

Application No: 23/01683FULL Full Application

Site: Thornlands Farm, Fletchwood Road, Totton, Southampton
SO40 7DX

Proposal: Installation of ground mounted photovoltaic farm; associated infrastructure, engineering works, access and landscaping

Applicant: Enviromena Project Management UK Ltd

Case Officer: Natalie Walter

Parish: Netley Marsh Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2. POLICIES

Principal Development Plan Policies

SP1 Supporting sustainable development
SP3 Major development in the National Park
SP6 The natural environment
SP7 Landscape character
SP11 Climate change
SP14 Renewable energy
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
SP48 The land-based economy
DP2 General development principles
DP18 Design principles

Supplementary Planning Documents

Design Guide SPD

NPPF

Sec 2 - Achieving sustainable development
Sec 12 - Achieving well-designed and beautiful places
Sec 14 - Meeting the challenge of climate change, flooding and coastal
Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Netley Marsh Parish Council: Recommends permission. Comment:

- There will be bio-diversity gain, the land is mostly low grade, there is no battery system so noise will be minimal, renewable energy is vital.
- The public footpath will be retained.
- Councillors were assured that any damage to access road during installation or subsequent working will be repaired by Enviromena.

5. CONSULTEES

Archaeologist: Objection. The applicant has not established the character, nature and extent of any surviving archaeological deposits and their significance within the proposed development area and has not established the impact of the proposed development on any surviving archaeological deposits.

Ecologist: Objection. Additional information, clarification and survey work is required to address protected species duties and policy areas. Currently there is insufficient information to demonstrate accordance with Policy SP6 and respond to the purposes of National Parks in being the best national examples of landscapes where wildlife is conserved and enhanced.

Environment Agency: No objection.

Fisher German (on behalf of Esso): No response received.

Hampshire County Council Countryside Services: No objection subject to condition and subject to a width no less than 2.5m being maintained along the entire length of FP13 throughout the site, should the proposed boundary treatment be permitted and installed/planted.

Hampshire County Council Lead Local Flood Authority: No objection. Satisfied with the principles of the development in respect of drainage.

Hampshire County Council Highways: Further information required: personal injury accident data; stage 1 road safety audit; and a further detailed construction traffic management plan.

Landscape Officer: Objection. A careful assessment of the Environmental Statement, including Visual Appraisal has been undertaken. The proposed solar array does not conserve or enhance the natural beauty and landscape character of the New Forest National Park. The New Forest National Park Landscape Character Assessment clearly sets out future landscape management guidelines for this part of Landscape Character Area 12 and the proposals submitted do not achieve or

complement any of these guidelines. The proposed development does not retain the intrinsic value of the landscape. Screening from public right of way will be partial with seasonal differences. Residual landscape and visual effects are assessed at year 15; lack of assessment of years 1 to 15. The semi-industrial nature of ground mounted solar arrays, and the substations required to make the array functional, the fencing and hedgerows planted where there is no historic context and the visual impact on the natural landscape all lead me to conclude that the proposals would have an unacceptable impact on the landscape character of this part of the National Park.

National Park Access Ranger: Fully support comments made by HCC Countryside Services. The public footpath does not carry a national trail, or a promoted route.

NatureSpace Partnership District Licensing Officer [Great Crested Newts]- Hampshire: Not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development.

Planning Policy Officer: Objection. While the provision of renewable energy is a benefit of the scheme, in itself it is not considered to outweigh the fundamental conflict with several key development plan policies that are designed to deliver the statutory National Park purposes. The proposal is not linked to individual households, businesses or local community use within the National Park and is not considered to be 'small-scale'. The site's National Park status engages important tests in national policy (NPPF paragraph 183) and these have not been met.

Tree Officer: No objection. The proposed development will not have a detrimental impact on the health and amenity of existing trees.

6. REPRESENTATIONS

Four representations of objection on the following grounds:

- Attrition of agricultural/ pastoral economy of the National Park- supports comments of Friends of the New Forest.
- Impacts on outlook from adjoining field (used as a CL site).
- Adverse impact on the landscape.
- Understand the need for renewables but will be loss of farmland.
- Other locations should be found.
- Out of keeping with New Forest.
- Precedent for subsequent applications (a proposal is being put forward on another site on the same lane).
- Low hum from solar panel fields is intensified in marshland such as this.
- Development is not small scale and contravenes Policies DP2 and SP3.
- Visibility from public right of way.
- Landscape between settlements will be eroded contrary to Policy SP7.
- Contrary to Policy SP14 due to scale.

- Out of keeping with rural landscape contrary to Policies SP17 and DP18.
- The site is afforded the same level of protection as sites in the heart of the New Forest.

Friends of the New Forest: Objection. The planning balance put forward by the applicant is not in accordance with national planning policy. There is a lack of reference to Section 245 of the Levelling Up and Regeneration Act 2023 (duty to seek to further the purposes of the National Park) in the applicant's case. A proactive approach needs to be undertaken by the decision taker in this respect to further the National Park purposes. It is the view of the Friends of the New Forest that the application fails this test. The proposal would be contrary to Policy SP11 (proposal does not constitute small-scale development). The proposal is not small scale and conflicts with Policy SP14 (Renewable energy). Policy SP17 (Local distinctiveness) applies to the whole National Park and aims to avoid change which suburbanises the National Park. Concern about the removal of the application site from the pool of available back-up grazing land as consider that the panels would be damaged by grazing. Commoning is at the heart of the Local Plan's 2036 vision for the National Park and for this unique form of agricultural practice to continue, it is essential that back-up grazing land is maintained.

