

## Report of the Head of Planning, Sport and Green Spaces

**Address** LAND SOUTH HOLLOWAY LANE/NORTH HARMONDSWORTH LANE  
HOLLOWAY LANE HARMONDSWORTH

**Development:** Proposed development of a Solar Energy Farm for the local generation of low carbon electricity to the Local Distribution Network, including the installation of solar photovoltaic panels and associated infrastructure.

**LBH Ref Nos:** 1354/APP/2015/4607

**Drawing Nos:** 1267-0201-25  
1267-0204-00  
1267-0205-03  
1267-0206-09  
1267-0207-16  
1267-0207-20  
1267-0207-40  
1267-0200-15  
1267-0208-52  
1267-0208-72  
A091892 LM01 v2

Flood Risk Assessment  
Ecological Appraisal  
Archaeological and Heritage Assessment  
Air Quality Screening Report  
Site Selection and Justification Report  
Planning Statement  
Landscape and Visual Impact Assessment  
Great Crested Newt Survey  
Glint and Glare Impact Assessment

**Date Plans Received:** 16/12/2015

**Date(s) of Amendment(s):**

**Date Application Valid:** 16/12/2015

### 1. SUMMARY

Planning permission is sought for a solar farm, with associated access tracks, inverters, maintenance building, fencing and infrared cameras on Green Belt land to the south of Holloway Lane.

Three letters of objection from local residents and one petition bearing 95 signatures have been received objecting to the proposal mainly on the loss of high quality agricultural land and lack of benefit to the local community.

The proposal does not conform to the types of development allowed by national, London Plan and Local Plan policies and as such, the proposal constitutes inappropriate development in the Green Belt, requiring very special circumstances to justify the proposal.

The applicant has submitted that the wider benefits associated with the increased production of energy from renewable sources is a very special circumstances argument and the proposal will help establish the borough as a centre of renewable energy activity. There is also access to the local distribution network from the site, whilst the impact of the proposed development would be temporary, with full removal of the development in future. In addition the applicant considers that the site is Grade 2 agricultural land, the agricultural use of the land will be maintained by sheep grazing, facilitating a sustainable form of agricultural diversification.

However, in terms of the impact of the development on the Green Belt, an extensive area of land would be covered by straight rows of above ground coloured panels and their supporting framework, which would represent a major change, forming an extensive and incongruous feature, which would detract significantly from the rural character of the landscape. The design and siting of the proposed solar arrays and the associated structures would give the area a suburban / industrial appearance and would intrude into the undeveloped landform, resulting in harm to the openness and purposes of the Green Belt at this location.

No very special circumstances have been provided by the applicant or are evident, which overcome the presumption against inappropriate development in the Green Belt or demonstrate that the benefits that the proposed solar farm will outweigh the harm caused to the Green Belt. It is therefore recommended that planning permission be refused for this reason.

With regard to the site's agricultural land classification, the land was restored to best and most versatile agricultural land ("BMVAL"), following gravel extraction and land fill. The site is designated as grade 1 agricultural land according to Council records and Grade 2 according to the applicant's own assessment and is currently in use for arable farming. The applicants have failed to justify the use of best and most versatile agricultural land for the proposed solar farm. It is therefore also recommended that planning permission be refused for this reason.

## **2. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Non Standard reason for refusal**

The proposal represents inappropriate development within the Green Belt and no very special circumstances have been provided or are evident which either singularly or cumulatively overcome the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to the aims of Local Plan Part 1 Policy EM2, Policy OL1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2015) and the NPPF.

#### **2 NON2 Non Standard reason for refusal**

The proposed development, by reason of the siting, overall size, bulk and height of the proposed structures and buildings, the associated infrastructure and the increased intensity of use would prejudice the openness of the Green Belt, resulting in an unacceptable degree of urbanisation. The proposal is therefore contrary to Local Plan Part 1 Policy EM2, Policies, OL1 and OL5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2015) and the NPPF.

#### **3 NON2 Non Standard reason for refusal**

The applicants have failed to justify the use of best and most versatile agricultural land, for

purposes other than agriculture, contrary to Local Plan Part 1 Policy EM2, Policy OL12 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), London Plan Policy 7.22 and the provisions of the NPPF.

## **INFORMATIVES**

### **1 I52 Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

### **2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
BE1	Development within archaeological priority areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE4	New development within or on the fringes of conservation areas
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves Replaced by PT1.EM7 (2012)
EC3	Potential effects of development on sites of nature conservation importance
MIN10	Restoration and after-use of sand and gravel workings in the Colne Valley
MIN11	After-use of mineral sites - landscaping and screening
MIN6	Consideration of impact on farming of proposals for mineral extraction/disposal of waste
MIN7	Restoration of good agricultural land following mineral extraction
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development
LPP 5.1	(2015) Climate Change Mitigation
LPP 5.12	(2015) Flood risk management
LPP 5.7	(2015) Renewable energy
LPP 7.17	(2015) Metropolitan Open Land
LPP 7.22	(2015) Land for Food
LPP 7.19	(2015) Biodiversity and access to nature

### **3**

The Local Planning authority has taken into consideration the requirements of paragraph 186 and 187 of the National Planning Policy Framework and has worked pro-actively with the applicant through extensive negotiations to address material planning issues wherever

possible. Notwithstanding these discussions, the scheme was ultimately considered to fail to comply with the development plan for the reason identified above.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site forms part of a larger land holding owned by SITA, a recycling and resource management company, associated with the waste management operations located off Holloway Lane. The site is approximately 7.82 ha in extent, 4.11 ha of which will be utilised for the proposed solar farm. The site, which is square in shape, is situated to the south of Holloway Lane and north of Harmondsworth Lane and is currently used for arable cultivation.

The field is generally level with a slight fall from 30 metres AOD in the north to 26 metres AOD in the south. Field boundaries are defined by established tall hedges with occasional trees. The hedge quality and density is variable, with the northern boundary denser than that on the Harmondsworth Lane boundary. The Ansell Garden Centre lies immediately to the north of the site, which is accessed from Holloway Lane. The M4 lies to the north.

There is an area of scrub along the east boundary with the adjacent land, which was formerly a gravel pit, part of which is currently used as a re-cycling centre. The southern boundary is defined by a tall, outgrown field hedgerow, which in part, screens the site from Harmondsworth Lane. The land to the west is also arable land at the north end, while at the southern end is a line of residential properties extending westwards towards the centre of Harmondsworth Village.

#### **3.2 Proposed Scheme**

Planning permission is sought for a proposed solar farm comprising photovoltaic (PV) panels, with associated access tracks, inverters, maintenance building, fencing and infrared cameras. The PV panels will be installed on a grid basis positioned on racks at a minimum height of 0.8m above the ground, rising to a maximum height of approximately 2.4m. The PV panels will be orientated to the south in order to capture maximum solar energy. The proposal includes two inverter cabins which will house the main site transformer and its connectivity hub and will be located within the solar arrays.

The proposed solar farm also includes a single switchgear building (measuring approximately 2.8 in length, 2.5m in width and 2.38m in height) and a single private switchgear unit (measuring approximately 2.7m in length, 2.4m in width and 2.3m in height), which are located close to the south-eastern corner of the site.

The present proposals are very similar to the recently withdrawn scheme (for further details see planning history- Section 3.3 of this report).

The proposed solar farm is designed to maintain setbacks from the site boundaries, notably the western boundary. The proposed site layout also comprises supplementary landscape planting, in order to further mitigate potential views of the solar arrays. All landscaping will involve native species in order to contribute to nature conservation and biodiversity.

No external artificial lighting is proposed. However, a 2 metre high security fence and

thermal imaging cameras will be installed within the site.

The construction traffic required for the proposed solar farm will access and egress the site via the existing SITA site entrance along Holloway Lane, which connects to the northeastern corner of the site. The permanent access for the substation would be from Harmondsworth Lane and this would involve three to four visits by small vehicles during the course of a year.

The proposed solar farm will have the ability to provide the equivalent power to supply the needs of approximately 1,300 homes within the area. The applicants submit that the proposals will not only contribute towards the renewable energy objectives of the Council, but also national policy objectives aimed at reducing carbon dioxide emissions and increasing security and reliability of energy supply.

