hall Spring Wood, directly to the north of the site boundary, and the habitat that surrounds Hey Beck approximately 90m to the south west of the site boundary. A grassland buffer of 10m would be established between the perimeter fence and the existing hedgerow. As outlined above, this hedgerow would be improved. In addition to providing screening, this enhancement aims to strengthen connectivity for bats between areas of foraging habitat. The grassland strip would act as a wide field margin, being allowed to develop into a dense coarse grass habitat to provide cover for invertebrates, small mammals and potentially ground nesting birds.
- 2.8 Just beyond the southern boundary and to the west of the site a number of swales (small attenuation ditches) have been proposed beyond the perimeter fence on gently sloping land. Their main purpose is to collect water run off from the site. However, the excavated soil from the swales would be used to create a small mound which would be planted with suitable marginal vegetation to provide habitat that could be suitable for aquatic invertebrates and some amphibians such as common frog.

#### Construction Details

- 2.9 With agreement from the landowner, a temporary construction compound would be created on the field directly to the north of the development site (or to the west of Haigh Hall Farm). The construction phase is an estimated period of 10-12 weeks. Construction work would include delivery to site of materials via 120-150 vehicles over the period. All materials would be delivered to the construction compound by the appropriate vehicle then transferred to their appropriate location within the site by an agricultural vehicle.

#### Access

- 2.10 The site is accessed via the existing surfaced track known as Scott Lane leading from Batley Road. The applicant expects that significant deliveries (heavy loads) would arrive via the M1 and M62. Scott Lane can adequately cater for delivery vehicles, which would then be able to unload and manoeuvre within the temporary site compound. Therefore, full access to the site itself for large vehicles is unlikely to be necessary. During construction the number of HGV movements is estimated to be between 3 and 4, with 15-20 contractor vehicles anticipated on site, daily. Employees driving to the site would be required to park within the site compound. Where possible, workers would be transported to the site by minibus.

- 2.11 Once the site is fully operational, the applicant anticipates that the maintenance of the equipment will only require a quarterly clean and check of the panels. System performance and site security would be monitored remotely. An indicative layout identifying the proposed location of the security cameras has been submitted for consideration. The site would function unmanned for the majority of the time.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site covers an area of 13.5 hectares and is situated and accessed off Scott Lane. The proposal is located within the Green Belt and also lies within a Special Landscape Area (SLA). The site forms part of Haigh Hall Farm. The farmhouse is a grade II listed building and lies to the north of the site. The land rises from the west to the east and falls from the north to the south. Hedgerows and trees demarcate the north, east and south field boundaries. The wood (Haigh Hall Spring Wood) directly to the north-east of the proposal is designated as a Leeds Nature Area. The north-western boundary of the site makes up part of a public right of way known as The Leeds Country Way.
- 3.2 Currently the land is utilised for pastoral purposes with the eastern part of the site used for growing cereal crops and hay. The development area has been previously used for landfill and open cast coal mining, which ceased around 1995. The site is identified by the Agricultural Land Classification (ALC) as grade 3b and 4.
- 3.3 The site is located within a predominantly rural area with large amounts of the land to the south being open countryside. The village of West Ardsley is set approximately 250 metres to the north-west. Leeds City Centre lies approximately 10km to the north, Dewsbury to the south-west and Wakefield to the south-east. Haigh Hall Farm is approximately 80m to the north and Haigh Hall bungalow is 25m to the east. The nearest neighbouring property to the north-east facing boundary is known as 240 Batley Road; there is a property approximately 150m further north-east; and, another building 100m beyond this. The Springs is situated roughly 400m north. The closest property to the north facing boundary is approximately 200m to the north-west.
- 3.4 The area has a dense highway network. The M1 motorway is situated approximately 1.2 km to the south east of the site and passes in a north-south orientation. The A653, Leeds Road, is located 1.3 km to the west.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 PREAPP/12/01105: Photovoltaic installation. Advice given 21.12.2012
- 4.2 23/94/93/FU: Change of use of agricultural site to landscaping contractor erection of tractor shed and alterations to farm buildings. Approved on 07.09.1993
- 4.3 H23/70/92: Extraction of coal to agricultural site. Approved on 20.07.1992
- 4.4 H23/227/91: Extraction of coal and clay and tipping of waste material to constructed void space to agricultural site. Refused on 14.01.1992
- 4.5 H23/14/89/1: Extension of permission for tipping to agricultural site. Approved on 03.09.1991
- 4.6 H23/14/89: Tipping to agricultural site. Approved on 20.03.1989.

- 4.7 H23/346/86: Laying out of access road and tipping to agricultural site. Approved on 19.01.1987