Southampton Ramblers: Comment: Observed a drainage ditch with a small stock wire fence to a line along southside of the ditch and to the northside of the ditch a well-established hedge. The public right of way (PROW) runs parallel to these features cutting across the site. We note that the application shows the footpath retained but enclosed between fencing and a hedge. There is a possible discourse between the fence and hedge. Will there be sufficient and adequate width left for the path and allowance made for summer growth? We ask for a cross section across the PROW so that this potential issue be correctly addressed.

7. RELEVANT HISTORY

Application for screening opinion under Regulation 6 (Schedule 2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of the installation of a solar farm and associated works (23/00514SCR) EIA required on 05 July 2023.

Change of use to agricultural building for commercial and agricultural repairs (07/92302) refused on 17 January 2008. Subsequent appeal dismissed on 05 November 2008.

Workshop & machinery store steel framed barn (Agricultural Prior notification) (03/79054) detailed not required (prior notification) on 28 August 2003.

8. ASSESSMENT

Application Site

8.1 The 9.85ha site lies to the south of the A326 and west of Fletchwood Lane in Netley Marsh and is accessed from Fletchwood Lane. The current use of the site is agricultural and the site comprises agricultural fields demarcated by hedgerows and an access through Thornlands Farm extending to Fletchwood Lane via the existing access to the farm. A public right of way (PROW) runs through the site and a further PROW lies to the south of the site.

Proposed Development

8.2 The application is for the installation of ground mounted photovoltaic solar arrays; associated infrastructure, engineering works, access and landscaping. The 9.85 hectare solar farm is proposed for a temporary period of 40 years and would provide circa 6MW of renewable energy to the National Grid. The solar farm would comprise the following:

- An array of solar PV panels (laid out in east to west rows, and totalling a maximum of 12,132 panels), cabling and panel mounting frames. The panels would be fixed to aluminium or steel mounting frames at a tilt angle of 20 degrees. The panels would be elevated approximately 0.6m above the ground and have a height of no greater than 2.27m. There would be a space of between approximately 2.5m and 3m between each row to prevent overshadowing.
- The solar radiation would be converted into electricity in each individual cell of the PV panel and converted from Direct Current (DC) to Alternating Current (AC) in an inverter which would be mounted on the back of the array.
- The erection of a Distribution Network Owner's (DNO) substation and customer substation would be included to export the electricity generated. These would be situated in the centre of the site located adjacent to the west of the access track which enters the northern area of the site. The DNO substation would be 3.390m in height, 9m in length and 2.8m in width. The customer substation would be 3.074m in height, 6.6m in length, and 2.6m in width.
- Two transformer units 2.594m in height are proposed; one located centrally within the site and one located in the southern field to the north of the panels.
- A 1.9m high deer fence would be installed on site and PIR lighting would be installed at the substations to prevent unauthorised access into the solar farm and to protect the solar farm.
- A Landscape Strategy which would include meadow grassland ground cover, native hedgerow planting and scrub, including a new hedgerow alongside (on the south side) of the public right of way; retention of existing boundary vegetation and supplementary planting in order to achieve biodiversity net gain.

8.3 The application is accompanied by a number of supporting documents including: Planning and Sustainability Statement,

Environmental Statement (including Landscape and Visual Impact Assessment (LVIA)), Solar Photovoltaic Glint and Glare Study, Design and Access Statement, Biodiversity Net Gain Assessment, Heritage and Archaeology Desk Based Assessment, Preliminary Ecological Appraisal, Transport Statement, Statement of Community Involvement, Flood Risk Assessment, Agricultural Land Quality Survey, Drainage Technical Note and Tree Survey Data Table and Tree Constraints Plans. The applicant has also since submitted a Planning Statement Addendum. Careful consideration has been given to the Environmental Statement, in the assessment of this application.

8.4 Just prior to the finalisation of this report for publication, the applicant has submitted additional documents in response to officer and consultee comments on landscape, archaeology, public rights of way, ecology and transport matters. The information has been published on the Authority's website and the relevant consultees notified. An update will be provided on the late receipt of this information at the committee meeting.

Consideration

8.5 The key issues in this case are:

- The principle of development;
- Policies and plans relating to climate change and sustainability
- The impact on the landscape;
- The impact on residential amenity;
- The impact on trees and ecology;
- The impact on public rights of way;
- Heritage considerations;
- Transport impacts; and
- Other material considerations.

Principle of Development

8.6 National planning policy confirms that National Parks have the highest status of protection in relation to landscape and scenic beauty; and that the scale and extent of development within National Parks should be limited (paragraph 182, NPPF, 2023). Paragraph 183 of the National Planning Policy Framework (NPPF, December 2023) then states that when considering applications for development within National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

8.7 Footnote 64 states: "For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined." It consequently falls on the National Park Authority - as the decision-maker - to decide whether this application constitutes 'major development' in the National Park.

