
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Dec-2022

Subject: Planning Application 2022/92557 Installation of a 1mW ground mounted solar array and all associated works Fox View, Dry Hill Lane, Denby Dale, Huddersfield, HD8 8YN

APPLICANT

Buckley Dairy

DATE VALID

19-Aug-2022

TARGET DATE

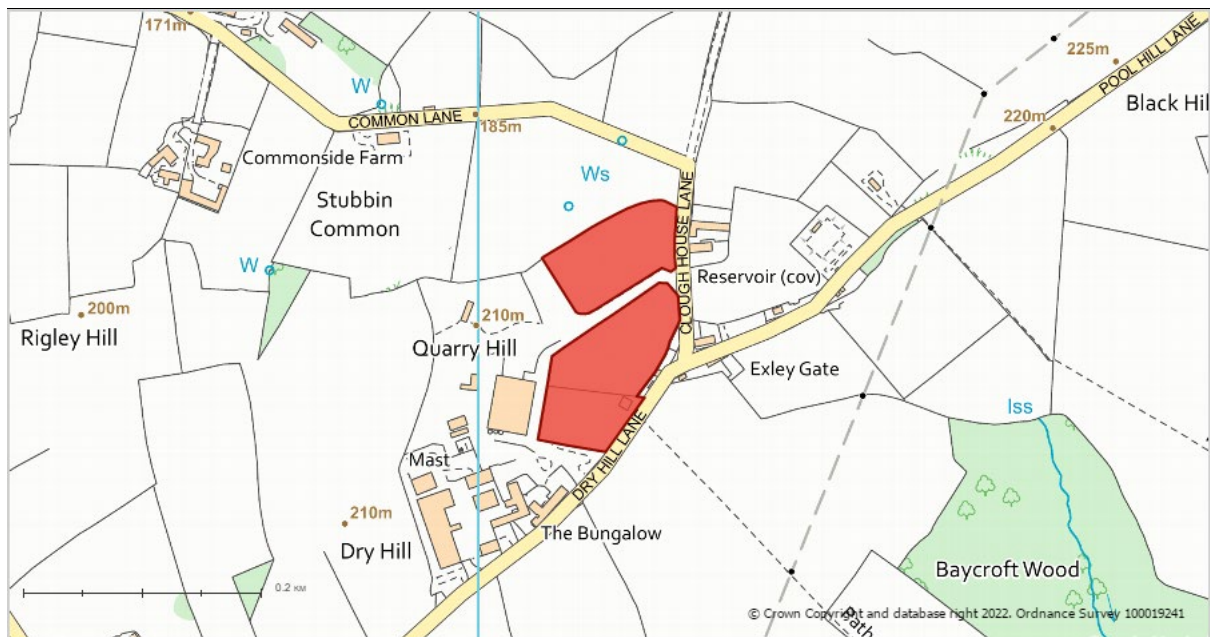
18-Nov-2022

EXTENSION EXPIRY DATE

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: Denby Dale

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: Approve

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including, but not limited to, those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application has been bought before the Strategic Planning Committee given the size of the site exceeds 0.5ha.

2.0 SITE AND SURROUNDING

- 2.1 The application relates to land in association with Buckley Dairy, Fox View, Denby Dale. Buckley Dairy is a large scale dairy and beef farm. The farming operation has been in operation on this site for over 60 years. It is understood that the farm hold dozen of acres of farmland. This site relates to two fields to the east of Buckley Dairy, which include approx. 1.55ha of land. The fields are set to the north and south of a vehicular access from Clough House Lane. The fields are relatively flat with protected trees sited to the south-eastern boundary of the southern field. The rest of the boundaries are fencing, walling and some hedgerows. The fields are currently undeveloped, agricultural land. Notwithstanding this, the agricultural value of the land is grade 4 which states means the land has a low/poor agricultural value.
- 2.2 The site is rural and set within the allocated Green Belt. The site is set approximately one mile to the east of Denby Dale in the south-eastern part of Kirklees. The fields themselves are relatively flat, however the surrounding landscape in undulating. There are no Public Rights of Way through the site.