The application is supported by a number of reports and documents that assess the impact of the proposal. A schedule of these reports are provided below:

- Archaeological and Heritage Assessment;
- Ecological Appraisal;
- Great Crested Newt Surveys;
- Agricultural Land Classification Report;
- Site Selection and Justification Report;
- Flood Risk Assessment;
- Landscape and Visual Impact Assessment;
- Glint and Glare Assessment and Addendum; and
- Air Quality Screening Assessment.

The Council has confirmed that an Environmental Impact Assessment (EIA) is not necessary in this case.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

The application site is currently in agricultural use, but was previously subject to mineral extraction and infilling with waste materials.

Planning permission was granted on 3 September 1979 by the Department of Environment following a High Court appeal for the extraction of sand and gravel and refilling with waste materials on the Holloway Lane site (Planning Ref:1354/A/73/316). Mineral workings commenced shortly after and continued until the early 1990's. The minerals processing plant with associated silt ponds were located within the centre of the site.

Planning permission was subsequently granted for additional related development within this area. By the mid 1990's, mineral extraction, landfilling and restoration had been completed at the site except for the plant area and access road.

Planning permission was granted on 13 October 2001 for the extraction of sand and gravel beneath the plant area and access road on the Holloway Lane site and completion of the restoration by infilling with inert waste (Planning Ref: 1354/APP/2001/1583).

A planning application was submitted in June 2010 for a temporary wood recycling operation on the Holloway Lane site. Planning permission was refused on 17 October 2011 for three reasons, namely; inappropriate development in the Green Belt, impact on the environment and traffic impacts (Planning Ref: 43155/APP/2010/1417).

On 30 May 2014, a planning application was submitted for a solar farm on a 12.82 ha site to the north of Holloway Lane. The Applicant was Costain Engineering & Construction Ltd. Planning The application was refused on 21 November 2014 based on two reasons relating to the impact of the proposal on the Green Belt (Planning Ref: 46223/APP/2014/1867).

On 22 July 2015 an application ref: 1354/APP/2015/2752 was submitted for a Solar Energy Farm for the local generation of low carbon electricity to the Local Distribution Network, including the installation of solar photovoltaic panels and associated infrastructure. The application was withdrawn from the Committee agenda on 18 December 2015 by the applicants, but had been recommended for refusal.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

###### Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM7 (2012) Biodiversity and Geological Conservation

###### Part 2 Policies:

- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- AM7 Consideration of traffic generated by proposed developments.
- BE1 Development within archaeological priority areas
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE4 New development within or on the fringes of conservation areas
- EC1 Protection of sites of special scientific interest, nature conservation importance and nature reserves Replaced by PT1.EM7 (2012)
- EC3 Potential effects of development on sites of nature conservation importance
- MIN10 Restoration and after-use of sand and gravel workings in the Colne Valley
- MIN11 After-use of mineral sites - landscaping and screening
- MIN6 Consideration of impact on farming of proposals for mineral extraction/disposal of waste
- MIN7 Restoration of good agricultural land following mineral extraction
- OE1 Protection of the character and amenities of surrounding properties and the local area

- OL1 Green Belt - acceptable open land uses and restrictions on new development
- LPP 5.1 (2015) Climate Change Mitigation
- LPP 5.12 (2015) Flood risk management
- LPP 5.7 (2015) Renewable energy
- LPP 7.17 (2015) Metropolitan Open Land
- LPP 7.22 (2015) Land for Food
- LPP 7.19 (2015) Biodiversity and access to nature

## **5. Advertisement and Site Notice**

- 5.1** Advertisement Expiry Date:- **2nd February 2016**
- 5.2** Site Notice Expiry Date:- Not applicable

3rd February 2016

## 6. Consultations

### External Consultees

35 adjoining owner/occupiers have been consulted. The application has been advertised as a departure from the development plan. Three letters of objection from local residents have been received, objecting to the proposals on the following grounds:

1. Loss of agricultural land.
2. Object to the principle of the development on Green Belt land.
3. Impact on the semi rural environment enjoyed by Heathrow Villages.

In addition, one petition bearing 95 valid signatures from local residents has been received objecting to the proposal for the following reasons:

1. The agreement for SITA to use the land for landfill was that the land be returned to agricultural land at the end of the landfill project.
2. The land has since been farmed by the original farmers as agreed with SITA.
3. Only land that falls within the category of Grade 3 land according to SITA would be used as a brown field site. This land has reached the quality of Grade 2 land and therefore falls into the original agreement to return it to its original state, which local farmers have achieved over the last 7 years.
4. British Solar renewables would not be providing jobs for local people
5. At the end of the use by BSR the land would most likely be built on again, destroying part of the legacy of Heathrow Villages.

### HISTORIC ENGLAND (GLAAS)

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

Although the site is of a large scale it is clear from the updated document that almost two thirds of the site has undergone extensive quarrying activity leaving only the southern portion of the site with any archaeological potential. Further to this, the submitted report demonstrates that the proposed development would result in very localised, negligible impact which would result in a significant amount of post development archaeological survival.

No further assessment or conditions are therefore necessary.

Please note that this response relates solely to archaeological considerations. If necessary my Historic Buildings and Areas colleagues should be consulted separately regarding statutory matters.

### Transport for London (TfL)

The application site is situated on the eastern side of Harmondsworth in the London Borough of Hillingdon. More specifically, the site is located to the south of Holloway Lane and to the north of Harmondsworth Lane. The nearest part of the Transport for London Road Network (TLRN), Bath Road, is located approximately 940m to the south of the site.

The site is distant from public transport networks. The nearest London Underground station is Heathrow Terminal 1/2/3, located approximately 2.8km south of the site. The station is served by the Piccadilly Line. West Drayton station is located approximately 1.95km north of the site. The station is



served by Great Western Railway services. There are 2 buses located 561m south of the site on Harmondsworth Road: Route 350 connects the site to West Drayton and Hayes and Harlington station at a frequency of 5 buses per hour. The other Route, the U3, links the site to West Drayton station at a frequency of 5 buses per hour.

The site therefore has a very low Public Transport Access Level rating of 1b, out of a range of 1-6 where 1 is the least accessible and 6 is the most accessible. Considering the site's distance from the TLRN and the nature of the proposals, it is accepted that the impact on the surrounding transport network and infrastructure will be minimal. TfL therefore has no objections to this application.

#### GREATER LONDON AUTHORITY (GLA)

After considering the report, the Mayor was unconvinced that the environmental benefits associated with the production of renewable energy outweighed the importance of the Green Belt. If your Council subsequently resolves to grant permission on the application it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application.

You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

If your Council resolves to refuse permission, it need not consult the Mayor again (pursuant to article 5(2) of the Order) and your Council may therefore proceed to determine the application without further reference to the GLA.

#### GLA Stage 1 Report (Summary)

London Plan policies on Green Belt, and climate change are relevant to this application. The application complies with some of these policies but not with others and on balance does not comply with the London Plan; the reasons and potential remedies to issues of non compliance are set out below:

- Principle of development: The proposal represents inappropriate development on Green Belt land and is contrary to London Plan policy 7.16. The production of energy from renewable sources could constitute a 'very special circumstances' argument and supports London Plan policies 5.5 and 5.7. However, further information should be provided by the applicant to demonstrate that the environmental benefits that the proposal will bring outweigh the resultant harm to the Green Belt.

#### NATS SAFEGUARDING

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal, however, this development is very close to the threshold of acceptability, please ensure that NATS are kept abreast of even minor modifications to the proposed developer; in particular any changes in relation to the CCTV cameras masts or solar panels"

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of

the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

#### HEATHROW AIRPORT LTD

We have now assessed the application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, we would like to make the following observation:

##### Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policysafeguarding.htm>)

Also, Aside from the consideration above, we have also assessed the impact of the proposed development on the operation of the potential third runway at Heathrow (based upon the current proposal recommended by the Davies Commission). The development as presented does not pose a risk to aerodrome safety in relation to the current proposals. This assessment may need to be reviewed should a third runway be approved, particularly if the scheme changes.

