

Comments by Boxworth Parish to Amendments Relating to Solar Farm Planning Application – S/1714/15

This response on behalf of Boxworth Parish relates to the revised transport and archaeological written scheme submitted by the applicant which was the subject of your letter of 19 January 2016. This response does not replace our earlier response and should be read in conjunction with it.

1) Transport Statement

We are happy that our concerns regarding the use of Boxworth as the main construction access have been recognised by the applicant and the revised Transport Statement does now exclude any construction or maintenance traffic from the village.

This removes this concern provided that this commitment is recognised through a condition attached to any planning permission specifically prohibiting any construction or maintenance traffic from accessing the site through Boxworth. All traffic must use the Childerley Hall access.

2) Impact on Best and Most Versatile Agricultural Land (BMV)

We outlined in our previous response how this application is in conflict with National Planning Guidance by using prime agricultural land rather than previously developed land or commercial roof space.

Our concerns and arguments remain as stated and to provide further support we would point you to two recent (January 2016) recovered appeal decisions dismissed by the Secretary of State.

The first of these (APP/P2365/W/15/3011997) relates to a 16MW solar farm proposed on 39 hectares of land near Ormskirk. The scheme would have sat in flat and low lying countryside adjacent to a large waste water treatment plant. Of the 39 hectares 67% was Grade 3b agricultural land below BMV quality. The SOS said in his judgement:

The planning application was refused permission partly on the grounds that the applicant had failed to justify the loss of 39 hectares of BMV agricultural land, but it is now accepted that 67% of the site is of Grade 3b agricultural land, which is below BMV quality.

However, the Written Ministerial Statement of 25 March on solar and agricultural land said that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence, and Secretary of State notes that that the Inspector did not have sufficient information to

assess if alternative, non-agricultural sites in the wider Lancashire/North West England region would be suitable for a development of the size proposed. Whilst the Secretary of State acknowledges that the proposal would minimise the use of BMV land on the appeal site, it would still necessitate the use of about 13 hectares of Grade 1 agricultural land. He considers that the loss of so substantial an area of Grade 1 BMV, other than for sheep grazing, weighs against the proposal. In reaching this conclusion, the Secretary of State takes the view that 25 years is a considerable period of time and the reversibility of the proposal is not a matter he has taken into account in his consideration of whether the scheme should go ahead.

In the proposed scheme here 77 hectares are BMV agricultural land. If the use of 13 hectares weighs against a proposal then the loss of 77 hectares must be given substantial weight as a reason for refusal.

The other issue relates to the necessity of using BMV agricultural land. In our previous response we pointed out the inadequacy of the applicant's assessment into alternative sites which only considered a small area rather than a broader assessment. This issue was raised in the second of the two appeal decisions for a similar sized scheme to the first appeal, again sited in Lancashire (APP/P2365/W/15/3002667). The Inspector said, in his report to the SoS:

In coming to a conclusion on the necessity of using agricultural land any assessment must include the identification and assessment of the availability of previously developed land and the potential for using commercial roof-space. This is particularly so given the thrust of the March 2015 Written Ministerial Statement. At this point, I note that both the WMS and the update to PPG on solar farms postdate the 2 appeal decisions highlighted by the appellant as providing the most recent interpretation of policy by the SoS. Accordingly I have relied on the more recent WMS and PPG in coming to my conclusions. A WMS is capable of being a material consideration and the weight to be attached to a material consideration is a matter of judgement for the decision maker.

Whilst the appellant has attempted to undertake a proportionate assessment using the best information available, I consider a fundamental weakness in the SAS is the choice of study area. The assessment is solely restricted to the administrative area of West Lancashire. However, the appeal site is located close to the adjoining administrative areas of Sefton and St. Helens, where the appellant has undertaken specific assessments relating to land quality, adjoin the administrative areas of Wigan, Chorley, South Ribble and Fylde. Thus, given that sequential assessment must include the identification and assessment of previously developed land and the potential for using commercial roof-space and given that climate change is not purely a local issue, I consider that a proportionate assessment of these factors should, at a minimum, include the adjoining administrative areas. In this context, I consider that the SAS has not robustly demonstrated that the use of BMV agricultural land is necessary.

Notwithstanding my favourable conclusions regarding continued agricultural use and biodiversity improvements, this proposal would conflict with the objectives of LP Policy EN2 and Framework policy and PPG guidance in that it has not been shown that the use of BMV agricultural land is necessary.

The situation here is even worse. The applicant has merely undertaken a superficial assessment of agricultural land within a very tightly defined area and made no effort to consider commercial roof-space at all. It should be noted that the first appeal talks about the North West England region as a suitable area for assessment. In this case not all of South Cambridgeshire District is assessed.

Thus, irrespective of any other issues SCDC must refuse this application, in line with recent decisions of the SoS, on the grounds of the lack of an adequate assessment of potential alternative sites that do not need the use of BMV agricultural land.

3) Landscape Character and Public Rights of Way

In the majority of recent appeal decisions for much smaller proposed schemes Inspectors and the SoS have found harm to local landscape character and the visual amenity of users of public footpaths, thus for example:

The Secretary of State agrees with the Inspector's analysis at IR88-92 and for the reasons given in those paragraphs he too concludes that the proposal would result in some harm to the character and appearance of the surrounding landscape and significant harm to the visual amenity of users of the public footpaths through and around the site (3002667)

For the reasons set out in IR200-207 the Secretary of State agrees with the Inspector that the proposal would represent a major incursion of built form into the countryside and have a harmful effect on the local landscape character. Accordingly, he agrees that the proposal would result in significant visual harm when viewed from local vantage points. (3011997)

This proposed scheme is located in a very unspoilt part of the countryside with extensive and well used footpaths surrounding and passing through the solar panel array. The significant harm cause to landscape character and recreational amenity are sufficient, in their own right, to warrant the refusal of planning permission for this application.

In conclusion although the applicant has mitigated the harm caused by directing construction traffic through Childerley Hall, the other conflicts with national, regional and local planning policy remain and mean that this application must still be refused. Boxworth Parish asks SCDC to refuse this application.