8.8 The proposed development, due to its scale (9.85ha; maximum 12,132 panels in circa 120 rows) and nature (panels 2.266m in height and associated substations) is considered to comprise major development within the New Forest National Park. The applicant acknowledges in paragraph 3.2.5 of the Addendum Planning Statement that the proposed solar farm could be "major development" for the purposes of NPPF paragraph 183. It should also be noted that in previous appeal schemes dismissed by the Secretary of State within the National Park, solar array schemes of 8.6ha and 14ha with a 5MW output were assessed as comprising "major development" for the purposes of the NPPF.

8.9 The applicant has set out exceptional circumstances within the Planning Statement document which is based on three strands:

- Need - UK need in order to achieve Net Zero targets by 2035- the scheme would deliver circa 6MW export electricity capacity; power circa 2,450 homes per year and save the equivalent of 1,370 tonnes of carbon dioxide per year compared to fossil fuel sources.
- Locational need (onsite point of connection, land availability, suitable topography, high levels of solar irradiation, accessibility).
- Environmental and landscape considerations (landscape and visual effects considered not significant, ecological benefits through biodiversity net gain, localised impact on public rights of way).

8.10 The applicant has also submitted a Planning Statement Addendum to provide further detail in response to matters raised by Planning Officers, namely the scale of the development; the need for the development; and the impact upon the character and landscape of the New Forest National Park and its special qualities. The applicant contends that solar schemes of a similar scale and nature to the proposed development can satisfy the exceptional circumstances of paragraph 183 of the NPPF and that schemes should be weighed against the development plan as a whole. It should be noted that the most recent appeal decisions (2016) for large scale solar array development in the National Park were both dismissed due to the detrimental impacts on the landscape character of the New Forest and the lack of justification for major development to be located within the National Park.

8.11 In relation to need, the need for decarbonisation and the urgent need for renewable energy with associated economic benefits and the ensuring of the country's energy security are emphasized.

8.12 In respect of locational justification, the importance of grid connection is stressed with on-site grid connection meaning minimal disruption to the surrounding environment and residential amenity by avoiding extensive cable connection routes. Reference is made to a search utilising a 10km radius and to the operational efficiencies of single, larger solar schemes.

8.13 With regard to effects, the applicant notes that the site is in the "least tranquil" area of the National Park and the applicant states, in paragraph 3.2.31 of the Planning Statement Addendum, that "the site offers limited contribution to the special qualities of the National Park and consequently its development would have limited impact on the special qualities of the National Park." Reference is made to the LVIA and the visibility of the site. The applicant considers that beyond landscape and visual impacts, there would be no impact on other special qualities of the National Park. The Statement also refers to the reversible and time-limited nature of the proposal.

8.14 This case has been reviewed and it is not considered that the major development tests set out in national policy have been satisfied. Whilst the need for renewable energy is recognised, the need for the site to be specifically located within the New Forest National Park - as opposed to a site outside the nationally protected landscape - has not been demonstrated and is not linked to a local business or community. The requirement to explore the scope for developing outside the National Park is a key element of both national (NPPF paragraph 183) and local policy (Policy SP3 of the adopted Local Plan, 2019). The applicant states (in paragraph 6.3.17 of the Planning and Sustainability Statement) that they have not undertaken a search of alternative sites outside the National Park. Consideration of alternative locations and uses in Chapter 4 of the Environmental Statement is also very limited- reference is simply made to point of connection and a lack of heritage, ecological or green belt designations at the proposed site. Whilst the Planning Statement Addendum refers to a 10km radius from the site with no better location found, it contains a lack of detail on these findings and on the scope for developing outside of the National Park. It is considered that the applicant's assessment overlooks the New Forest's National Park status and the associated protections set out in primary legislation and national planning policy. The appeals cited by the applicant in their Planning Statement (paragraph 6.3.17) in favour of their proposals are not located within a National Park landscape and so are not comparable to the legal and planning policy framework that exists for a site within a National Park. It cannot be claimed there is a demonstrable need for the site to be located within the National Park because other areas have been ruled out due to landscape designations such as National Parks (South Downs) and AONB status. The proposal is therefore contrary to paragraph 183 of the NPPF and is also contrary to Policy SP3 of the adopted Local Plan. Policy SP3 criterion c) (effect on the environment, landscape and recreational opportunities and the extent that they can be moderated)

and criterion d) (impact on the special qualities of the New Forest National Park and whether they can be mitigated) are also considered further in the paragraphs below.

Policies and Plans relating to Climate Change and Sustainability

8.15 The National Park Authority declared a climate and nature emergency in 2020. The Authority is working with partners to combat the effects of the climate and nature emergencies through mitigation, adaptation and education. The National Park Partnership Plan sets out the priorities for 'net zero with nature' and the contribution the New Forest can make towards addressing the impacts of climate change. The focus is on nature-based solutions and the restoration of habitats (including heathlands and wetlands) in the protected landscape of the New Forest, rather than large scale commercial solar developments.