#### HARMONSWORTH AND SIPSON RESIDENTS ASSOCIATION (HASRA)

As with the previous application HASRA has continued to receive comments regarding the development of this piece of land and all have been against the proposal. The primary reason against the Solar Farm development is the negative impact it will have to the Farm which currently works the land. By preventing the local farmer from tilling this field for arable crops it is seriously affecting the local environment as well as causing detriment to the livelihood of those local people employed on the land and in associated works. It would be travesty to allow British Solar Renewables to use this fertile land for the installation of solar panels when other entrepreneurial farmers have utilised water reservoirs to float their panels to avoid wasting the potential of their valuable agricultural land. Based on the information received from the developer, the Solar Farm will not provide any employment or significant benefit to the local community so should not be granted planning permission.

#### HERTS AND MIDDLESEX WILDLIFE TRUST

The landscape masterplan indicates that species rich grassland suitable for livestock grazing will be sown and managed to enhance biodiversity. The planning statement rightly states that national and local policy seeks to enhance biodiversity through the planning process. The ecological report also recommends the establishment of a species rich wildflower grassland. If the enhancements indicated in the planning statement are to be achieved, more detail should be given in terms of the species mix, establishment and management regime for the species rich grassland. The most suitable mix is one that approximates National Vegetation Classification MG5 (neutral lowland meadow). This neutral wildflower grassland mix is available from suppliers such as Emorsgate Wildflower seed (EM4 mix). Establishment and management regimes should also be stated in order

that the desired result will be achieved and that the regimes can be enforced. These should be designed to maximise ecological gain e.g. establishment should be in accordance with manufacturers directions and if grazing is to be the chosen management, it is essential that a mid summer flowering period is built in to ensure flowering and seed production. These measures can be secured by an appropriately worded condition such as those described in BS 42020 Biodiversity code of practice for planning and development,

e.g.: No development shall take place (including ground works, site clearance) until a method statement for the establishment and management of a wildflower grassland mix approximating NVC MG5 e.g. Emorsgate EM4 or similar, and hedgerow planting plan has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the: a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance; The works shall be carried out strictly in accordance with the approved details, e.g. the first planting season after the approval of the method statement and shall be retained in that manner thereafter. Reason: To enhance biodiversity, to incorporate biodiversity enhancement into development and to promote the recreation of priority habitats in accordance with NPPF.

#### HARMONSWORTH CONSERVATION ADVISORY PANEL

We had already submitted comments on the previous scheme for this land (1354/APP/2015/2752) before the application was withdrawn. The present proposals are very similar, but appear to have increased the area covered by solar panels. We can therefore do no more than reiterate the objection that we submitted in response to the previous application. We were prepared to accept a similar scheme on a nearby plot of land (46223/APP/2014/1867) as it had been left in an unusable state following gravel extraction, and remediation was part of the proposals; however permission was refused on the basis that it was an inappropriate use for Green Belt land. In the present case the Green Belt land has been returned to arable use following gravel extraction. We would therefore not wish to see permission granted as it would prejudice the continuing arable agriculture and the employment it generates in the area; we trust a consistent approach to solar farms will be adopted by the Council and this application will also be refused.

In an apparent attempt to counter the Council's stated position that development of this type is an inappropriate use for Green Belt land, the applicants make a number of questionable statements to support their case that this is a special case. For example, they emphasise that the land would effectively have an 'agricultural' use while it was used as a solar farm - but they do not differentiate between grazing a few sheep on what little grass would grow under the solar panels (which can hardly be economically viable) and the full arable cultivation to which this area of high quality land is suited, and which is its current use. They also state that no other land 'in the area' (which is not clearly defined) is capable of use as a solar farm, so this area must be used in this way. We cannot see the reason for this imperative, other than the applicants' wishes, and fear that were permission granted, the whole of the Green Belt surrounding the Harmondsworth Conservation Area could potentially be at risk of similar change of use which would have a major negative impact on the setting of the Conservation Area and on the views from it.

#### **Internal Consultees**

##### FLOOD AND DRAINAGE OFFICER

The Flood Risk Assessment provided suggests that a swale will be utilised to provide storage. However there is no acknowledgement of the appropriateness of this suggestion where the site is previously landfill and therefore whether this suggestion is feasible.

It would also be worth noting to the applicant that there are no surface water sewers in the vicinity so all drainage will have to be controlled on site.

A plan should be provided of the drainage design and the landscaping masterplan LM01 should also include the swale on the design so that it can be seen in the context of the site.

#### TREE AND LANDSCAPE OFFICER

The proposal involves the installation of approximately 13,800 photovoltaic panels and associated inverters and sub-stations, covering an area of 11 acres. The equipment will be situated on open arable land. No trees or other landscape features of merit will be affected by the proposal.

A Landscape & Visual Impact Appraisal, by WYG, dated June 2015 has been re-submitted, based on the recommendations in Guidelines for Landscape & Visual Appraisal, 3rd edition, 2013.

At 6.1.2 the landscape effects after construction are summarised as minor adverse to negligible. At 6.1.3 the visual assessment concludes that there are moderate adverse effects for some residential, road and footpath receptors at view location 3 due to short term immediate views into the site and minor adverse effects for view location 4b and 5b. The effects on other receptors will be negligible.

At 6.1.6 the report notes that the site can be re-instated to its current use following decommissioning with negligible impact. The Landscape Masterplan, WYG dwg. No. LM.01 v2 indicates that the solar farm will be secured by 2.0 metre high deer security fence with three x 6 metre high pole-mounted security cameras on the north-east, south-east and south-west corners. The above information is inconsistent with the fence detail sheet which specifies 2.5 metre high fencing (see dwg No. 1267-0205-03 issue 01).

Detail sheets indicate all of the structures on the site will be approximately 2.4 metres above ground level: the solar panels approximately 2.4 metres high, the inverter sub-stations at 2.34 metres high, pole mounted satellite dishes at < 2.4 metres high, the switch gear housing at 2.38 metres high. The height of the spares container is not given but standard shipping containers are approximately 2.4 metres high. The fencing around the solar farm will be set back from the field boundaries and a new native hedgerow will be planted along the south and west boundaries and in the south-east corner, which should help to plug any existing gaps and eye-level views into the site. The northern and much of the eastern boundaries will be screened by existing hedgerows and woodland. The space between the existing boundaries and the solar farm compound will be planted with species rich grassland suitable for livestock grazing. A small compound in the south-east corner will accommodate a private sub-station, DNO station and spares container.

An Ecological Assessment, by WYG summarises its recommendations in chapter 7.0. Suggested enhancements should be conditioned. A Great Crested Newt Survey, by WYG concludes (chapter 5.0) that mitigation is not required. However, it also notes opportunities to enhance the site, which should be conditioned. A Flood Risk Assessment by Ramboll concludes that if consent is granted a shallow swale will be created around the solar farm in order to intercept surface water runoff. Swales are not indicated on the landscape masterplan and the feasibility of installing swales on restored land is not known. If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

**RECOMMENDATIONS:** While the proposed use constitutes development within the Green Belt, the use is environmentally friendly, reversible and temporary - albeit with a predicted life of up to 25 years. The visual impact assessment and submitted photographs show the views into the site during summer months, when the existing hedgerows create the best screening. While the existing hedgerows will not be so effective during the winter months, the installation of an inner hedge will,

once established, help to reduce the visual permeability into the site even in the winter months. There is no objection to the associated landscape mitigation proposals, which include new hedge planting and other potential benefits which would all be a positive enhancement of the landscape character and biodiversity of the site. The storage and other structures should be finished in a visually recessive colour which is discrete in this rural location. The National Planning Policy Framework advises that the essential characteristics of Green Belts is their openness, thus the loss of openness, however limited, would harm the essential character of the Green Belt. The design and siting of the proposed solar arrays and the associated structures would give the area a suburban / industrial appearance and be perceived as extending urbanisation outside, but close to, the built up area. On balance the application is unacceptable because it fails to address the last two points.

#### URBAN DESIGN AND CONSERVATION OFFICER

Whilst this specific field/ application site is not individually identified, the Harmondsworth Village Conservation Area Appraisal states that, 'Surrounding the village are fields and open land, which provide a setting of open agricultural/ rural land.' This provides a clear characterisation of the wider setting surrounding the Conservation Area. Therefore, taking into account the site's location and proximity to various designated and non-designated heritage assets the proposal would have an impact on the wider setting of the Conservation Area and heritage assets. Holloway Lane and Harmondsworth Lane act as the gateways into the Conservation Area. The Solar Energy Farm would not enhance or contribute to the character of the surrounding area.