3.0 PROPOSAL

- 3.1 The application is seeking permission for the erection of solar farm. The proposal would see a 1mW ground mounted solar array installed along with associated works to facilitate the development. The solar array would produce 996,868kWh (rounded to 1mW) of renewable energy per annum which would be used to reduce the business electricity requirement and export surplus to the national grid.

- 3.2 The solar panels would be fixed on metal frames attached to the ground by concrete pads. The frames would be orientated to face south in rows approximately 5 meters apart with a tilt related to the latitude of the site and therefore its angle according to the sun. The panels would be 1m above ground level and the finished height of the PV modules would be about 3 meters above ground level.
- 3.3 Inverters would be mounted directly on the framework and positioned at the end of each run of panels. External transformer positioned on a concrete base housed in a small wooden fenced enclosure. Adjacent to this will be an enclosure to house the switchgear and ancillary items. Dimensions are shown on the accompanying plans. Underground cable installed parallel to the existing access track would connect to the existing export connection. The site would utilise the existing vehicular access points. The proposed solar farm does not have a proposed cease date and permanent permission is applied for.

4.0 RELEVANT PLANNING HISTORY

- 4.1 2019/91516 - Certificate of lawfulness for the proposed installation of a 998kw ground source heat pump.
Granted
- 2001/92858 – Erection of dairy
Granted

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Officers have raised no objections to the scheme. Additional information has been sought to reduce the amount of conditions, however the information has not been forthcoming, as such, an extensive list of conditions is proposed.

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).
- 6.2 The site is set within the Green Belt as allocated in the Kirklees Local Plan (2019). The site has no other allocations.

Kirklees Local Plan (2019):

- 6.3 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
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

6.4 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)

National Planning Guidance

6.5 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.

6.6 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

7.1 The application was advertised by a site notice, in the press and via neighbour notification letters. The date for publicity opened on 6th September following the posting of neighbour notification letter and the press advertisement. 1 comment only was received during these notification procedures. Due to procedural issues with the site notice, the publicity period reopened on 24th November and will close on 15th November. No representations have been received during the re-opening of the publicity period.

7.2 The comment received was general comment, which raised some minor concerns but was not an objection to the scheme in principle. The comment has been summarised as follows:

- Concerns regarding the publicity of the application.
- The proposal seeks to remove and replant a hedgerow outside of the applicant's ownership.
- Concerns about the lack of information with regard to the transformer equipment which could cause noise impacts depending whether it is located.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses received:-

8.1 Statutory:

The Coal Authority – No objections.

Yorkshire Water – No objections.

Highways DM- No Objections

8.2 Non statutory:

KC Trees – No objections in principle, however there are concerns given the lack of information submitted. KC Trees sought additional details be secured to ensure a buffer is to be incorporated in the layout of solar panel units to ensure that overhang and shade will not result in a significant pressure to prune or fell the protected trees or loss of energy production which the scheme proposes. This was achieved. Also, KC Trees seek the securing of details of tree protection measures.

KC Crime Prevention (West Yorkshire Police) – No objections.

KC Environmental Health – No objections.

KC Landscape – No objections in principle, conditions required to ensure hard and soft landscaping is appropriate visually and with regard to ecology.

8.3 No comments were received from: The Environment Agency, Natural England, KC Public Right of Way, KC Lead Local Flood Authority and KC Ecology.