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant submitted a pre-application enquiry concerning this proposal on the 13<sup>th</sup> November 2012. The following are the key recommendations made by the Local Planning Authority (LPA):
- 5.1.1 Officers outlined that very special circumstances would have to be demonstrated due to the site's location within the Green Belt, details of site selection would have to be included and that consideration would need to be given to the setting of Haigh Hall Farm.
- 5.1.2 The applicant was advised that they were required to undertake community consultation.
- 5.1.3 The internal tracks that were proposed were considered unacceptable. They are an intrusive feature that urbanises the Green Belt and goes beyond what is strictly necessary to enable this development.
- 5.1.4 Information concerning glint and glare would be required.
- 5.1.5 Landscape and visual impact assessment would be required in relation to the proposal.
- 5.1.6 Planting should be used to minimise any potential impact and to provide long-term environmental benefits to the area.
- 5.1.7 A 10m wide wildlife corridor link between the Haigh Hall Spring Wood Leeds Nature Area (to the north-east of the site) and Hay Beck (to the south-west of the site) is recommended to mitigate against any potential visual harm around the eastern half of the site if located on the outside of security fencing.
- 5.1.8 A Phase 1 habitat survey and protected species survey should be carried out to reveal any potential ecological receptors.
- 5.1.9 Details of landscape management would be required.
- 5.1.10 The quality of the existing public right of way (PROW) should be protected by allowing sufficient space provided between PROW corridor and any development. Planting to the footpath corridor boundary would be necessary to avoid the proposal introducing harm to amenity.
- 5.1.11 Design and location of ancillary infrastructure – cable trenching, provision of a substation and internal junction box structures for example.
- 5.1.12 Details and location of proposed security measures – including how they are to be fixed to the ground. Discussion should also focus on why natural features cannot be used and how the technology and fencing would impact upon ecology.

5.2 On the 25th April 2013 a position statement concerning the proposal was received and considered by South and West Plans Panel. In response to Members' comments and questions, the following issues were discussed:

5.2.1 Renewable energy was encouraged to be viewed as positively as possible within the National Planning Policy Framework.

5.2.2 The scheme would provide enough energy to power up to 2,500 homes which was comparable to 5 wind turbines.

5.2.3 The Highways Agency had been contacted regarding the possibility of glint and glare for traffic travelling on the M1. No concerns had been raised.

5.2.4 It was requested that the fencing and CCTV be as unobtrusive as possible.

5.2.5 Members supported the proposals and agreed that the application should be deferred to officers subject to further discussion with Ward Members and the Panel Chair should significant objections be made.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised via site notices posted on 5<sup>th</sup> April 2013 and published in the local paper (Yorkshire Evening Post) on 3<sup>rd</sup> April 2013. Copies of all plans and supporting information have also been made available on public access and at Morley Library.

6.2 In addition to the above, site notices were also posted (on the 26<sup>th</sup> April 2013) in close proximity to site within the Wakefield Metropolitan District Council and Kirklees Metropolitan Council areas.

6.3 At the time of writing this report, 13 letters of representation had been received. The points raised can be summarised as the following:

- Impact upon residential amenity in terms of glare and obtrusiveness of the sheer mass.
- Harm to the openness of the Green Belt.
- A poor use of agricultural land and will introduce harm to visual amenity.
- The efficiency of the panels will be poor so the very special circumstances put forward (renewable energy) will not outweigh the harm to the green belt.
- The insinuation that low grade land can not be put to any use is not true. Grades 3a and 3b agricultural land can be used for extensive arable cropping, rotational grassland eg. cereals, oilseed rape & beans or grass leys for dairy cows, beef, sheep. Grade 4 agricultural land can be used for permanent grassland/rough grazing eg beef and sheep rearing with limited dairying and cereals.
- Proof should be provided that the proposal will benefit the community substantially more than the damage it is going to do to the local roads, traffic nuisance, noise pollution, loss of wildlife and general damage to the local environment.
- Lets stop the building and maintain the landscape for future generations to enjoy, not least the wildlife. The solar farm must have a detrimental impact upon birds and bats.
- The proposed security fence is not in keep with the area. At the very least the fence to the western boundary should be replaced with an evergreen hedge.

- Health risks.
- An advertisement in the Yorkshire Post is totally inadequate. The entire area of West Ardsley should have been notified of such a major development via a letter. A lack of local knowledge is the reason why there has been little objection, the date for public objection should be extended and the company in question should mail the proposals to all the residents of the Haigh Moor and West Ardsley area.
- A better option to use the real estate attached to households and business, namely their roofs.
- One reason we moved to Haigh Moor Road for the view of the green fields and trees, which are slowly deteriorating.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory:**

- 7.1.1 Coal Authority: Requests a Coal Mining Risk Assessment Report.
- 7.1.2 Environment Agency: No objection subject to condition.
- 7.1.3 Highways Agency: The further information submitted by the applicant was considered sufficient to remove their objection.
- 7.1.4 Natural England: No objection subject to the Local Planning Authority considering that the proposal will not introduce harm to protected species.

### **7.2 Non-statutory:**

- 7.2.1 Conservation Team: The topography of the site and proposed planting are such that the development will not introduce harm to the setting of the listed farm house.
- 7.2.2 Highways Authority: More details of the type and frequency of vehicles should be provided. The proposed site compound looks big enough to provide turning. However if more than one HGV turns up on site this might not be the case, additionally swept path turning movements must be indicated at the junction of Batley Road and Scott Lane and the available visibility achievable at 2.4m. Regardless of the above a comprehensive Construction Management Plan will be required.
- 7.2.3 Kirklees Metropolitan: Kirklees Council do not object in principle to the development. However, having reviewed the submitted plans and supporting documents they request that due consideration is given to the impact of the development on the Green Belt as well as its impact on that area of land within Kirklees close to the site when determining the application.
- 7.2.4 Land Contamination: No comments received to date.



- 7.2.5 Landscape Team: No objection subject to minor alterations to the Landscape Strategy Plan. Particular attention should be paid to the western boundary.
- 7.2.6 Leeds And Bradford Airport: No comments received to date.
- 7.2.7 Mains Drainage: No objection subject to the swales being constructed in accordance with the submitted drawing nr. 1073-D02-rev4.
- 7.2.8 National Planning Casework Unit: No comments received to date.
- 7.2.9 Nature Team: No objection subject to a number of minor amendments to the Landscape Strategy Plan and conditions.
- 7.2.10 Neighbourhoods And Housing: No comments received to date.
- 7.2.11 Open Spaces Society: No comments received to date.
- 7.2.12 Ramblers Association: Having considered the application at its committee meeting on 14th May 2013 and the further information in the form of photomontages provided by the applicant, the Ramblers Leeds Group now lodges a strong objection to this application. This objection is made in relation to its western boundary because of its severely adverse visual impact on walkers using Scott Lane, a public right of way (PROW) (Morley Footpath 141), and also the route of the Leeds Country Way (LCW), a key strategic and regionally important recreational route. Additionally, Morley FP141 provides a key link for the local residents of Haigh Moor and West Ardsley to the well-walked PROW network that exists in Kirklees and Wakefield to the south of the application site.

There are currently uninterrupted views of open country to south east enjoyed by walkers on this section of the LCW, as the attached photographs demonstrate. These uninterrupted views will be blocked by the racks and panels of the array. Whilst we acknowledge that the proposed copses at the north-west and south-west corners will go somewhat towards mitigating the visual impact of the array, the proposed 2m high hedge on the western boundary of the site will not adequately screen the development for walkers on Scott Lane.

We do acknowledge that the inappropriateness of this development in the Green Belt is likely to be offset by the very special circumstances of renewable energy generation. However, given that the proposed development is in an area of strategic Green Belt importance, we submit that very special

measures need to be adopted in order to ensure as much as possible of the uninterrupted views to the south east from the LCW on Scott Lane are retained, and that the array is as well-screened as possible. To this end we urge that the western boundary is withdrawn to the east.

7.2.13 Public Rights Of Way:

Public Footpath Nos.109 & 141 Morley run along side the western boundary of the site along the access track. After a site visit it was noted that the land rises up giving limited views. Therefore, the security fencing would not obstruct views from the footpath.

Care should be taken by vehicles accessing the site whilst the installation is under construction. The rights of way will not be affected by the development but the footpath should be open and available for use at all times.

The developer is requested to consider entering into a Permissive Path Agreement for the duration of the site operation for a footpath along the access track to the south of the site and over the bridge to the viewing point for the dam as shown on the attached map.

7.2.14 Wakefield Metropolitan:

Having reviewed the submitted plans and supporting documentation it is considered that the proposed development would not have any impacts upon Wakefield or land within their jurisdiction. Accordingly, Wakefield Metropolitan District Council do not object to the proposed development.

7.2.15 Yorkshire Water:

No objection subject to a condition concerning no building or other obstruction shall be located over or within 3 (three) metres either side of the centre line of the water main, which crosses the site.

## **8.0 PLANNING POLICIES:**

- 8.1 The introduction of the National Planning Policy Framework (NPPF) has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. All policies outlined below are considered to align fully with the NPPF.

The proposals will be considered in the context of both national planning policy and the Development Plan. At the time of writing the Development Plan includes the Leeds Unitary Development Plan (Review 2006) (UDP), policies as saved by directions of the Secretary of State, dated September 2007 and June 2009, the

Natural Resources and Waste Development Plan Document and any material guidance contained in the emerging Local Development Framework (LDF).

## 8.2 Natural Resources and Waste Development Plan Document

- 8.2.1 General Policy 1: Presumption in favour of sustainable development;
- 8.2.2 Water 7: Surface water run off.

## 8.3 Local (UDP Review 2006)

- 8.3.1 Policy GP5: Refers to detailed planning considerations and any loss of amenity;
- 8.3.2 Policy N10: Development will not be permitted which adversely affects a public right of way;
- 8.3.3 Policy N17: The character of the listed building should be preserved;
- 8.3.4 Policy N32: Seeks to preserve the openness of the Green Belt in addition to visual amenity;
- 8.3.5 Policy N33: Outlines acceptable development in the Green Belt;
- 8.3.6 Policy N37: Seeks to avoid harm to the character and appearance of special landscape areas;
- 8.3.7 Policy N37A: All new development shall have regard to the characteristics of the landscape and contribute positively;
- 8.3.8 Policy N49: Development that introduces harm to the wildlife or habitat. Design of new development, including landscaping, should minimise its potential adverse impact;
- 8.3.9 Policy T2: Refers to maintenance of highway safety;
- 8.3.10 Policy LD1: Outlines the parameters for an acceptable landscaping schemes

## 8.4 Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

- 8.4.1 General Policy: The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 8.4.2 Spatial Policy 1: Location of development - to deliver the spatial development strategy based on the Leeds settlement hierarchy.
- 8.4.3 Spatial Policy 8 (V): Supporting the rural economy, consistent with the Settlement Hierarchy and the protection and enhancement of a high quality rural environment.
- 8.4.4 Policy P10 (ii): New development for buildings and spaces ... should be ... good design that is appropriate to its location, scale and function.  
(ii) The development protects the visual, residential and general amenity of the area ... and enhances the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces ... and views;

(iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings ... the visual, residential and general amenity of the area through positive design that protects and enhances surrounding routes...