Prior to any decision further information would be required. If the proposal is to be recommended for approval various mitigation methods would need to be stated and put into place to ensure there is minimal impact to the character of the surrounding area.

It is important that the proposed plant screening is mature and established throughout the duration of the Solar Energy farm and throughout all seasons, therefore further information is required in regards to the type of planting/ hedgerow to be used in relation to screening the site.

Whilst the planning statement indicates the management of vegetation through grazing (sheep), the positioning of the solar panels may just allow for grazing animals, it is unclear how they would be reared on the field taking into account the associated fencing around the solar panels, therefore some amendments may be required.

If approved the following would need to be appropriately conditioned in order to sustain the character, significance and sense of rurality of the surrounding area.

As stated in the applicant's planning statement, the duration for use as a Solar Energy Farm for 25 years (preferably less) would need to be conditioned to ensure the site is restored back to its original agricultural use and condition.

A ground maintenance management plan including future works in order to restore the site to its original agricultural use, would need to be submitted prior to the commencement of works. This would ensure the site is appropriately maintained and allow for it to revert back to its original use for arable farming.

All materials, colours and external finishes of all elements associated to the proposed Solar Energy Farm would need to be stated prior to final approval, and would therefore need to be conditioned. This would include Solar PV framework, security fencing and ancillary infrastructure, which would need to remain in keeping with the surrounding landscape.

#### ENVIRONMENTAL PROTECTION UNIT (EPU)

No objections on air quality grounds.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The National Planning Policy Framework (NPPF) sets out the national planning policy context for renewable energy. This framework supports a transition to a low carbon future in a changing climate and encourages the use of renewable energy. The NPPF states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. The National Planning Policy Framework requires local planning authorities to have a positive strategy to promote renewable or low carbon sources.

However, the whole of the application site is designated as Green Belt and there are currently no proposals to delete this land from its Green Belt designation. The main policy issue in relation to this development is therefore considered to be the principle of additional development within the Green Belt and its impact on the character and appearance of the Green Belt.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. Nevertheless, the document states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 88. states:

"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' 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".

The National Planning Policy Framework notes at Para 91, 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.

The NPPF paragraph 98 states that when determining planning applications for renewable energy developments, local authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable.

The London Plan strongly supports the protection, promotion and enhancement of London's open spaces and natural environments. Policy 7.16: Green Belt states that in terms of planning decisions:

"The strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special

circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance".

In terms of local policy, Part 1 of the Local Plan continues to give strong protection to Green Belt land. The relevant policy in the Local Plan is EM2 which makes clear that: "The Council will seek to maintain the current extent, "Any proposals for development in the Green Belt and Metropolitan Open Land will be assessed against national and London Plan policies, including the very special circumstances test".

The 2007 Unitary Development Plan Saved Policies (currently serving as Part 2 of the Hillingdon Local Plan) are also relevant. Planning policy on Green Belt land is set out at Policies OL1, OL2 and OL4 in the 2007 Hillingdon Unitary Development Plan "Saved" Policies. These policies give strong emphasis to not normally permitting new building in the Green Belt, reflecting overarching national and London wide policies. Of particular relevance is Saved Policy OL1 of the Hillingdon Local Plan Part 2, which endorses both national and London Plan guidance. Policy OL1 states 'Within the Green Belt, as defined on the Proposals Map, the following predominantly open land uses will be acceptable:

- Agriculture, horticulture, forestry and nature conservation;
- Open air recreational facilities;
- Cemeteries

The Local Planning Authority will not grant planning permission for new buildings or for changes of use of existing land and buildings, other than for purposes essential for and associated with the uses specified at (i), (ii) and (iii) above. The number and scale of buildings permitted will be kept to a minimum in order to protect the visual amenity of the Green Belt'.

The proposal does not conform to the types of development allowed by Saved Policy OL1, the London Plan or the NPPF and as such the proposal will comprise inappropriate development, requiring very special circumstances to justify the proposal.

#### VERY SPECIAL CIRCUMSTANCES

The applicant has sought to demonstrate that the proposed solar farm constitutes very special circumstances in the context of Green Belt Policy that justify development being permitted in this case. The very special circumstances advanced by the applicant are summarised below:

- There is a need for the development of sustainable localised and renewable energy generation and meeting this need is a national priority.
- There is access to the local distribution network from the site which is important for any renewable energy project to be viable without substantial lengths of new connection which may be prohibitive; and;
- The impact of the proposed development would be temporary with full removal of the development in future.

The applicant also advises that the solar farm would provide a number of benefits which are summarised as follows:

- The proposed solar farm will have the capacity to produce approximately 5 megawatts (MW), or sufficient power to supply the needs of 1,300 homes;
- the agricultural use of the land will be maintained and the proposed development will facilitate a sustainable form of agricultural diversification from arable farmland to renewable energy site with pasture through management of the wildflower grassland through sheep grazing;

- there are opportunities to enhance the hedgerows and grassland around the margins of the field by sowing native herbs and grasses. This would improve the biodiversity of the site;
- The proposal will help establish the borough as a centre of renewable energy activity, which in turn has the potential for job creation.

In response to these very special circumstances arguments, it is acknowledged that the NPPF at para. 98 states that that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. The 5 MW of green electricity, which would be exported to the national electricity grid is expected to displace 2,200 tonnes of carbon dioxide (CO<sub>2</sub>) per annum.

However, this is Green Belt land and the proposal needs to be assessed against relevant Green Belt policy. National Planning Policy Framework advises that the essential characteristics of Green Belts is their openness, thus the loss of openness, however limited, would harm the essential character of the Green Belt. As set out elsewhere in this report, it is considered that that the development would cause harm to the openness and purposes of the Green Belt at this location.

The main purpose of Hillingdon's Green Belt is to keep land open and free from development, to maintain the character and identity of individual settlements and to make a clear distinction between rural and urban environments, in support of strategic objective SO3 of the Local Plan. The Local Plan aims to create sustainable communities by concentrating new development in urban areas and local town centres. The Green Belt's role is to help reinforce this strategy by strictly controlling development in the open countryside. As such, the piecemeal loss of individual Green Belt sites such as this is not something the Council can support. The cumulative impact of a series of such changes could permanently affect the environmental status and amenity value of local areas of Green Belt such as this over time.

The point about the Green Belt designation running west to east across the Borough at this location is that whilst it is relatively narrow, it performs a valuable role, separating the main built up area of the Borough from Heathrow. This is pointed out as a key element contributing to Hillingdon's overall character in the Townscape Character Study, as part of the evidence base for Part 2 of the Local Plan. The Council would want to maintain the character and amenity of this important, relatively open area of Green Belt in future and avoid incursion by intrusive commercial activities, which can be more appropriately located elsewhere.

The Mayor notes in the GLA Stage 1 response, that the increased production of energy from renewable resources (in this case, up to 5MW) is welcomed from an energy perspective, helping to deliver the Mayor's strategic Policy 5.5 on decentralised energy generation and Policy 5.7 on increasing renewable energy generation. The production of energy from renewable sources could therefore constitute a 'very special circumstances' argument. However, the Mayor considers that the proposal represents inappropriate development on Green Belt land and is contrary to London Plan policy 7.16. the Mayor also considers, and officers agree, that the applicant has failed to demonstrate that the environmental benefits that the proposal will bring outweigh the resultant harm to the Green Belt.

AGRICULTURAL LAND



It is clear that the land was restored to a high level, i.e. best and most versatile agricultural land ("BMVAL"), following gravel extraction and land fill. The site, which was historically designated Grade 1 agricultural land, was restored to an unusually high specification, which aimed to revert the land 'as close as possible' to its original condition. According to Council records, the site is still designated as Grade 1 agricultural land, although the land remains unclassified on the DEFRA maps.

The applicants commissioned an Agricultural Land Classification Survey, which was undertaken on 22 October 2015. The survey indicates that the Application Site has an Agricultural Land Classification of Grade 2. This is categorised as 'best and most versatile' agricultural land.

Saved Policy UDP policy OL12 of the Local Plan Part 2 seeks to prevent the irreversible loss of Grade 1, 2 and 3A agricultural land, in recognition of the fact that agriculture remains a significant activity in the borough and contributes substantially to its visual character. In addition, London Plan Policy 7.22 - Land for Food, seeks to encourage and support thriving farming and land-based sectors in London, particularly in the Green Belt.