9.0 MAIN ISSUES

9.1 The appraisal of the application will review the following topics: -

- Principle of Development in the Green Belt
- Environmental sustainability and climate change
- Siting of the Development
- Residential Amenity
- Highway Safety
- Drainage
- Site Contamination
- Trees
- Ecology
- 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 many buildings located to the west of the site on the harm holding, the fields themselves are currently devoid of any buildings or structures 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 1.55ha hectares, a small amount of the wider site. A substation would be sited to the very south east corner of the site, close to adjacent buildings. The proposed ancillary works are very limited as the site already benefits from screening through protected trees and have good vehicular access. As such as the ancillary 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 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.
- 10.7 While the potential exists, consideration must be given to the landscape and mitigatory factors which may reduce the harm to openness. The land is mostly flat which is mostly flat which limits the capacity for the panels to be seen both from close and afar. The finished height of the PV Panel would be 3m, as such, suitable screen along the boundaries could prevent them from being prominent. There are already protected trees and a very tall leylandii hedge which bound the bottom field and demonstrate how landscaping and planting could reduce the harm caused. As such, a landscaping scheme would be conditioned to ensure that the harm from the proposed development is greatly reduced with regard to visual amenity and the character of the Green Belt. Officers deem that subject to appropriate landscaping and planting, the solar development could be appropriately integrated into the surrounding landscape. The effectiveness of the mitigation would further 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.

- 10.8 Officers note the application states that inverters would be mounted directly on the framework and positioned at the end of each run of panels. The details of these have not been submitted, however as they are attached to the array themselves, alone, they would have very little impact given the landscaping condition set out above.
- 10.9 The applicant also states that external transformer would be positioned on a concrete base housed in a small wooden fenced enclosure. Adjacent to this will be an enclosure to house the switchgear and ancillary items. Details of neither have been shown, however, if these were to be sited close to the substantial farm buildings to the west of the site, there would be very little impact to the Green Belt. As such, details of their siting and appearance can be addressed via a conditions. No lighting or CCTV is proposed which again lessens the impact on the Green Belt.
- 10.10 It is acknowledged that when close to the site, mitigation through appropriate native planting could be sufficient at both long and close ranges due to the flat nature of the site. There are no Public Rights of Way (PROW) however one PROW abuts the site where the protected trees are set, which limits the impact on passers-by on foot. There are also dwellings and large scale farm buildings near the site will have their perception of openness reduced. Officers therefore consider that subject to appropriate landscaping through native planting, any views of the development will become 'part of the landscape', as opposed to the development being an oppressive or unduly prominent feature. Also, to prevent any unnecessary harm, officers would impose a condition for a decommissioning strategy if the use was to cease. That strategy would detail how the site would be remediated and returned to its current form.
- 10.11 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 weeks and the arrays would be arranged off site and dropped in to place on site. This level of activity associated with the construction is not anticipated to have an unreasonable impact upon openness, in the context of the proposal.
- 10.12 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.
- 10.13 **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.
- 10.14 **to prevent neighbouring towns merging into one another:** While near to Denby Dale to the west, there is a notable distance between the site and other settlements.
- 10.15 **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.

- 10.16 **to preserve the setting and special character of historic towns:** There is no 'historic towns' within the immediate setting.
- 10.17 **to assist in urban regeneration, by encouraging the recycling of derelict and other urban land:** A solar farm development of this scale is highly unlikely to be feasible within derelict and other urban land.
- 10.18 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.
- 10.19 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.
- 10.20 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.
- 10.21 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.

Environmental sustainability and climate change

- 10.22 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'
- 10.23 To contextualise the proposed development, 1mW of energy equates to powering approximately 300 family homes. The solar array would produce enough renewable energy to counter 232,219kg of CO₂ emissions per annum.
- 10.24 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'*.

- 10.25 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*

- 10.26 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.
- 10.27 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 '*vision 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.
- 10.28 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.

- 10.29 To conclude this section on environmental sustainability and climate change, in view of the above, it is considered that this proposal, would make a substantial contribution towards meeting local, national and international objectives and policies, and this must be given great weight in the Planning balance. Notwithstanding this, officers have attached conditions to require other means of securing the panels to the ground, to further mitigate harm to the Green Belt.
- 10.30 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.' The question of what the impacts are and whether they are (or can be made) acceptable – for instance as regards potential impact impacts on the openness of the Green Belt – are considered throughout this report.