8.16 Paragraph 163 of the NPPF (December 2023) sets out that, when determining planning applications for renewable or low carbon development, local planning authorities should a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting of greenhouse gas emissions; b) approve the application if its impacts are (or can be made) acceptable. The National Park Authority has granted planning permission for renewable energy developments that are appropriate to their setting and do not conflict with the statutory National Park purposes.

8.17 The Government's online Planning Practice Guidance [Paragraph: 007 Reference ID: 5-007-20140306] also states:

"In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions."

8.18 The national need for renewables identified by the applicant therefore does not automatically override other environmental considerations and careful consideration is needed of proposals in

National Parks. The specific national planning policy approach to development within National Parks must be considered alongside the general policy position for renewable energy development.

8.19 In respect of local planning policy, the adopted New Forest National Park Local Plan (2019) places a strong emphasis on small-scale proposals to meet local community needs. Policy SP1 (Supporting sustainable development) states that sustainable development in the National Park is that which is resilient and responsive to the impacts of climate change through improved energy efficiency and making appropriate use of small-scale renewable energy.

8.20 Policy SP11 (Climate Change) states that the National Park Authority will support proposals to mitigate climate change through, amongst other measures "...supporting small-scale renewable and low carbon energy generation..." Paragraph 5.67 of the supporting text states: "...the potential for renewable energy generation within the National Park will need to be balanced against the potential adverse visual and amenity impacts on the landscape..."

8.21 Policy SP14 (Renewable Energy) states that development proposals for renewable energy generation will be permitted where they, "...are small-scale and provide energy for individual households or businesses, or small local community facilities." Paragraph 5.68 of the supporting text states, "...to avoid compromising the landscape character and beauty of the National Park, the policy emphasis is on supporting appropriate, small scale renewable energy developments that provide energy for an individual household or business use, or for a small local community facility within the National Park..." This policy position links to the Authority's socio-economic duty to local communities within the National Park. The supporting text to Policy SP14 is clear that, "...larger renewable energy developments to meet a wider-than-local need are not appropriate within the National Park." This policy position represents a conscious shift from the previous development plan policies for the National Park area that existed until the adoption of the current Local Plan in August 2019. The position was supported by the two Government-appointed Planning Inspectors who independently examined the Plan. The statement put forward by the applicant in the Planning Statement Addendum that Policy SP14 is aged and potentially flawed is erroneous and is not agreed with. The policy is grounded in the delivery of the statutory National Park purposes and related socio-economic duty and these are unaltered since the New Forest National Park Local Plan was adopted. Similarly, the revisions to the NPPF in December 2023 do not alter the protection afforded to National Parks. The Framework's presumption in favour of sustainable development (paragraph 11) applies differently within nationally protected landscapes (footnote 7). Due to the scale and nature of the proposed 9.85 hectare development, there is clear conflict with Policies SP1, SP11 and SP14 of the adopted Local Plan.

The Impact on the Landscape

8.23 The application site currently comprises open fields with hedgerows at the boundaries. A PROW runs through the site and another PROW is located to the south of the site.

8.24 Within the New Forest National Park Landscape Character Assessment (2015), the site falls within Landscape Character Area 12: Hythe and Ashurst Forest Farmlands, the proposed site falling specifically within the Landscape Type of Heath Associated Smallholdings and Dwellings. The key landscape characteristics of the area where the application site is located are:

- Settled farmland on the edge of the Forest heaths with large copses and some wood pasture.
- Small-medium scale pastures (from both formal and informal enclosure) bordered by hedgerows with hedgerow trees.
- Period of predominant character is 17th - 18th century farmland.
- Landscape has a string estate character.

8.25 Key positive landscape attributes of the location are;

- Small - medium Parliamentary enclosures with some remaining areas of irregular assorted fields.
- Large ancient woodland copses and assarts surrounded by areas of traditionally grazed wood pasture (most of the woodlands are SINC's).
- Predominantly pastoral land use, with paddocks used as commoners' grazed wood pasture.
- Traditional settlement pattern of dispersed farmsteads and hamlets (some buildings are listed).
- Strong feeling of enclosure due to dense woodland and tree cover - some longer views from higher ground framed by trees.

8.26 The priority in this landscape character area is to protect the positive landscape attributes valued within it. Landscape management guidelines include:

- Managing and protecting a healthy stock of hedgerow Oaks to preserve these important landscape features.
- Protecting and strengthening historic small scale field patterns, enclosed by a well-managed hedgerow network.
- Protecting the stock of paddocks used as traditional commoners' grazing and managing the grazing levels of the landscape's remaining areas of wood pasture and heathland.
- Managing the grazing land use of the landscape's fields to maintain the continuity of a pastoral landscape.
- Protecting the agricultural land uses of the area, to minimise the development of alternative land uses.

8.27 The proposed development (maximum 12,132 panels in circa 120 rows for a 40-year time period) would cover an extensive area (three entire fields and part of two fields). The panels would be 2.26m in height

in height. Where the existing vehicle access track meets the junction of four of the fields, a customer substation (3.1m in height, 6.6m in length, and 2.6m in width) and DNO substation (3.4m in height, 9m in length and 2.8m in width) would be located and proposed to be lit (passive infrared sensor lighting). Two transformers 2.59m in height would be located in the centre of the site and the southern field respectively. 1.9m high deer fencing would enclose the fields and be located on the southern side of the PROW.

8.28 The application includes a Landscape Strategy which would include meadow grassland ground cover, native hedgerow planting and scrub, including a new hedgerow alongside (on the south side) of the PROW; retention of existing boundary vegetation and supplementary planting. The Environmental Statement contains a Landscape and Visual Impact Assessment (LVIA) which sets out that the visual envelope of the site covers an area of less than one square kilometre but high sensitivity visual receptors include the public footpath through the site. Temporary and short-term effects are identified during construction to users of the footpath, residents at Thornlands Farm and residents to the west of Fletchwood Lane. The LVIA concludes that the development will have an overall minor adverse effect on the Hythe and Ashurst Forest Farmlands Landscape Character Area on completion and negligible effect at 15 years (the time period considered in the environmental statement for the mitigation and green infrastructure proposals to have established and matured). Effects on the site and its immediate context are assessed as minor adverse after 15 years. Visual effects at completion (to users of the PROW, residents of Thornlands Farm and west of Fletchwood Lane) are considered to be moderate adverse and at 15 years, minor adverse. The Authority's Landscape Officer has commented that the assessment of visual effects is considered to underplay the visual effects of the development in a nationally protected landscape and does not take into account the intrinsic value of the landscape, including in relation to residual effects.

8.29 The proposed development would have an incongruous appearance over 9.85ha within a currently verdant area within a nationally protected landscape; prominent in views from the PROW which traverses the site and with some visibility from the PROW to south of site. The substations would comprise substantial structures and the lighting would be intrusive and contrary to Policy SP15. The proposed screening would take time to establish; and the proposed new hedgerow planting would be at odds with historic field patterns and the Landscape Character Assessment. The creation of the hedgerow along the PROW would lead to a sense of enclosure and would lead to a diminishment of the experience and tranquillity for users of the PROW by making the route narrow (and potentially obstructed by spring and summer growth of both sides of hedgerow, the existing mature hedgerow and the newly planted one).

8.30 There is clear conflict with Policies SP7 (landscape character), which seeks to conserve and enhance the character of the New Forest's landscapes; SP15 (tranquillity), and SP17 (local distinctiveness), which does not permit built development which would individually or cumulatively erode the National Park's local character. An objection has

been received from the Authority's Landscape Officer on this basis. Paragraph 5.30 of adopted Local Plan (2019) states, "...an important aspect of national policy is its recognition that planning should recognise the 'intrinsic' character and beauty of the countryside. Landscape character cannot be solely determined by what is visible from a publicly accessible location." The proposal would also be contrary to Policy DP2, which requires new development to be appropriate and sympathetic in terms of scale, appearance, form, siting and layout, and Policy DP18 (design principles). Overall, the proposed development would have a harmful effect on the character and appearance of the area and would fail to conserve and enhance the natural beauty of the National Park - the first statutory National Park purpose.

The Impact on Residential Amenity

8.31 The residential properties on Fletchwood Lane are distanced from the proposal by fields. Temporary impacts on residential amenity during the construction phase are proposed to be mitigated through a construction traffic management plan.

8.32 A Solar Voltaic Glint and Glare Study has been submitted. No impact is predicted on road users of the A326 or A336. Solar reflections are geometrically possible towards 88 of the 146 dwellings assessed. Screening in the form of existing vegetation and or buildings has been identified for all 88 dwellings and no mitigation is therefore proposed.

The Impact on Trees and Ecology

8.33 In respect of the potential impact on trees, Thornlands Farm has a collection of mature and semi-mature field boundary Oak trees with a smaller number of Ash and Sycamore growing between. These trees are of varying size, significance and quality and a typical feature of farmland such as this. Native hedgerows divide the land into the notable field compartments with some of these hedgerows having become fragmented and in places, lost. The Authority's Tree Officer has been consulted and notes that the site layout and installation of panels and associated infrastructure are shown to be confined within the above-mentioned field compartments with no trees shown to be felled to facilitate the proposal. The site is shown to be secured by deer fencing and field gates while the solar panels are shown to be mounted on steel piles free from concrete, this in turn minimises soil disruption and contamination. Overall, the proposed development will not have a detrimental impact on the health and amenity of existing trees and there is no objection from the Authority's Tree Officer.

8.34 In relation to ecological considerations, the scheme will result in the loss of small areas of grassland and around 10m of hedgerow would be removed from the entranceway to widen the access. The scheme proposes to maintain existing boundary vegetation and enhance provision through additional planting of tree, hedges and shrubs; and enhancement opportunities for habitat creation are put forward in the preliminary ecological appraisal. A representation has been received from NatureSpace in relation to potential impacts on great crested newts.

NatureSpace are not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved, noting that protected species are a material consideration of the planning process and it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted (ODPM, 2005/06).

8.35 The Authority's Ecologist notes that the development proposal is either sufficiently remote from designated sites or could be managed in such a way to provide mitigation for effects or compensate for loss of function as a supporting habitat. Naturespace comments are noted and supported: deficiencies in the submitted information mean the Authority cannot be confident that protected species (great crested newt) will not be adversely affected. In addition, the assessment in relation to bats is simplistic and lacks an appropriate level of survey work; there is a lack of current survey data on dormice; and the surveys for birds do not meet national survey standards.

8.36 In summary, additional information, clarification and survey work is required to address protected species duties and policy areas, currently there is insufficient information to demonstrate accordance with Policy SP6. There is therefore an objection from the Ecologist.

8.37 Provisions relating to mandatory biodiversity net gain (BNG) have been commenced for planning permissions granted for major development in respect of an application made on or after 12 February 2024. Planning applications made before this date are not subject to mandatory BNG. The application was received prior to 12 February 2024. However, BNG information has been submitted as part of the application. An initial assessment, dated December 2023, states that there would be a 47.22% increase in habitat units and a 12.27% increase in hedgerow units; and a further assessment in February 2024 states a 69.84% in habitat units and 10.65% increase in linear units. It is noted that the proposals have the potential to provide a net increase in BNG above the 10% requirement for applicable schemes. However, the Authority's Ecologist has advised that, whilst outline proposals are included for biodiversity enhancement, the effectiveness of the measures has not been informed by evidence of key drivers such as soil conditions, and caution should be taken in ascribing them weight in the decision-making process.

The Impact on Public Rights of Way

8.38 Public Right of Way (PROW) no. 166/13/1 runs northwest-southeast through the site. A further PROW (166/14/1) is located to the south of the site (outside of the red-line area). The Transport Statement indicates that the PROW will remain operational throughout the construction period. Hampshire County Council Countryside Services has been consulted. The Service, as Highways Authority for PROW, is not supportive of proposals to enclose paths, due to the potentially detrimental effect on the path surface from shadowing and vegetation

encroachment, as well as the amenity impact through the loss of views of open countryside for path users. However, they also acknowledge that the proposed planting shall screen the solar panels from those users and require that, to protect the surface of the PROW, should it become enclosed as proposed, the footpath's usable width must be retained at a minimum of 2.5 metres. The Service raises no objection to the application subject to a condition requiring the public to retain the right to use the PROW at all times and subject to a width no less than 2.5m being maintained along the entire length of FP13 throughout the site, should the proposed boundary treatment be permitted and installed/planted. The landscape impact of the enclosure of the PROW has been considered above and would have a detrimental impact on landscape character and tranquillity, contrary to Policies SP7, SP15 and SP17.

Heritage Considerations

8.39 Paragraph 200 of the NPPF sets out that, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The application documentation includes a Heritage and Archaeology Desk Based Assessment (DBA). Indicative foundation designs and illustrative cross sections of cable trenching have been provided. However, the DBA and the applicant's agent have stated that the exact location and route of the cable ducting is yet to be established and foundation designs are yet to be confirmed and considers that these could be conditioned. The Authority's Archaeologist has objected to the proposed development on the basis that the applicant has not established the character, nature and extent of any surviving archaeological deposits and their significance within the proposed development area and has not established the impact of the proposed development on any surviving archaeological deposits.

8.40 The applicant has since referred to paragraph 55 of the NPPF and the potential to condition further archaeological assessment, for example, field evaluation prior to commencement of development and options for the detailed design of the bases in order to make the development acceptable. The use of potential conditions has been carefully considered with reference to paragraphs 55 and 56 of the NPPF. Archaeology is known to be present within the proposed development area (from a watching brief of the Lockerley to Marchwood gas pipeline). The applicant's desk-based assessment indicates limited potential for remains from the pre-historic period and moderate potential for post-medieval remains. However, it also states, in paragraph 7.8 that, due to the lack of detailed design, it is not possible to accurately assess the impacts on below-ground archaeological remains at this stage. Paragraph 8.6 then references the generally limited nature of ground breaking for solar farms and assesses the impact as less than substantial in NPPF terms. It is considered in this case and in the context of this site that an understanding of significance is needed in order to then consider the impact of the proposal on heritage assets, any mitigation required and the NPPF tests in relation to harm to heritage assets when considering

the planning balance for this application. In the absence of such understanding, it is not possible to assess whether any proposed mitigation adequately addresses any harm.

Transport Impacts

8.41 It is proposed that construction and maintenance vehicles would access the site via the existing farm track which connects to Fletchwood Lane, which joins to the A326. The track would be widened in several places to accommodate HGVs. The construction period is anticipated to be a 12-week period and to generate an average of seven two-way HGV trips per day. Up to 30 two-way light vehicle movements are estimated per day. Once operational, traffic movements would comprise four vehicle (van) movements per month.

8.42 The Highway Authority (HCC) has been consulted. Further information has been requested: personal injury accident data; a stage 1 road safety audit; and a further detailed construction traffic management plan. In respect of the proposed access via the existing gated farm access, which is proposed to be widened from 7m to 16.5m, HCC Highways have raised concerns regarding visibility from the existing roundabout and for the potential for conflict to occur with vehicles turning into Fletchwood Lane. Overall, the Highway Authority require further information before providing a formal recommendation.

Other

8.43 In relation to flood risk and drainage, the site is largely located within Environment Agency Flood Zone 1 with a small area in the south western part of the site being within Flood Zone 2. Landscape planting is proposed in the area of land within Flood Zone 2. The Environment Agency has no objection to the proposed development. Part of the northern area on the site is at medium risk of surface water flooding. The proposed drainage strategy aims to minimise the compaction of soil during construction and operation and maintain appropriate seeded vegetation below and around the rows of panels during the lifetime of the development. As an additional resilience measure, interception swales are proposed at the most downgradient row of panels to interrupt and slow potential channelised flows. Hampshire County Council as Lead Local Flood Authority has been consulted and is satisfied with the principles of the development and has no objection.

8.44 Reference has been made by the applicant to previous renewable energy schemes within the National Park. Each case is considered on its own merits within the policy context at the time of the application. The most recent applications for large scale solar arrays within the New Forest National Park were both dismissed at appeal due to the fact that they did not accord with the development plan and the exceptional circumstances required by national policy had not been demonstrated. In both cases it was concluded that the proposals (at 8.6ha and 14ha) constituted 'major development' and therefore the relevant national planning policy tests were engaged.

8.45 Reference has been made in representations about the agricultural land on the site. The applicant has submitted a report detailing the agricultural quality of the land. The report states that 1.1ha comprises Subgrade 3a (good quality agricultural land) and 8.5ha comprises Subgrade 3b (moderate quality agricultural land). The NPPF sets out that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.

8.46 Reference has also been made in representations to the loss of back up grazing land. The applicant has indicated in paragraph 4.5.2 of the Planning and Sustainability Statement that they are supportive of utilising the site for light grazing of livestock which could still take place with the panels in place. The submitted Preliminary Ecological Appraisal (page 31) states that the future development involves removing the cattle and replacing with rotational grazing of sheep. However, there would be some loss due to the construction of the substations, the proposed swales and the new hedgerow planting. The Planning Statement Addendum states at paragraph 3.2.34 that the site is under private ownership and has been for some considerable time where it has been used for commercial arable production. It has not been utilised for back-up commoning or grazing of ponies. Policy SP48 of the adopted Local Plan seeks to maintain the supply of land available for back-up grazing on the enclosed lands; resisting the loss of back-up grazing through development or change of use. Less than 2% of the total stock on the open forest in the last two years have been sheep. Post development grazing of sheep is therefore unlikely to meaningfully assist the New Forest commoning community, given the small percentage of stock that are sheep. The use of the 9.85ha agricultural site for 40 years for a solar array would remove it from the pool of potentially available grazing land for New Forest commoners.

Planning Balance

8.47 The adopted development plan for the National Park confirms the focus is on renewable schemes that provide energy for an individual household or business use, or for a small local community facility within the National Park. The development plan is clear that larger renewable energy developments to meet a wider-than-local need are not appropriate within the protected landscape of the New Forest National Park. The development plan is at the heart of the planning system and clear conflict has been identified with the Development Plan (Policies SP1, SP3, SP6, SP7, SP11, SP14, SP15, SP16, SP17, SP48, DP2 and DP18). It is therefore necessary to consider whether there are material considerations which indicate otherwise.

8.48 Weighing in favour of the proposed development, there is a point of connection at the site, the proposal would deliver circa 6MW export electricity capacity, would power circa 2,450 homes per year and save the equivalent of 1,370 tonnes of carbon dioxide per year compared to fossil fuel sources. The proposal is also anticipated to provide 42 FTE jobs during the construction period and the completed development has the potential to provide biodiversity net gain in excess of 10%.

8.49 Weighing against the proposed development, the proposed scale of development within a National Park landscape has not been demonstrated. The proposed development would have a harmful effect on the character and appearance of the area and would fail to conserve and enhance the natural beauty of the New Forest National Park - the first statutory National Park purpose set out in primary legislation. The proposal would also remove 9.85ha of back-up grazing land available for New Forest commoners for grazing ponies and cattle. Insufficient information has been provided to demonstrate that the proposed access could safely accommodate construction traffic. Insufficient information has been provided to satisfy policy requirements in relation to protected species and to determine that the proposal will not have an adverse impact on sites of archaeological interest.

Conclusion

8.50 Whilst the need for renewable and low carbon development is recognised, national planning policy and guidance emphasises that this does not automatically override environmental protections and careful consideration is needed of proposals in National Parks. In this case, the benefits put forward are considered to be clearly outweighed by the harm to the landscape and scenic beauty of the New Forest National Park and exceptional circumstances to justify approval of a development of this scale in a National Park have not been demonstrated. It is therefore recommended, subject to the consideration of any additional consultee responses (in regard to the further information submitted) that the application is refused.

9. RECOMMENDATION

Subject to the consideration of any additional consultee responses, Refuse

Reasons for refusal

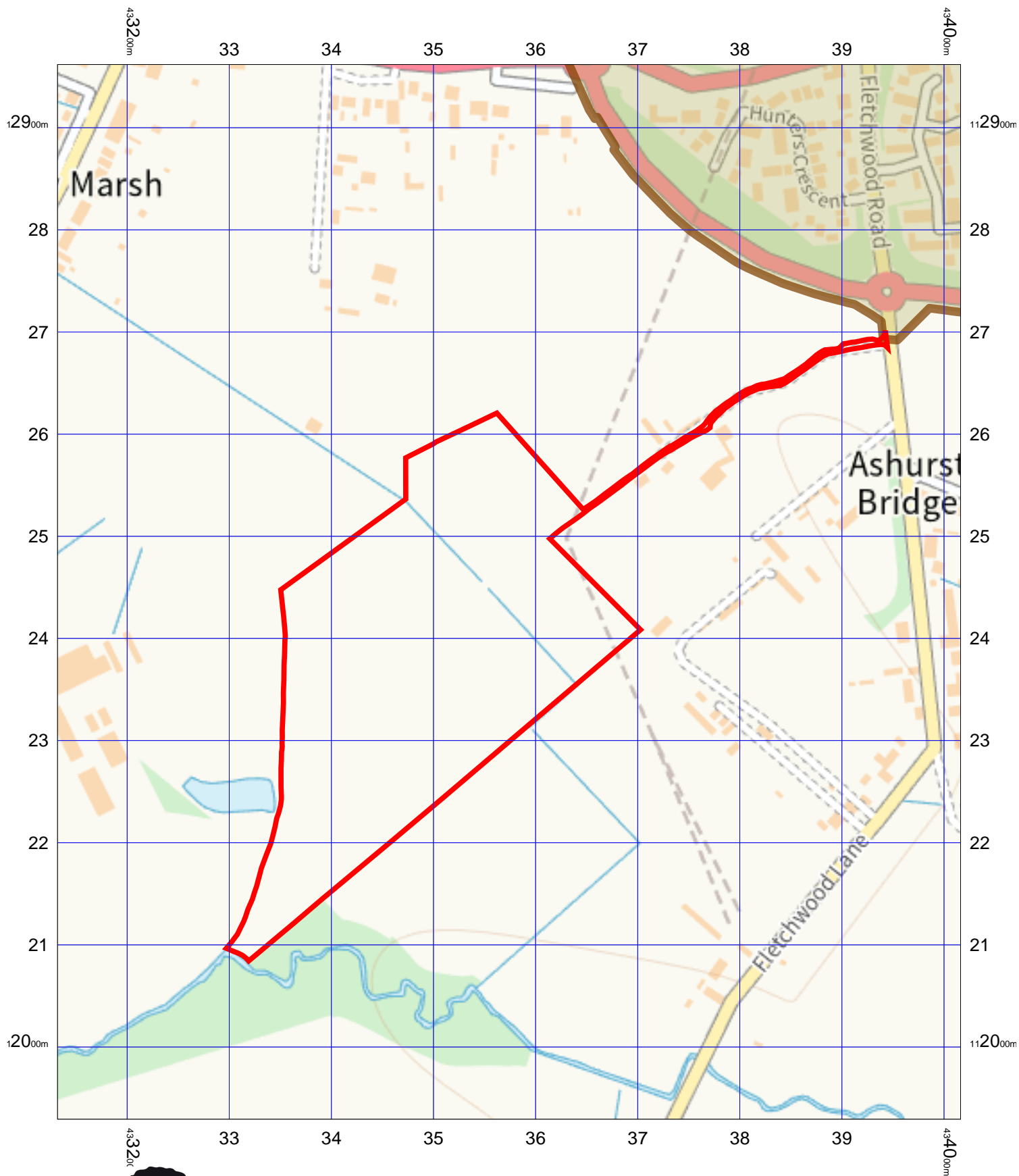
1. The proposed development, by reason of its scale, siting and design would be at odds with the immediate and wider landscape character of the New Forest National Park. The proposal would appear incongruous in this location leading to harm to landscape character, tranquillity and the experiential qualities of those using the public right of way which crosses the site. The proposal would also lead to the loss of potential back-up grazing land for New Forest commoners. The proposal would therefore conflict with Policies SP1, SP3, DP2, SP7, SP11, SP14, SP15, SP17, SP48 and DP18 of the New Forest National Park Local Plan 2016-2036 (August 2019), the first purpose for the designation of the National Park to conserve and enhance and paragraphs 182 and 183 of the NPPF.

2. The application has not been accompanied by an appropriate level of survey work therefore the presence of protected species cannot be fully established nor can the potential harm of the development be appropriately assessed. The proposal has unsatisfactorily demonstrated accordance with national (NPPF) and local policy (Policy SP6), nor fully

engaged with the legal tests relating to European protected species. The proposal is therefore contrary to Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016-2036 (Adopted August 2019), the NPPF and Paragraph 99 of Circular 06/2005.

3. It has not been demonstrated, on the basis of the submitted information, that the proposed development would not have an unacceptable impact on the safety of road users, due to the access and egress from the site, contrary to Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

4. It has not been demonstrated, on the basis of the submitted information, that the proposed development would not cause harm to sites of potential archaeological interest, contrary to Policy SP16 of the New Forest National Park Local Plan 2016-2036 (August 2019) and the NPPF.



NEW FOREST
NATIONAL PARK

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