Whilst it is recognised that the impact of the proposed development would be for a limited period of 25 years, with full removal of the development in future, given the considerable length of time, this is not considered to be a temporary permission in the usual sense.

In terms of national policy, following the publication of the online Planning Practice Guidance (PPG) and certain Ministerial Statements, the Government's stance towards locating PV projects on agricultural land is less clear. There is arguably a degree of tension between national and local policies which seek to preserve the agricultural use of such land and policies which encourage the production of renewable energy, including solar PV schemes.

In terms of agricultural land, paragraph 112 of the NPPF states that the economic benefits of BMVAL should be taken into account, with preference being given to areas of poorer quality land. The NPPF defines the best and most versatile agricultural land as being classified as grades 1, 2 and 3a. The planning guidance identifies a number of factors which should be taken into account by Local Planning Authorities when determining applications for large-scale PV solar farms, including encouraging 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 and, where a proposal involves greenfield land, considering whether:

- the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land;
- the proposal allows for continued agricultural use where applicable and/ or encourages biodiversity improvements around arrays.

In relation to the above, a number of appeal decisions have confirmed that neither the NPPF nor the Planning Practice Guidance imposes any requirement to undertake a formal sequential assessment. However, it is noteworthy that on 25 March 2015, the former Secretary of State, published a ministerial statement on solar farms, in which he emphasised that proposals for a solar farm involving best and most versatile agricultural land ("BMVAL") would need to be justified by "the most compelling evidence", albeit that each application must be considered on its merits, in the light of material considerations.

Some guidance can be found in recent appeal decisions with regard to what is likely to

satisfy the threshold of the "the most compelling evidence". Firstly, there is no prohibition on developing greenfield land. Secondly, this evidence does not have to take the form of a sequential assessment. However, in practice it may be difficult for applicants to demonstrate that the use of BMVAL is justified, unless they can also show that they have considered and discounted other sites within a proportionate search area on the grounds of land quality or unsuitability. The starting point is always likely to be the availability of a grid connection, as this is clearly a prerequisite for any PV scheme.

The applicant submits that the site was identified in early 2015, following consideration of prospective sites throughout the Borough and the neighbouring boroughs. As part of the initial phase of the site selection process, the applicant sought to identify previously developed land or brownfield sites on which a solar installation could be provided. The previously developed sites considered were largely restricted due to the presence of available grid infrastructure and capacity. In this regard, the applicant submits that the scope for providing a solar installation on previously developed land is essentially restricted to specific parts of the borough. In assessing prospective sites within the borough's urban areas, the applicant considered vacant industrial sites and operational industrial sites with large warehouse buildings that could accommodate solar panels on their rooftops.

However, the analysis did not reveal any sites that could suitably accommodate a solar installation of a suitable size. The principal reasons why a previously developed site was not identified as suitable include one of, or a combination of the following factors:

- Distance of the site from grid infrastructure;
- Land values and project viability;
- Visual exposure to neighbouring residential and commercial buildings.

With regard to agricultural land, the GIS analysis in the Site Selection and Justification Report identified various areas of land as being potentially available as alternative sites, which were of a lower agricultural land classification grade to the application site and of sufficient size to accommodate a 5MW solar farm. However the report concludes that qualitative consideration of each alternative indicates that none are considered more preferable to the Holloway Lane site.

However, it is noted that the initial site selection process early in 2015, was based on the premise that the application site was low grade agricultural land and pre-dated the applicant's own Agricultural Land Classification Survey, which confirmed that the site is categorised as 'best and most versatile' agricultural land.

There are other positive and/or mitigating factors, which may be relevant when considering whether the loss of agricultural land is justified. Renewable schemes, such as solar PV, can also assist with the diversification of agricultural holdings, in accordance with the economic objectives set out in paragraph 28 of the NPPF. As noted above, the applicant proposes some form of agricultural use to continue alongside the solar farm, in this case in the form of sheep grazing. However, it is considered that the limited sheep grazing likely to be available under and around solar panels would significantly underutilise a large expanse of the best and most versatile agricultural land for a long time, conflicting with national policy.

The above considerations are supported by a recent decision by the Communities Secretary (SoS) who refused permission on 30 November 2015, for a similar scheme for a proposed Solar farm, along with attendant equipment and infrastructure, on land to the south of the village of Five Oak Green, Kent, (Appeal Ref: APP/M2270/A/14/2226557). The

Secretary of State (SoS) ruled that the scheme would represent inappropriate development in the Green Belt and be at odds with policy, which aims to focus large scale solar farms on previously developed and non agricultural land.

In refusing permission for the development, the SoS agreed with the conclusions of the Appeal Inspector, ruling amongst other things that:

- . The proposal would conflict with Green Belt policy.
- . There is no compelling evidence to justify the use of 8.5 ha of the best and most versatile agricultural land over and above that which would be utilised by the permitted scheme.
- . The limited sheep grazing likely to be available would significantly underutilise a large expanse of the best and most versatile agricultural land for a long time, conflicting with national policy and guidance and that this matter weighs heavily against the proposed development.
- . The proposal would also be at odds with national policy and guidance, which encourages the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land.

The decision by the Secretary of State is consistent with the reasons for refusal in this report.

Ultimately, the impact on BMVAL is an important material consideration in the determination of any planning application for a large-scale solar PV scheme, although it is acknowledged that this is not the only determining issue. Each application must be considered on its merits and, in every case, the contribution towards increasing the supply of renewable energy and meeting national targets must also command significant weight. However, having taken the above matters into consideration, notwithstanding the conclusions of the Site Selection and Justification Report, it is considered that the applicants have failed to justify the use of best and most versatile agricultural land, contrary to Local Plan part 1 Policy EM2, Policy OL12 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), London Plan Policy 7.22 and the provisions of the NPPF. It is therefore recommended that the application be refused on this basis.

## CONCLUSION

It is considered that should the development be allowed, this part of the Green Belt land would fail to fulfil its function of checking unrestricted urban sprawl, or assist in safeguarding the countryside from encroachment. The proposed solar farm would cause harm to the purposes of the Green Belt, as the proposed commercial development would intrude into the undeveloped landform and result in loss of openness to the Green Belt.

The applicants have also failed to justify the use of best and most valuable agricultural land and no very special circumstances have been provided or are evident, which overcome the presumption against inappropriate development in the Green Belt, contrary to Local Plan part 1 Policy EM2, Policies OL1, OL2 and OL12 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), London Plan Policies 5.20, 7.16 and 7.22 and the provisions of the NPPF. Objections are therefore raised to the principle of the development at this location and it is recommended that planning permission be refused for aforementioned reasons.

### **7.02 Density of the proposed development**

Not applicable to this development.

### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The proposed site is situated adjacent to the Harmondsworth Village Conservation Area, Harmondsworth Archaeological Priority Area (APA) and Heathrow Archaeological Priority Zone (APZ). There are various Listed and Locally Listed buildings within the wider vicinity of the site.

## ARCHAEOLOGY

The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation. Policy BE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that the Local Planning Authority will only allow development, which would disturb remains of importance in archaeological priority areas where exceptional circumstances can be demonstrated. Part 2 Saved Policy BE3 states that the applicant will be expected to have properly assessed and planned for the archaeological implications of their proposal. Proposals which destroy important remains will not be permitted.

The application site lies directly adjacent to the Harmondsworth and the Heathrow Area Archaeological Priority Area. The Archaeological and Heritage Desk-Based Assessment submitted with the application shows that the site lies within a highly significant archaeological landscape, with evidence of occupation dating from the Palaeolithic through to the post-medieval period, including Bronze Age cremations and burials within the vicinity.

Historic England (GLAAS) has been consulted on this application and notes that although the site is of a large scale it is clear that almost two thirds of the site has undergone extensive quarrying activity leaving only the southern portion of the site with any archaeological potential. In addition, the submitted archaeological report demonstrates that the proposed development would result in very localised, negligible impact which would result in a significant amount of post development archaeological survival. As such GLAAS concludes that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and therefore advises that no further assessment or conditions are necessary.

Having regard to the above mentioned advice, it is considered that the proposed development could be completed without detriment to the recognised archaeological value of this area, including the Harmondsworth Archaeological Priority Area (APA) and Heathrow Archaeological Priority Zone (APZ). The proposal is therefore in compliance with Policy BE3 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the NPPF.

## CONSERVATION AREA

Policy BE4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that new development within or on the fringes of conservation areas will be expected to preserve or enhance the features, which contribute to the conservation area's special architectural or visual qualities.

In terms of the impact on the adjoining conservation area, the Urban Design and Conservation Officer refers to the Harmondsworth Village Conservation Area Appraisal which states that 'Surrounding the village are fields and open land, which provide a setting of open agricultural / rural land.' This provides a clear characterisation of the wider setting surrounding the conservation area. Holloway Lane and Harmondsworth Lane act as the

gateways into the Conservation Area. Therefore, taking into account the site's location and proximity to various designated and non-designated heritage assets, the Urban Design and Conservation Officer considers that the proposal would have an impact on the wider setting of the conservation area and heritage assets and would not contribute or enhance the character of the surrounding area. Whilst it is not considered that the impact of the proposal on the setting of the adjoining conservation area would be so severe as to warrant refusal of the application on this basis, nevertheless, the loss of open agricultural/ rural land adds weight to concerns relating to the impact of the Green Belt at this location.

#### **7.04 Airport safeguarding**

A Glint and Glare study has been submitted with the planning application. The study sets out a full glint and glare assessment with particular consideration being given to potential impacts upon operations at Heathrow Airport. Solar PV panels are designed to absorb as much light as possible and do not therefore generally give rise to issues associated with glint and glare.

The study concludes that the overall reflection impacts for Heathrow Airport are assessed as negligible, and the proposed development fulfils Civil Aviation Authority guidance for solar farms. The application was referred to Heathrow Aerodrome Safeguarding and a response was received, which stated that the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

#### **7.05 Impact on the green belt**

The most important attribute of Green Belts is their openness and the aim of preserving the openness of Green Belt land is reiterated in the NPPF, the London Plan and the Hillingdon Local Plan .

The applicant advises that the proposed solar panels would be located and screened by existing trees and hedgerows and that the buildings would be limited to two inverter cabins, a temporary sub station and metering building, in addition to the ground mounted solar panels and ancillary structures. The applicant also argues that all negative impacts are temporary, as once the useful life of the solar panels has been reached, they, together with all ancillary structures, will be removed and the openness of the site will be restored. Finally, the character will have been significantly enhanced as a result of the land improvement, additional planting and biodiversity / habitat measures that will have been put in place.

The application includes a 'Landscape and Visual Impact Assessment' (L&VIA), which describes the landscape character and context and the significant areas of vegetation. The application includes a number of landscape photographs describing the landscape character and illustrating existing views in its landscape and visual assessment. The assessment concludes that the majority of the users of local footpaths and road users and cyclists of the roads bounding the site would experience a moderate adverse effect during the initial operation, reducing to minor adverse effect over the period of operation, with no changes after decommissioning.

The site is considered to offer a degree of visual amenity. In terms of the current proposal, the site currently supports an arable field. The greatest impact of the proposed development on the Green Belt would be upon its visual amenity due to the solar elements and associated ancillary structures within the landscape. An extensive area of land would be covered by straight rows of above ground coloured panels and their supporting framework. It is considered that this would represent a major change, forming an extensive and incongruous feature, which would detract significantly from the rural character of the landscape. The design and siting of the proposed solar arrays and the associated

structures would give the area an industrial appearance and be perceived as extending urbanisation outside, but close to the built up area. The finished effect of developing this open, rural site for industrial purposes would be of projecting urban development into the countryside and would be alien to the rural character of the area generally.

From outside the site, impacts on openness and character will also be evident to a lesser extent from the immediately surrounding roads and will be compounded by the presence and visual impact of the boundary fence and CCTV cameras. The proposed fencing would also create a sense of enclosure that would compound the perception of loss of openness. As such, it is considered that the development would intrude into the undeveloped landform and would cause harm to the openness and purposes of the Green Belt at this location.

The Mayor considers and officers agree, that as currently presented, the proposed development would impact negatively on the openness and character of the Green Belt and that the very special circumstances put forward by the applicant do not currently outweigh the substantial harm caused to the Green Belt. It is considered that the harm identified to the Green Belt adds to the substantial weight attached to the harm by reason of inappropriateness. Overall, the proposal would fail to accord with policy 7.16 of the London Plan 2015, policy EM2 of the Local Plan-Part 1 and policies OL1 and OL4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the NPPF.

#### **7.07 Impact on the character & appearance of the area**

Policy BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that the layout and appearance of new development harmonises with features of the area which are considered desirable to retain or enhance. DCLG (Planning practice guidance for renewable energy, published July 2013) lists the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. Cumulative landscape impacts and visual impacts should be considered separately. Cumulative visual impacts concern the degree to which a renewable energy development will become a feature in particular views or sequence of views, and the impact this has upon the people experiencing those views. The application site is visible from public vantage points, including Harmondsworth Lane although vegetation along the boundaries will help to screen immediate views to some extent, particularly from the north and south.

The site itself is fundamentally open in character, supporting an arable field. Whilst not of significant landscape value, the site contributes towards the setting of the adjoining conservation area and fulfils its Green Belt function of keeping land open and free from development, of maintaining the character and identity of individual settlements and making a clear distinction between rural and urban environments. Whilst the surrounding area support various types of development, this is generally low key.

As noted elsewhere in this report, the site is located in the Green Belt. The proposed solar arrays and the associated structures would affect the fundamental open character of the site, which the Local Planning Authority considers desirable to retain. The National Planning Policy Framework advises that the essential characteristics of Green Belts is their openness. Thus the loss of openness, however limited, would harm the essential character of the Green Belt.

While there is scope for soft landscape enhancement in the form of new/replacement planting within and around the proposed layout, it is not considered that this would mitigate against the built development, which will be visually evident. The design and siting of the proposed solar arrays and the associated structures would give the area an industrial appearance and be perceived as extending urbanisation into the existing rural landscape.

The dispersal of the solar arrays and other paraphernalia associated with this commercial development would result in a significant urbanising effect, by transforming the open rural nature of the area to a harder, urban character, fragmenting the existing, spacious green landscape and influencing important views and vistas to and from the Green Belt.

In addition, if permitted, the development could create pressure, which may be hard to resist, to release the adjoining Green Belt sites future development. On balance, it is considered that the scheme would fail to conserve and enhance the visual amenity of the Green Belt, or harmonise with features of the area which are considered desirable to retain or enhance, contrary to Policies OL5 and BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

#### **7.08 Impact on neighbours**

Saved Policy OE1 and OE3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to protect the environment from the adverse effects of pollutants and to ensure sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable. There are residential properties to the west of the site fronting Harmondsworth Lane, but none in the immediate vicinity of the route that construction and delivery traffic will use to access the site.

As indicated by the Air Quality Assessment, the development will have no measurable impact on the level of air quality in the area, in view of the short build period, combined with measures to control the level of dust created during construction. The main source of noise is likely to be associated with transport movements during the construction phase, which is expected to last some two months. The short construction period would limit the number of vehicle movements, which will only take place during normal working hours.

During the operational phase, the development will only require a very small number of visits to maintain it, once it becomes operational. As a result, it is considered that the traffic associated with the proposal will have very little effect on air quality, noise or traffic levels in the surrounding area. In addition, the solar arrays will be fixed and, accordingly, the facility will be silent during the operational phase. Finally, the Glint and Glare Assessment concludes that the PV panels will not be a source of nuisance to any local receptor.

It is therefore considered that the proposal would not cause harm to the amenity of surrounding adjacent residential properties, in accordance with Local Plan Part 1 Policy PT1.BE1 and Policies BE19 and OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

#### **7.09 Living conditions for future occupiers**

Not applicable to this application, as the proposal does not include residential development. Living conditions for future residential occupiers is therefore not relevant to consideration of this proposal.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Saved Local Plan Part 2 Policies AM2, AM7, AM14 and AM15 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) are concerned with traffic generation, on-site parking and access to public transport. The construction traffic required for the proposed solar farm will access and egress the site via the existing SITA site entrance along Holloway Lane, which connects to the north eastern corner of the site. The permanent access for the substation would be from Harmondsworth Lane and this would involve three to four visits by small vehicles during the course of a year.

The Highway Engineer raises no objections to the proposals which are considered to be in

compliance with Policies AM2, AM7, AM14 and AM15 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies(November 2012).

#### **7.11 Urban design, access and security**

##### URBAN DESIGN

Design matters are not the principal issues regarding this application. The Urban Design and Conservation Officer's comment are addressed in other sections of this report.

##### SECURITY

The Metropolitan Police Crime Prevention Officer raises no objections to this proposal.

#### **7.12 Disabled access**

Not applicable to this development.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this development.

#### **7.14 Trees, landscaping and Ecology**

##### TREES AND LANDSCAPING

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. Saved policy OL1 and OL2, and the National Planning Policy Framework seek to restrict inappropriate development and retain the openness, character and appearance of the Green Belt.

The Landscape and Visual Impact Assessment (L&VIA) submitted in support of the application describes the local topography as being predominantly flat and whilst the landscape is open, views into the site are restricted in varying degrees by the hedgerows in the surrounding area. The vegetation along the boundaries, means that from most off-site vantage points, the interior of the site is screened from view. However, there are sporadic gaps in the existing vegetation, through which it may be possible to see from the roads that immediately border the site, the top edge of solar panels. The scheme therefore includes proposals to enhance boundary landscaping, in order to ensure immediate views are minimised.

The Landscape and Visual Impact Assessment, together with Photoviews consider the likely visual impacts on the landscape character, public highways, public rights of way, residential properties and recreational facilities. Predictably, the adverse impacts will be most evident during the construction / installation phase. The visual assessment concludes that there are moderate adverse effects for some residential, road and footpath receptors due to short term immediate views into the site and minor adverse effects from certain views. The effects on other receptors will be negligible. The report notes that the site can be re-instated to its current use following decommissioning after 25 years with negligible impact.

The Tree and Landscape officer notes that no trees or other landscape features of merit will be affected by the proposal. Landscape enhancement will include extensive areas of trees, shrubs and hedges along the boundaries. As part of the landscape management plan, the meadows will be grazed by sheep. The visual impact assessment and submitted photographs show the views into the site during summer months, when the existing hedgerows create the best screening. However, the existing hedgerows will not be so effective during the winter months. The installation of an inner hedge will, once established,



help to reduce the visual permeability into the site even in the winter months. There is no objection to the associated landscape mitigation proposals, which include new hedge planting. The Tree and Landscape Officer comments that if the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

## ECOLOGY

Hillingdon's Local Plan: Part 1 "Strategic Policies" (adopted November 2012) EM2 (Green Belt, Metropolitan Open Land and Green Chains), EM3 (Blue Ribbon Network), EM7 (Biodiversity and Geological Conservation) and EM8 (Land, Water, Air and Noise) deal with ecological issues. Saved Policy EC2 of the Local Plan Part 2 seeks the promotion of nature conservation interests. Saved Policy EC3 requires proposals for development in the vicinity of sites of nature conservation importance to have regard to the potential effects on such sites on changes in the water table and of air, water, soil and other effects, which may arise from the development. Regarding the creation of new habitats, Saved Policy EC5 of the Local Plan seeks the retention of certain on-site ecological features, enhancement of the nature conservation and ecological interest of sites or create new habitats. Policy 7.19 of the London Plan states that the planning of new development and regeneration should have regard to nature conservation and biodiversity and opportunities should be taken to achieve positive gains for conservation through the form and design of development.

The NPPF at para.109 states inter alia that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity. This central government advice confirms and reinforces relevant policies in the Hillingdon Local Plan and the London Plan.

A great crested newt survey of the pond which lies 30 metres from the site's eastern boundary was completed in June 2015. No great crested newts were found. The Ecological Assessment submitted in support of the application recommends a further nesting bird survey of scrub/trees if scrub is proposed for removal in nesting bird season and a bat activity survey along hedgerows that require removal. The Ecological Assessment recommends ecological enhancements which include hedgerow management such as 'laying' and planting gaps with native woody hedgerow species, opportunities to enhance the grassland around the margins of the field and potentially beneath the solar panels by sowing with native herbs and grasses. This would increase the food source for invertebrates such as pollinating bees, which also provide a food source for a variety of animals such as birds and bats.

The site is not considered to be within a high quality area of ecology. However, the Planning Practice Guidance for renewable and low carbon energy encourages biodiversity improvements around arrays. Had the development been acceptable in other respects, it is considered that appropriately worded conditions would ensure that the development contributes to ecological enhancement, in accordance with Policy EM7 (Local Plan) and Policies 7.19 and 7.28 of the London Plan.

### **7.15 Sustainable waste management**

Not applicable to this development.

### **7.16 Renewable energy / Sustainability**

The Government has repeatedly emphasised its commitment to increasing the supply of renewable energy. In accordance with European Union Directive 2008/28/EC, published in April 2009, the UK's target is for 15% of all energy consumed to be from renewable energy sources by 2020. The UK's published solar PV strategy (October 2013 and April 2014) makes it clear that there is a considerable need for more generating capacity, if targets for renewable energy and, specifically, solar photovoltaic energy are to be met, that cost-effective solar PV projects which deliver genuine carbon reductions are to be supported and that all local planning authorities have responsibility for assisting in achieving these objectives.

The NPPF requires Local Authorities to accept the need for an increased amount of renewable energy technology and therefore, the need for renewable energy technology is not disputed. The NPPF provides clear guidance on renewable energy developments. It states that one of the core principles of planning is to support the transition to a low carbon future in a changing climate.

However, as noted elsewhere in this report, the NPPF recognises the conflict of delivery of renewable energy and protecting Green Belt. In terms of renewable energy, the proposed solar photovoltaic farm is expected to displace 2,200 tonnes of CO<sub>2</sub>/year. As set out in London Plan policy 5.5 on decentralised energy generation, the proposal will contribute to achieving the Mayoral target for 25 percent of the heat and power used in London to be generated through the use of localised decentralised energy systems by 2025. The proposal will also help deliver London Plan policy 5.7 on increasing renewable energy generation, where the Mayor seeks to increase the proportion of energy generated from renewable sources. However, the NPPF recognises the conflict between delivery renewable energy and protecting Green Belt. The harm of the site's specific location (in this case in the Green Belt) needs to be weighed up against this positive renewable energy contribution.

#### **7.17 Flooding or Drainage Issues**

The site is not located in Flood Zones 2 and 3, but the site exceeds 1 hectare in extent. A Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA confirms that the site lies wholly within Flood Zone 1 and that the only flood risks are from ground water and sewer sources. The ground water risk is associated with large water bearing gravel deposits which lie within the southern area of the Borough. These deposits have, however, been quarried from the site.

The Flood and Drainage Officer notes that the Flood Risk Assessment demonstrates that there is sufficient space within the site to control surface water to greenfield run off rates. However it is not demonstrated that the method of control, a swale, which requires excavation, is appropriate, given that the previous use of the site as landfill. No information on ground conditions has been provided. This information, is required in order to ensure any proposed drainage design is suitable.

However, drainage calculations demonstrate that a feasible strategy can be implemented to ensure there are no significant impacts on flood risk. Had the development been acceptable in other respects, it is considered that an appropriately worded condition could be imposed to address flood and drainage related issues. Subject to this condition, it is considered that the risk of flooding on and off site would be minimised. The proposal is therefore considered to accord with Policy EM6 (Flood Risk Management) of the Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policies OE7 and OE8 of the Local Plan Part 2 Saved UDP Policies, Policy 5.12 and 5.13 of the London Plan (2015) and the Technical Note Planning Policy Statement 25.

## 7.18 Noise or Air Quality Issues

### AIR QUALITY

The site lies within an Air Quality Management Area and Local Plan Policy PT1.EM8 requires that an applicant demonstrates its proposal will cause no worsening of air quality. The application includes an Air Quality Assessment which identifies that there is some limited potential for air quality impacts as a result of dust created during the construction phase, which can be minimised by controlled measures. It concludes that impacts from construction activities are not significant.

During the operational phase of the development, traffic exhaust emissions are identified as being the only potential source of air pollution and that impacts from this source are likely to be negligible.

It is considered that the proposal will have no measurable impact on the level of air quality in the area, in view of the short construction phase, combined with measures to control the level of dust created during construction, which could be secured by condition in the event of an approval.

It is noted that in the wider context, the generation of up to 5MW from a non-polluting renewable source, which will reduce CO<sub>2</sub> emissions by up to 2,200 tonnes a year, will save thousands of tonnes of pollutants from entering the atmosphere and will thus have a significant beneficial impact upon general air quality.

Notably the Council's Environmental Protection Unit has raised no objections on air quality grounds.

In light of the above mentioned considerations, the development complies with Policy 7.15 of the London Plan and Local Plan Policy PT1.EM9.

### NOISE

Saved Policies OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to protect the environment from the adverse effects of pollutants and to ensure sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable. Saved Policy OE3 seeks to ensure that uses which have the potential to cause noise be permitted only where the impact is appropriately mitigated.

The main source of noise is likely to be associated with transport movements during the construction phase, which is expected to last approximately 6 to 8 weeks. However, the site access is located away from the nearest residential properties in Harmondsworth Lane. Due to the nature of the proposal, the development will only require a very small number of visits to maintain it, once it becomes operational. As a result, the traffic associated with the proposal will have very little effect on noise levels or traffic levels in the surrounding area. The solar arrays will be fixed (i.e. they will not track the sun) and accordingly, the facility will be silent during the operations phase. Notably, officers in the Council's Environmental Protection Unit have raised no objections in this regard.

Accordingly, it is not considered that the development would result in a significant increase in noise which could have a detrimental impact on residential amenity, in compliance with relevant policies.

### **7.19 Comments on Public Consultations**

The main issues arising from the public consultation are the loss of high quality agricultural land and the impact of the development on the semi rural character of the Heathrow Villages. These issue have been dealt with in the main body of the report.

### **7.20 Planning obligations**

Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) is concerned with securing planning obligations to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These saved UDP policies are supported by more specific supplementary planning guidance.

The Council's Section 106 Officer has reviewed the proposal, as have other statutory consultees, including the Greater London Authority. The comments received indicate the that no contributions or planning obligations are required to mitigate the impacts of the development.

### **7.21 Expediency of enforcement action**

There are no enforcement issues associated with this application.

### **7.22 Other Issues**

None.

## **8. Observations of the Borough Solicitor**

### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### **Planning Obligations**

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to

the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

Not applicable

#### **10. CONCLUSION**

The proposal does not conform to the types of development allowed by national, London Plan and Local Plan policies and as such the proposal constitutes inappropriate development in the Green Belt, requiring very special circumstances to justify the proposal.

The applicant has submitted that the wider benefits associated with the increased production of energy from renewable sources; harm to the openness of the Green Belt is limited and the impact of the proposed development would be temporary, constitute a very special circumstances argument to justify why normal Green Belt policy should not apply in this case.

Clearly, the proposal will make a significant contribution towards the targets set out in the London Plan and the Council's objective of ensuring that by 2026, the generation of energy from renewable sources is common practice. However, this must be weighed against the drawbacks of the proposed development, in terms of the impact on the Green Belt and the loss of high quality arable agricultural land. No very special circumstances have been provided or are evident, which overcome the presumption against inappropriate development in the Green Belt.

It is considered that the proposed development would impact significantly from the rural character of the landscape. The design and siting of the proposed solar arrays and the associated structures would give the area an industrial appearance and would intrude into the undeveloped landform, resulting in harm to the openness and purposes of the Green Belt at this location. It is considered that the harm identified to the Green Belt adds to the

substantial weight attached to the harm by reason of inappropriateness.

The applicants have also failed to justify the use of 'best and most versatile' agricultural land.

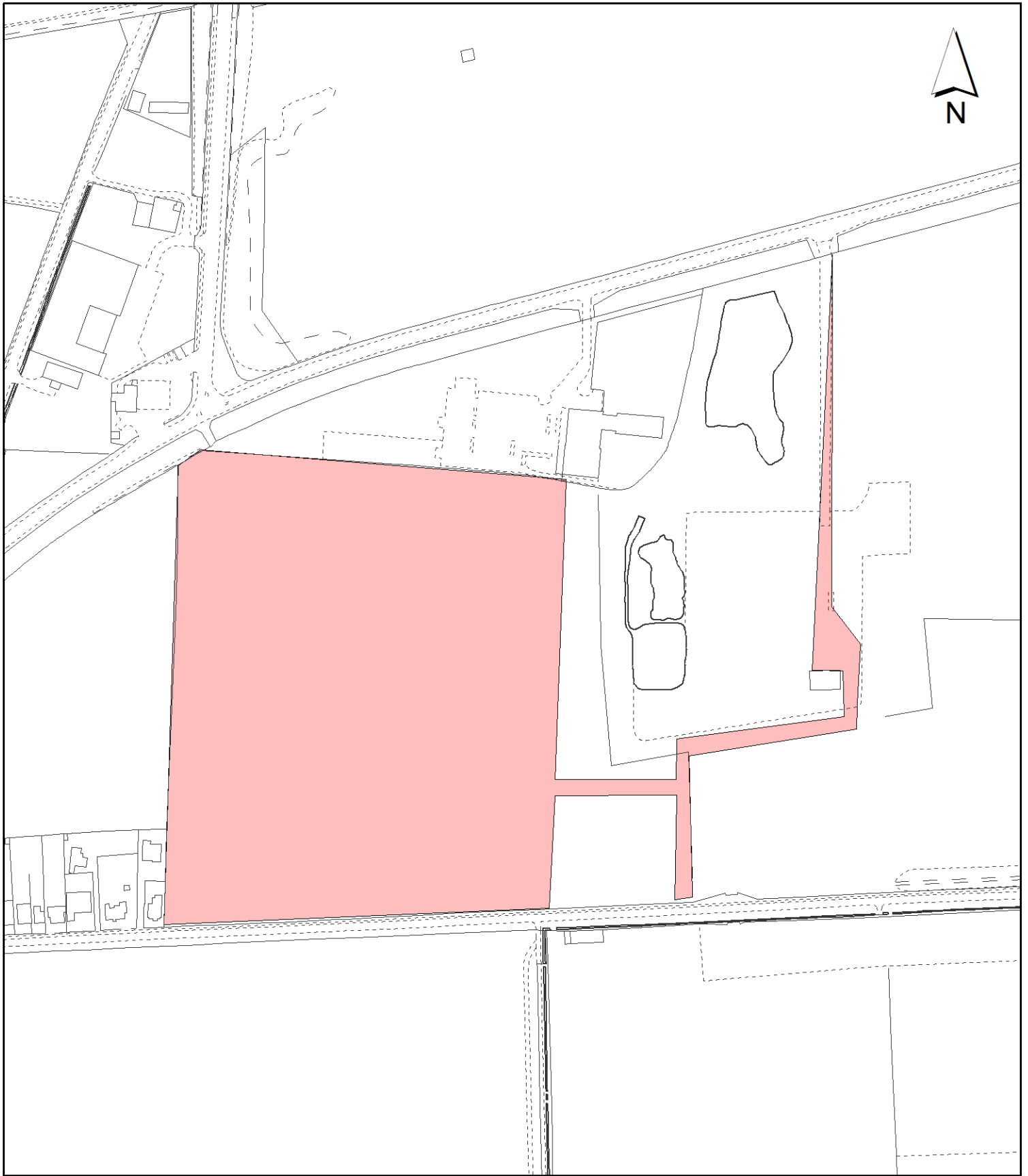
It is therefore recommended that planning permission be refused for these reasons.

#### **11. Reference Documents**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
London Plan 2015  
Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013  
Department for Communities and Local Government)  
UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (Department of Energy &  
Climate Change)  
UK Solar PV Strategy Part 2: Delivering a Brighter Future (Department of Energy &  
Climate Change)  
Hillingdon Local Plan Part 1 Strategic Policies (and associated Evidence Base)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) (and associated  
Evidence Base)  
Council's Supplementary Planning Guidance - Community Safety by Design  
Council's Supplementary Planning Document - Air Quality

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**Notes:**

 Site boundary

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Site Address:

**Land south Holloway Lane/  
 North Harmondsworth Lane  
 Holloway Lane  
 Harmondsworth**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**1354/APP/2015/4607**

Scale:  
**1:3,300**

Planning Committee:  
**Major**

Date:  
**March 2016**