Siting of the proposed development

- 10.31 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.
- 10.32 In this case, the land proposed, whilst agricultural is deemed as Grade 4. This means the land offers a poor agricultural value. Furthermore, the site is not set within the allocated Wildlife Habitat Network. Finally, the applicant, which has been bought forward by the farmer as opposite to it being development led by a solar company, has already made steps into the renewal energy industry by having a large scale ground source heat pump set within the application site, and a substantial amount of solar panels on the roof of the largest agricultural building. As such, within this holding, the applicant has, without a doubt, proposed the development in the most suitable location, available to them. Furthermore, due to the previous investment in to renewables at the site, there is existing infrastructure in place which means the site would utilise an existing import/export grid connection again making the proposed site beneficial as it needs less ancillary development.

Glint and Glare

- 10.33 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.

- 10.34 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.
- 10.35 The proposed panels are to be fixed in place and will not rotate to follow the sun. The panels will face south. There are 12 dwellings set due south of the proposed development within 100m of the site. There are several others within 600m. There are also several roads within the area.
- 10.36 The application is not supported by a Glint and Glare Assessment, which we would expect to be received. However, given the relatively small scale in comparison to other solar farm, the flat topography and subject to the planting secured by conditions, it is unlikely glint and glare would material harm the amenity of these receptors. However, it must still be considered, so a Glint and Glare assessment shall be conditioned.

Residential Amenity

- 10.37 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.
- 10.38 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.
- 10.39 Potential noise sources for the development are the transformer / inverter units and the substation as they will create a low noise. The applicant has not submitted a Noise Impact Assessment. This is deemed required given there are nearby sensitive receptors (residential properties). The submission of a Noise Impact Assessment shall be conditioned which demonstrates that the level of noise will not exceed the British Standard thresholds for either internal or external amenity. It is anticipated that subject to the transformers being appropriately sited furthest away from noise sensitive receptors, there would be no material harm through noise, however this will be evidenced by the Noise Impact Assessment to be secured by condition.
- 10.40 No lighting on the site is proposed. Given this, light pollution is not anticipated to be a cause for concern.

10.41 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

10.42 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.

10.43 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.

10.44 The applicant has submitted limited highway information. However, the site is already served by vehicular access from the farmyard and private driveways within Buckley Dairy itself, rather than from the public highway. As such, vehicular access on to the surrounding, public highway network is through existing junctions which serve the intense dairy use. It is not considered that the use of these junctions, to access the farmstead would become dangerous through this use. For context, the erection of the development would only require 10 two-way lorry movements will be generated delivering materials. During the operational phase it is anticipated that one two-way car or light van movements will be generated every month for inspection and general maintenance. Therefore, minimal vehicle movements will be generated during the construction phase and negligible traffic generated during the operational phase.

10.45 After commissioning, there will be around three visits to the site per year for maintenance and these would be made by van or 4x4 type vehicles. In addition there will be a need for 4-6 visits per year for ground maintenance, which again is minimal.

10.46 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).

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

- 10.48 Considering that access to the fields is through the existing farm, and not directly from the highway network, the scheme is not considered to have any material concerns with regard to highway safety.
- 10.49 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.

Drainage

- 10.50 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 to be in place.
- 10.51 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 surface below. It is not anticipated that the solar panel will increase flood risk as natural flow patterns will be maintained and no re-profiling of the existing topography is planned.
- 10.52 The structures within the fields, hosting the transformers and maintenance, would be small scale and spread out from one another and would not materially affect natural drainage either.
- 10.53 Accordingly, there are no surface water drainage concerns and a dedicated drainage strategy for the solar farm is not considered necessary.
- 10.54 The Lead Local Flood Authority and the Environment Agency did not make comment whilst Yorkshire Water had no objections.
- 10.55 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 KLP and Chapter 14 of the NPPF.

Contamination and Coal Legacy

- 10.56 The site has been identified as potentially contaminated, due to its proximity to historic landfill. However as the site has limited groundworks, KC Environmental Health recommend a condition for the reporting of unexpected contaminated land only. As the application has not been submitted with any contaminated land reports, the finding of any contamination whatsoever would lead to the development ceasing temporarily whilst a remediation strategy is agreed with the LPA. Subject to this condition, the scheme accords with Local Plan Policy LP53 and Chapter 15 of the NPPF with regard to contaminated land.