- 8.4.5 Policy P11: Development proposals will be expected to demonstrate a full understanding of historic assets affected.
- 8.4.6 Policy P12: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.
- 8.4.7 Policy T2: New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- 8.4.8 Policy G1: Enhancing and extending green infrastructure.
- 8.4.9 Policy G8: Protection of important species and habitats.
- 8.4.10 Policy G9: Biodiversity improvements.
- 8.4.11 Policy EN3: Low carbon energy. The Council supports appropriate opportunities to improve energy efficiency and increase the large scale (above 0.5MW) commercial renewable energy capacity, as a basis to reduce greenhouse gas emissions. This includes wind energy, hydro power, biomass treatment, solar energy, landfill gas, and energy from waste.
- 8.4.12 Policy EN5: Managing flood risk.

## 8.5 National

- 8.5.1 National Planning Policy Framework: paragraphs 17, 87, 88, 91, 93, 97, 98 and 138.

## 9.0 **MAIN ISSUES:**

- Principle of Development
- Landscape & Visual Impact
- Nature Conservation
- Glint and Glare
- Highway Safety
- Historical Assets
- Residential Amenity
- Local Representations

## 10.0 **APPRAISAL:**

### Principle of development

- 10.1 Local plan policy (the Natural Resources and Waste Local Plan (NRWLP)) supports the development of renewable energy. The Government outlines 12 core principles, within paragraph 17 of the National Planning Policy Framework (NPPF), that should underpin planning and decision making. The sixth principle outlines that the use of renewable resources should be encouraged. Paragraph 93 goes onto to reiterate how important renewable energy is and that it is essential to the three (environmental, economic and social) elements that form sustainable development. Local Planning Authorities are strongly encouraged to take positive steps towards renewable energy in plan making (paragraph 97) and should not require the applicant to demonstrate need (paragraph 98).

- 10.2 The site is located in Green Belt. According to Unitary Development Plan (UDP) policy N33 and guidance contained within the NPPF, the proposal is considered to be inappropriate development. By definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” (NPPF, paragraph 88).
- 10.3 The NPPF gives due consideration to the situation of renewable energy schemes being located within the Green Belt. The NPPF states:
- ‘When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. ... Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.’*
- 10.4 The proposal is forecast to produce approximately 7,200MWh of renewable energy per annum (sufficient to power approx. 2,180 homes) from natural resources in a sustainable manner. This would in turn be an annual saving of around 3,800,000kg of CO<sub>2</sub> emissions. Considering this, the applicant has put forward the proposal’s renewable energy credentials as part of the very special circumstances to justify inappropriate development in the Green Belt.
- 10.5 After 25 years the panels are expected to operate at only 80% of their original efficiency; at which point the applicant anticipates their removal. It is the opinion of the applicants that given the development of the proposal and its long term maintenance would have a low impact upon this greenfield site, the proposal should be considered of a temporary nature. The temporary nature of the development is put forward as further very special circumstances to justify the proposal in this location.
- 10.6 During the application process, the applicant (who is not the landowner) was asked why a Green Belt site is preferable to a brownfield one. The orientation and topography of this particular site are ideal conditions for the proposal, which are not attributes shared by many sites regardless of their previous use (brownfield or greenfield). The western portion of the site was previously an opencast coal site and then used for disposal of waste, so hasn’t been used consistently for agricultural purposes. Furthermore, the applicant has suggested that given the site’s history it could be regarded as previously-developed (brown field) land.
- 10.7 The applicant was also asked if they had explored the option of forming a partnership with the owner of an industrial estate to utilise the roofscapes of large industrial buildings. The industrial market is yet to embrace solar proposals in Leeds/Yorkshire due to a number of prohibiting factors. There are few, if any, industrial estates comparable to size of the development site. Very few new industrial buildings are being constructed and retro-fitting existing buildings creates complications due to ownership and maintenance requirements.
- 10.8 Other sites in the Leeds Authority area have been investigated, but none of them identified to-date are as suitable as Haigh Hall Farm or offer the speed of delivery that could happen should planning permission be granted. This coupled with the land owner’s desire to diversify the uses of the existing farming practices and see the proposal up and running, the Haigh Hall Farm site was chosen.

- 10.9 The Government's objective for sustainable development in rural areas is outlined in section 3 of the NPPF. The principles set out by this document include improving economic performance, support sustainable use of land, and to diversify and promote growth in rural areas. The proposal will provide a sustainable, relatively temporary, approach to supporting a rural enterprise.
- 10.10 As previously outlined, the development site is defined by the ALC system as grade 3b and 4 land. Land classed as 3b is considered to be moderate quality agricultural land, which means land that is capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass. Poor quality agricultural land is identified as grade 4. This is land with severe limitations which significantly restrict the range of crops and/or level of yields.
- 10.11 Currently the eastern part of the site is used for growing cereal crops. The tenant farmers have confirmed that these crops tend to be low yielding. The growing of cereal crops would cease if consent for the proposal was received, but once the solar farm was decommissioned this activity could be re-instatement. In the meantime, the landowner has offered other land within their ownership at Haigh Hall Farm (ie on the north side of Batley Lane) to the existing tenant farmers.
- 10.12 The remainder of the site is used as rough pasture, which would not change with the introduction of the solar panels. The height of the panels is such that the landowner could keep sheep on the development site. Thereby, maintaining an active agricultural use in conjunction with the operation of solar farm.
- 10.13 The key question to resolve when determining whether the principle of the proposal is acceptable is, do the renewable energy credentials and relatively temporary nature of the proposal outweigh the potential harm to the greenbelt by reason of inappropriateness and any other harm? Given the mitigation proposed through the landscape strategy plan, which includes biodiversity enhancements; the renewable energy benefits; that a degree of agricultural use can continue; the proposal would not sterilise/limit the future use of the site; and, both local and national policy support for sustainable development, the very special circumstances submitted by the applicant are considered to outweigh the harm that the proposal would cause to the Green Belt, by reason of inappropriateness. The proposed development is not considered to cause any other harm to the Green Belt, and this is discussed further on in the report.

#### Landscape & Visual Impact

- 10.14 The Landscape Visual Impact Assessment (LVIA) submitted by the applicant outlines that the landscape effects of the proposals would be limited to within 2 km of the site proposal.
- 10.15 The landscape character of the local context consist of gently undulating mixed farmland, fields of arable and horticulture, smaller fields of sheep and horse pasture, wooded strips along becks, small planted copses, few hedgerow trees, high density of village settlements and an open reservoir. The development site is characterised by three undulating fields that descend approximately 22 metres from northern boundary. The site boundaries are delineated by fencing and hedging. The site has a south to south westerly aspect, falling towards the Hey Beck valley just beyond the southern site boundary. Where hedgerows are present, these tend to be overgrown or 'gappy' with few small hedgerow trees. The south boundary is defined by a post and rail fence, with a track and water main easement lying beyond.

- 10.16 The general landscape character sensitivity of The East Ardsley Fringe is classed as medium in the vicinity of the site, according to the LVIA. The development would maintain the field patterns of the local area and would not change the proportions of the existing fields. The proposals would introduce additional man-made features into a rural setting. In the wider context, given the broad open visual character, the effects would be limited, as the proposal would be read with dense settlement, major transport corridors, pylons and industrial development.
- 10.17 As previously outlined, the area does contain other non-arable land-uses. The applicant's assertion is that 'the darker appearance [and scale] of the solar panels... are likely to be associated with other existing non-farmland landscape characteristics of the area, such as woodland blocks or a body of water such as the Ardsley Reservoir.' Given this, the conclusion that the landscape character has capacity to assimilate the proposal is reasonable.
- 10.18 The LVIA states that the section of the Leeds Country Way immediately adjacent to the site would experience significant effects. The magnitude of change is greatest along the mid and lower portions of the footpath to the west. The panels would be more apparent where there is a greater degree of visual separation between the proposal and buildings/structures and would be viewed against the sky. To mitigate this harm the proposal has been set back approximately 15m from the western boundary, to ensure the new structures would not have a dominant or oppressive effect on views, and a landscape strategy plan has been submitted. In response to the comments from the landscape officer and the Ramblers Association, the landscape plan has undergone revision to mitigate the potential harm to the public rights of way by introducing a native shrub mix behind the proposed hedge to further screen the proposal and to enhance the biodiversity benefits of the scheme.
- 10.19 The section of the Leeds Country Way to the north of the site, according to the LVIA would experience a lesser degree of change due to the reduced proportion of panels that would be visible and views of the rear aspect of the panels. Walkers on the section of footpath west of the site would experience effects eastwards for a distance of approximately 0.8 km. Views would be towards the side elevation of the panels viewed against a backdrop of rising land, thus reducing effects. LVIA sets out that views northwards from the section of footpath on the south valley side would be affected and a large proportion of the proposal would be visible. However, the development would be seen against a wider context of woodland blocks and would be associated with other development. The sections of footpath along the Hey Beck Valley would not experience any significant effects.
- 10.20 The viewpoint appraisal, within the LVIA, concludes that it is unlikely residents would be subject to a high magnitude of change due to the intervening field and landform characteristics where visibility of the site would be very limited. Additional boundary planting would further soften and screen views. The users of the public rights of way to the north and north east of the village Gawthorpe village, beyond the ridgeline, would obtain views of the site. However, very occasional views would be glimpsed and views from Lower Park Farm farmhouse are limited by the intervening barn. From these areas the site is viewed against the backdrop of the north ridge. The dark colour of the panels would be apparent, however, when viewed in the wider context it would appear similar to woodland blocks. In addition, once the planting had established it would break up the extent of the panels.
- 10.21 Properties on Chidswell Lane and the east side of the A653 Leeds Road are expected to experience changes in view. Walkers using the public right of way near Chidswell will gain views of the proposals. However, these would be oblique to the direction of

travel or partly obscured by intervening vegetation. The panels would be partially screened by woodland and viewed against a partially developed ridge against the backdrop of rising land of the north valley side so the proposal would not be unduly prominent.

- 10.22 Due to the distance and angle of views from Kirkhamgate towards the site and high frequency of vegetation cover near the Batley Rd/ M1 embankment and localised vegetation around properties are unlikely to see significant change in their views. Those travelling northbound on the M1 would have oblique views westward between vegetation on the road embankment and for a short section of motorway between Park Mill Lane and Batley Road. Given the elevation of the site, a large proportion of the site area would be visible intermittently, for a short duration and road users are considered to be low sensitivity receptors.
- 10.23 The LVIA considers that the development would not adversely affect the dark night skies, would have limited affect on the tranquillity of the area and adjacent landscape character areas.
- 10.24 The landscape strategy plan has been developed in a manner that is in keeping with the existing character by introducing hedgerow planting, new woodland copse to the south west site corner and hedgerow tree planting would be introduced to partially screen and assimilate views. When this landscaping is established, it should screen, or at least soften, views of the site. As previously outlined, to further reduce the impact upon the Leeds Country Way and Morley Footpaths 109 and 141, the landscape strategy plan has been amended to include a thicker/taller screen buffer to the western boundary. Views of the site from the south in Kirklees and Wakefield would be possible, although such views would be at some distance.
- 10.25 Given the existing context of the site (outlined above) and the mitigation measures proposed, the development is unlikely to introduce serious harm to the landscape. The mitigation measures proposed are considered to be appropriate to the character of the area and would complement the appearance of the wider landscape. For these reasons the proposal is thought to comply with the aforementioned policy.

#### Nature Conservation

- 10.26 Enhancement of current hedgerows is largely proposed through their management. New hedgerows along the western boundary would be created and gaps in existing retained hedges would be stopped up. The improvements centre on the enhancement of the current hedgerow network. In addition, along the eastern boundary a grassland buffer of 10m would be established between the proposed perimeter fence and the existing hedgerow, composed of existing grassland where present, or seeded grassland along the current arable areas.
- 10.27 A wildlife corridor is proposed to enhance links between Haigh Hall Spring Wood, directly to the north of the site boundary and the habitat that surrounds Hey Beck (some 90m to the south west of the site boundary). Current grassland on site is proposed to be retained with arable areas seeded with a suitable grassland mix. The site would be divided into three separate fields with management options including sheep grazing or cutting.
- 10.28 A strip of land at the western boundary has been proposed to be set aside as a wildflower meadow. Given the likely high nutrient content of the soil, a seed mix has been selected, containing native vigorous species, which are likely to produce a reasonably diverse sward. Although this may not have the variety of the traditional



wildflower meadow, this type of grassland can nevertheless have benefit to wildlife providing food plants for invertebrates and cover for a range of species.

- 10.29 Along the southern and western boundaries a number of small attenuation ditches (swales) are proposed to be constructed on gently sloping land beyond the perimeter fence to collect run off from the site. These would have additional biodiversity benefits.
- 10.30 The proposal is not considered to introduce substantial harm to protected species or other ecological assets. With the above measures in place and the proposed conditions, the development is likely to enhance biodiversity and links. Given this the proposal is unlikely to introduce harm to the local ecology and accords with the aforementioned policies in this regard.

#### Highway Safety

- 10.31 As previously outlined the site is accessed via Scott Lane. The greatest number of trips generated by the proposal would be during the construction phase. The Highways Authority requested several pieces of additional information, including: the type and frequency of vehicles; additional swept path turning movements must be indicated at the junction of Batley Road and Scott Lane and the available visibility achievable at 2.4m; and, clarification of whether the junction with Scott Lane would be widened. This information was duly provided and resolved the outstanding concerns.
- 10.32 The Highways Agency was consulted regarding the proposal due to the site's proximity to the M1. The applicant has provided a Landscape & Visual Impact Assessment and also a Glint and Glare Study, which has identified that there would be some visibility of the development along the short section of the M1 between Gawthorpe Lane and Batley Road. The Highways Agency requested further information concerning whether the proposal would introduce harm through glint and glare to highway safety and whether the time of day or time of year would make a difference. The Agency also requested that the applicant examine whether the site would be visible when travelling between north between junctions 40 and 41 of the M1 and if so what impact this may have on the highway at different times of day and at different times of the year.
- 10.33 The applicant has submitted the additional information requested by the Highways Agency and an addendum to their original Glint and Glare Study. The study demonstrates that the angle of the solar panels would be such that the locations where the farm would be visible from the M1 would not suffer from glint. The Highways Agency is satisfied with this information.

#### Glint and Glare

- 10.34 Glint is defined as the "direct reflection of the sun on the surface of the PV solar panel and is often considered a potential source of viewer distraction." The definition of glare is "a continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint." [LVIA, 2013]
- 10.35 The Glint and Glare Study (2013) states that 'glare and dazzle are only issues in the domestic setting if the facade (or panel in this case) is within 35 degrees of the vertical or 55 degrees of the horizontal. Beyond this angle, incident light will be reflected primarily skywards. This is because the angle of reflection of light from a point source will always be the same as the angle of incidence... In this development, the panels would be fixed at a raised angle, nominally 30 degrees, to the horizontal.'

- 10.36 Glint is most likely to affect ground based receptors when the sun is lowest in the sky near dawn and dusk. Therefore, any glint would be reflected towards the west at dawn and to the east at dusk. The panels will be fixed at a 30 degrees angle so there is only potential for glint to be perceived at one location at a specific time during the year and day. Any potential effect would only be present for a short time as the orientation of the sun changes.
- 10.37 The panels feature solar module glass which is designed to increase panel efficiency, which has a low reflectivity compared to conventional glass. Less than 9% of the total viable light is reflected. Conventional glass would reflect approximately 17%. Therefore, the glare and reflectance levels from a given solar site are much lower than the glare and reflectance generated by the standard glass and other common reflective surfaces.
- 10.38 The Glint and Glare Study is based on the theoretical zone of visual influence (ZVI) for the scheme. ZVI is estimated purely from landform data and excludes all obstructions such as vegetation and buildings, thus this ZVI and resultant glint effects can be viewed as a 'worse case'.

#### *Residential Impact*

- 10.39 The closest residential buildings are owned by the landowner and situated to the north of the site. The residential area of Tingley is also situated to the north, approximately 250m away. Due to these residential properties being located to the north of the site and the panels facing south, glint and glare would not impact upon the residential amenity of these dwellings.
- 10.40 The nearest residential properties to the south are approximately 1km away. The land beyond the southern boundary falls away and the properties in this area are located on the north facing side of the valley. Red Lodge farm is situated approximately 370m from the site, the residential farm house is shielded from direct view of much of the site by adjacent farm buildings and vegetation. New Grange Farm is the second closest residential property to the south. The glint and glare study determines that the angle and orientation of the panels in relation to New Park Grange, along with the path of the sun, would mean it is not possible for glint or glare to impact this property.
- 10.41 The majority of the houses to the south west of the site (Chidswell and A653) would have their views of the site obscured by a band of dense woodland that backs onto the residential properties. In addition, the Landscape Strategy Plan details a hedgerow and coppice along the west boundary of the site, which should further mitigate views of the site.

#### *Impact Upon the Highway*

- 10.42 The study outlines that Batley Road, situated to the north of site, faces away from the panels and the A653, to the west, is covered along its entire length by residential properties. Those driving along the M1 are shielded, in the main, from direct views of the site by the motorway embankment and the hedges which lie close to the site. there is a relatively small area along the M1 where views would be gained. The impact of this upon highway safety is discussed in paragraph 10.31. Along Gawthorpe Lane (for 1km to the south) and the A638 (for 1.8km to the south-west) views of the site are again shielded by trees for much of their length. Furthermore, the angle and orientation of the panels along with the path of the sun would mean it is not possible for glint or glare to impact these roads.

#### *Impact Upon Aviation Safety*

- 10.43 Most reflections from the site will be skyward. If an instance of glint was experienced during a flight the impact would be almost immediate while the flight coincided with the reflected band. However, within a few seconds the aircraft will have passed through the reflective path and would not experience any further impact.
- 10.44 The closest airfields are some distance from the site. 'The flight path into and out of Leeds & Bradford Airport to the south east is directly over the site, at a height not less than 3000ft. Any effects will only be instantaneous and of low intensity due to the altitude of the plane and the speed that the plane will be travelling at.' [Glint and Glare Study, 2013].
- 10.45 Water bodies (such as reservoirs, lakes and on a calm day the ocean) have very similar reflective properties to solar panels. Therefore, pilots encounter and have to deal with glint and glare from many natural features that can amount to much larger areas than the development site. Man made structures such as poly tunnels, glass houses or even glass fronted buildings are also frequently responded to without incident.

#### *Conclusion (glint and glare)*

- 10.46 Given the presence of natural and man made features around the site and the topography within the area, very few properties and roads have the potential to experience glint. The western boundary would be planted with tall landscape features to help mitigate any potential problems to the south/south-west.
- 10.47 The majority of the glare is expected to be reflected skywards. Given the expected height of any passing aircraft, the transitional period, and that pilots are familiar with such phenomena from other natural and man made features, the proposal is not expected to introduce significant harm.

#### Historical Assets

- 10.48 Haigh Hall Farm Cottage is the only listed building within the vicinity. The impact of the proposal on the listed building is limited due to the intervening fields and an existing woodland copse. Furthermore, due to the gradient within the site the land descends away from the property southwards and so only a very small proportion of the site and the Hall are visible concurrently from localised areas. The additional planting proposed to the northern boundary will further strengthen the buffer. Given these factors, the proposal is not going to introduce any harm to the character and appearance of the building and its setting. Therefore, the proposal accords with the aforementioned conditions.

#### Residential Amenity

- 10.49 There is an outbuilding/annex and associated dwelling situated approximately 9m from the north-western boundary of the development site. The southern facing elevation of the outbuilding is the closest point to the solar farm with one window positioned within it, which does not appear to serve a habitable room, and the garden of the property is situated to the south-east and north-east. At the north-western corner of the site, where the development is adjacent to the dwelling, the solar panels are chamfered off. Given these factors, the proposed panels are unlikely to dominate the dwelling.
- 10.50 The panels themselves would not introduce noise nuisance to local residents. However, given that the inverters contain electrical equipment they may produce electronic interference. The applicant has outlined that noise emissions will be limited by a combination of shielding, noise cancellation, filtering, and noise suppression. This would be supported through condition. Lastly, to ensure the construction phase

does not introduce harm to amenity conditions concerning a construction management plan and operational hours would be applied to any grant of planning permission.

#### Local Representation

- 10.51 The majority of the matters raised by local residents have been addressed within previous sections of the report. The efficiency of the solar panels is considered to be poor. As previously outlined, the applicant anticipates that the solar farm will produce circa 7.5MWp of energy per annum. This is a considerable amount of energy even if the panels are at a low efficiency. Furthermore, it is unlikely that the applicant would pursue a project that would provide a low return.
- 10.52 In terms of benefits for the community, the solar farm proposal is linked to the opening up of a new footpath linking the Leeds Country Way to the Fenton Dam Viewing Platform. The proposal also incorporated enhancements to landscape associated with the site and biodiversity improvements, as discussed above. Unfortunately, the proposed security fencing can not be removed from the scheme due to the value of equipment associated with the installation. However, the landscape strategy would help mitigate any harm from the fencing and a condition requesting further details could be attached to any grant of planning permission.
- 10.53 A comment was made in relation to future health risks from solar farms. No objective evidence was provided in support of this comment. The Local Planning Authority is not aware of any such risks associated with solar farm installations.
- 10.54 As previously outlined, the application was advertised via site notices posted on 5th April 2013 and published in the local paper (Yorkshire Evening Post) on 3rd April 2013. Copies of all plans and supporting information have also been made available on public access and at Morley Library. Site notices were also posted (on the 26th April 2013) in close proximity to site within the Wakefield Metropolitan District Council and Kirklees Metropolitan Council areas. In addition, c.400 letters were posted by the applicant to local people inviting them to a 4 hour public exhibition.

## **11.0 CONCLUSION:**

- 11.1 The principal considerations in terms of the overall planning balance are considered to be as follows:

The matters which weigh in favour of the proposal:

- The strong national support for renewable energy in order to tackle the effects of climate change is a significant factor in favour of the proposal, and carries substantial weight;
- The locally emerging targets for renewable energy, are considerations of significant weight.
- The ecological enhancements that would be provided with the scheme are of considerable weight.

The matters which weigh against the proposal (the harm):

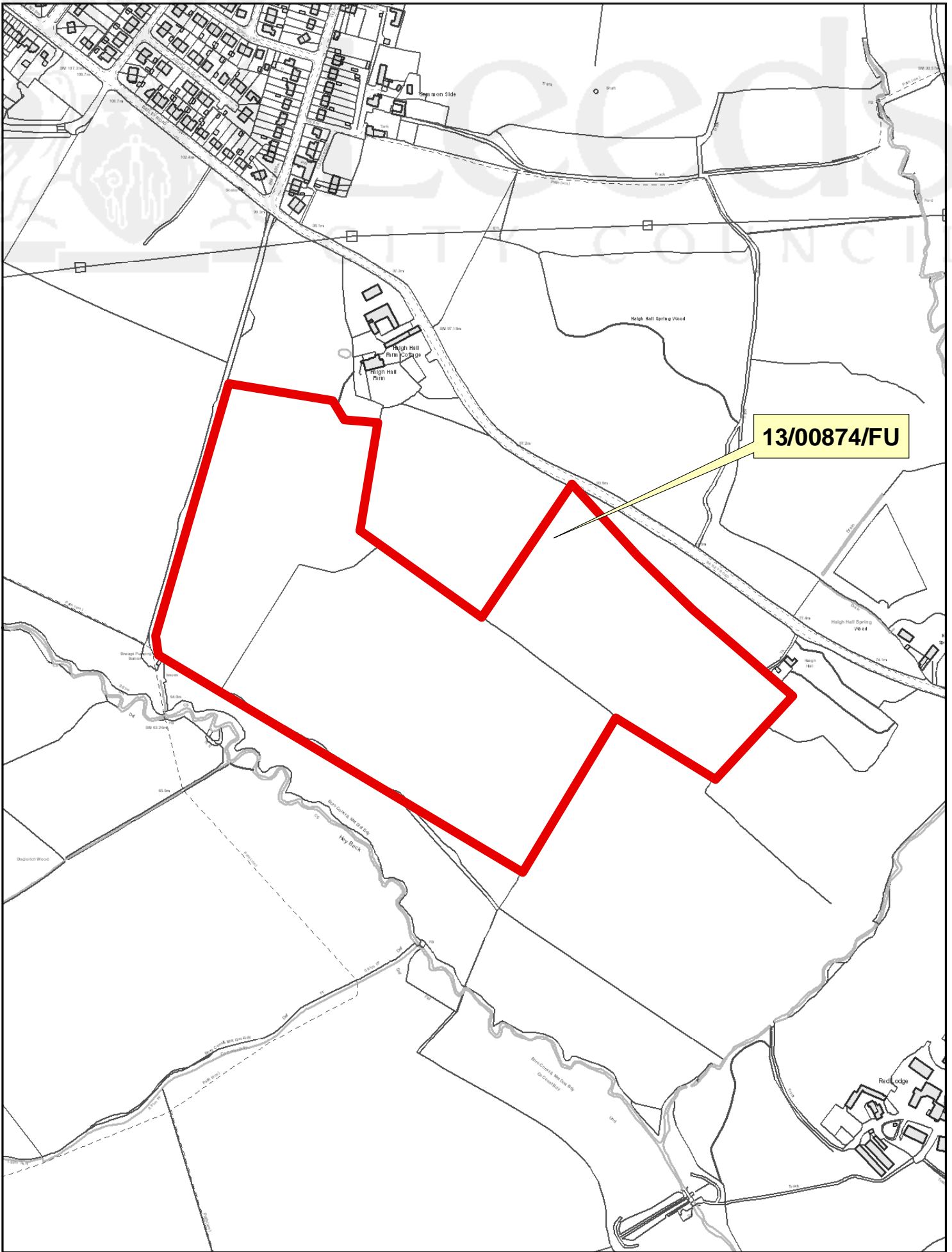
- The development constitutes inappropriate development in the Green Belt, which carries significant weight;
- The character and appearance of the landscape would undergo a significant change. This is of considerable weight.

11.2 The case for renewable energy at national, regional and local level has significant weight and is considered to provide the very special circumstance necessary to justify this development in the Green Belt. Furthermore, the proposal is not a permanent development within the landscape and would allow grazing of sheep, which maintains an element of the land's original purpose. The proposal would facilitate an additional footpath and provide enhancements to the local ecology such as a wildlife corridor. Therefore, on balance, the proposal is considered to accord with the Development Plan and a recommendation of approval is made.

## **12.0 BACKGROUND PAPERS:**

12.1 Application and history files;       13/00874/FU  
  PREAPP/12/01105

Notice served on Land Owner (Stephen Butterfield).



13/00874/FU

# SOUTH AND WEST PLANS PANEL