Trees

- 10.57 Policy LP33 establishes a principle against the loss of trees of significant amenity value. The proposed site does contain a large number of trees in groups along field boundaries. The application does not include any tree information or assessment of the impacts on trees on and adjacent to the site.
- 10.58 The groups of trees around the site, in particular the south eastern boundary provide significant public amenity value, being visible from the adjacent road and from across the fields and valley to the south as they are positioned on the skyline. A new TPO, ref 16/22, has been served to protect these trees and the public amenity they provide. The planning statement supporting acknowledges the screening benefit of the trees showing that they seek for them for retention.
- 10.59 It is noted that no plans have been submitted to demonstrate how the trees would be protected during construction, as such, a protection plan for the construction period will be conditioned. The panels are however shown with a buffer from the eastern boundary of the site, which does omit any pressure to prune or remove these trees in the future.
- 10.60 The agent has submitted amended plans to create a buffer in the layout of solar panel units with the protected trees, as to ensure that overhang and shade will not result in a significant pressure to prune or fell the protected trees or loss of energy production which the scheme proposes. The retention of trees within any scheme is important and the proposed use for renewable energy would not outweigh the benefits provided by retaining the trees. Officers expect an amended plan to be submitted to show a suitable buffer between the panels and the protected trees. Subject to said details being secured by condition, the scheme accords with Local Plan Policy 33 with regard to trees.

Ecology

- 10.61 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.
- 10.62 The field is currently open, and aside from the obvious ecological benefits of an open field, it does not have any specific ecological habitat within it. The site will still be farmed as wildflower/pollinator/bird food mixes will be sown and sheep will graze the area at appropriate times of the year.
- 10.63 However, the applicant has not submitted any ecological information as part of the application. As such a condition is required for the submission biodiversity information, notable an ecological design strategy to ensure a 10% biodiversity net gain, which is holly achievable, particularly with the planting which is to be secured by condition. Subject to the condition it is considered that this scheme would provide an 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.

Representations

- 10.64 The comment received was general comment, which raised some minor concerns but was not an objection to the scheme in principle. The comment has been summarised as follows along with a response from the officer:
- Concerns regarding the publicity of the application.
Response: *As per records on the council's information/ recording system, all dwellings which directly share a boundary the site red line boundary were notified by letters. A press advertisement and site notice were also posted.*
 - The proposal seeks to remove and replant a hedgerow outside of the applicant's ownership.
Responses: *Noted however land ownership /part wall matters are not a material planning consideration. Granting of planning permission would not override any other legal rights to protecting the hedge.*
 - Concerns about the lack of information with regard to the transformer equipment which could cause noise impacts depending whether it is located.
Response: *Noted and addressed above.*

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.

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

- Firstly, the proposed solar farm would generate 1mW of renewable electricity. 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.
- The scheme would go hand in hand with existing renewable energy sources on the site, namely existing solar panels and a large ground source heat pump. The proposed array would utilise existing infrastructure thus meaning less ancillary development is required.
- The development is set on Grade 4 agricultural land meaning it is of a low agricultural standard and is also the wettest part of the holding. As such, the development would utilise this poor standard of land to meet a contribute to meeting the renewable energy need within the region.

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

1. In accordance with the approved plans.
2. Development with 3 years.
3. Submission of details regarding the transformer details / locations
4. Submission of a landscaping / planting scheme
5. Submission of noise impact assessment
6. Submission of a 'Glint and Glare' assessment
7. Reporting of unexpected contaminated land
8. No development within an appropriate buffer of the protected trees, as agreed with KC Trees
9. Submission of a biodiversity plan for a 10% biodiversity net gain
10. Notwithstanding approved plans, applicant to agree on method to fix panels to the ground with the LPA.
11. Submitted of an arboricultural method statement / tree protection plan
12. Submission of a landscape and ecological design (LEDS). The scheme shall provide the means of providing biodiversity enhancement, given the location, managed and maintained in perpetuity.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Notice served on/ or Certificate A signed: