

LAND ADJACENT TO SPRINGPOOL WOOD, SOUTH OF PHASE 3 AND WEST OF NEWCASTLE GOLF COURSE
KEELE UNIVERSITY

18/00933/FUL

The application is for the development of a **solar photovoltaic farm and energy storage facility** known as "The Low Carbon Energy Generation Project (Solar Storage Development)" along with associated infrastructure.

With the exception of a small part of the site at its northern end off Innovation Way, which lies within the area covered by Policy B8 in the Newcastle 2011 Local Plan, the application site lies within an area which on the Local Development Framework Proposals Map which is in the Green Belt and an Area of Landscape Maintenance. With the same exception, the site lies within the Grade II Registered Park and Garden of Special Historic Interest at Keele Hall. The site lies adjacent to the Keele Hall Conservation Area. A map showing the extent of the Keele Hall Conservation Area and the Registered Park and Garden (RPG) will follow as an Appendix to this report and that for application 18/00934/FUL.

Verdun Plantation, Pie Rough, Hands Wood, Brickkiln Plantation and the majority of Springpool Wood are included in Tree Preservation Orders. Springpool Wood is a Site of Biological Importance.

A separate application (18/00933/FUL) has been submitted for two wind turbines, considered earlier on the agenda. There are certain common elements shared by the two proposals including an access track, a temporary construction compound (on a site previously used for the drilling of two exploratory coalbed methane boreholes), and an electricity substation that includes two compounds (one for the university and one for the power company) and a shared substation building.

Elements unique to the Solar Farm application include the panels themselves, 8 inverter/transformers, battery storage (comprising 10 shipping containers in a compound adjacent to the substation), various security features including fencing, and a proposed new hedgerow along the south eastern boundary.

The application is accompanied by an Environmental Statement which presents the findings of the Environmental Impact Assessment (EIA) under the Town and Country Planning (EIA) Regulations 2017. The EIA has been undertaken on the basis of a proposed layout selected, in accordance with the Regulations, to provide a 'worst-case' scenario.

The 13 week period for the determination of this application expired on the 11th April 2019 but an extension of the statutory period was agreed by the applicant to 25th June

RECOMMENDATION

Permit subject to conditions concerning the following matters

1. Commencement of development
2. Approved plans, with micro-siting allowance
3. 25 year temporary consent and decommissioning method statement requirement
4. Removal upon prior cessation of energy generation if earlier
5. Details of materials, specifications and finish of panel, frames, ancillary buildings, battery storage and fencing
6. Max height of solar PV arrays
7. Archaeology, as recommended by the County Archaeologist
8. Temporary construction compound which will involve topsoil and subsoil stripping, storage, and replacement (unless already detailed)
9. Soil stripping, storage and replacement methodology
10. hedgerow planting, including to
11. Fencing
12. Details of the substation building
13. Tree Protection Plan, and an Arboricultural Method Statement
14. Construction Environmental Management Plan
15. Construction Traffic Management plan
16. Controls over any external lighting including temporary lighting
17. Biodiversity, habitat management and enhancement and additional planting adjacent to Pie Rough woodland
18. Scheme of planting to reinstate parkland trees to south-west of Brickkiln plantation
19. Keele Conservation Area Management plan
20. Specification for a protected species survey, submission of results and programme of any required mitigation measures
21. Breeding birds nest survey specification, submission of results and any mitigation measures

Reason for Recommendation

The development would harm both the Keele Conservation Area and the Keele Grade II Registered Park and Garden but such harm would be 'less than substantial'. Nevertheless for such harm to these heritage assets to be justified there must be clear and convincing justification, and the harm must be outweighed by public benefits. The University's Smart Energy Network Demonstrator (SEND) project provides clear and convincing justification for renewable energy development at Keele rather than at any other location, whilst the finding that there are no realistic alternative sites at Keele for significant solar development does, it is considered, provide similar justification for the harm to the heritage assets.

The proposed development does not meet one of the exceptions for appropriate development within the Green Belt and therefore represents inappropriate development with the Green Belt. In this instance it is considered that there would be a degree of harm to the openness of the Green Belt and the construction of the solar farm would be contrary to the purpose of including land within Green Belts that refers to safeguarding the countryside from encroachment. There would also be some harm to the character and quality of the landscape due to the scale of the development and its historic landscape designation. The harm to the Green Belt, the heritage assets, and landscape would however be outweighed by the benefits of the development, most notably the wider environmental benefits associated with increased production of energy from renewable sources and the contribution to cutting greenhouse gas emissions to tackle climate change. There are considered to be the very special circumstances required to justify the development.

Taking the above, and other considerations examined in the following report and in the submission into account, it is considered that the application should be approved.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

The Local Planning Authority in order to work in a positive and proactive manner has requested additional information during the application which has subsequently been submitted

Key Issues

1.0 Introduction

1.1 The application is for a ground-mounted Solar Farm comprising rows of solar photovoltaic (PV) panels, a battery storage facility and electricity substation connecting to the grid. The panels, some 27,000 with a peak capacity of 7.57MW (p), are mounted three panels deep on steel frames in rows on an east west orientation across the site tilted up 20% degrees from the horizontal with maximum height of 2.3 metres. Security fencing around the site is proposed of up to 2.4 m in height, the suggestion being that this fencing could be similar to deer fencing. Additional security would be provided by some 40 freestanding pole mounted security cameras around the site of up to 4m in height. No external lighting is envisaged, the CCTV using infrared cameras. Other features within the solar farm include a track looping around the northeastern and eastern perimeters before passing into the middle of the southwestern section of the site and some 8 centralised inverter/ transformer stations - in effect rectangular boxes of about 2.5m in height and a footprint of about 15m² – at various points across the site, adjacent to the track. The battery storage facility – up to ten over 12m long shipping containers - is located on the eastern side of the solar farm, between the proposed track and immediately adjacent to the woodland known as Pie Rough. It is indicated that final choice as to the make and model of the PV panels and the battery storage will be dependent on market availability at the time of procurement, and that the developer wants to retain an option to substitute the centralised inverters with a number of discrete mini-inverter boxes which would be mounted to the frames. This is a common feature of renewable energy projects at the planning application stage. Off -site ecological enhancements are proposed both to areas immediately adjoining the solar farm and on land between Cemetery Road and Keele Road.

1.2 The proposal covers an area of approximately 14 ha. and is primarily agricultural land. The north easterly part of the site is relatively level with a slightly south facing slope, elevated in relation to the surrounding landscape to the north east, south and west, whilst the western part of the site falls away towards Springpool Wood in a southwesterly direction. The proposal shares some common elements with the Wind Farm application including its track and the electricity substation, which includes electrical components of no more than 6 m in height. The proposal can be described as a large scale ground-mounted solar photovoltaic farm.

1.3 It is indicated that the proposal is for a limited period – the operational life span being 25 years after which the site will be decommissioned with all aspects of the development removed.

1.4 The site lies within an area which on the Local Development Framework Proposals Map is in the Green Belt and within an Area of Landscape Maintenance. Most of the site lies within the Grade II Registered Park and Garden (RPG) of Special Historic Interest at Keele Hall. The site lies in the vicinity of the Keele Hall Conservation Area.

1.5 Planning Practice Guidance suggests factors that should be considered regarding the acceptability of a location for any form of renewable energy development. It is indicated that in considering planning applications prior to the inclusion of criteria based policies in Local Plans it is important to be clear inter alia 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 large scale solar farms can have on landscape and local amenity as the number of solar arrays in an area increases;
- local topography is an important factor in assessing whether 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;

- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

1.6 Given the consultations and representations received, the statutory requirements upon the Local Planning Authority and the provisions of the development plan it is considered that the main issues which the Local Planning Authority must address, before seeking to assess where the planning balance lies, are :-

- Does the proposed development have any adverse impact upon the character and appearance of the Keele Hall Registered Park and Garden, and the Keele Hall Conservation Area?
- What justification has been advanced in support of the proposal in the context of national and local policy on the consideration of heritage assets and is it sufficient to outweigh heritage concerns?
- Is the location and design of the proposed development acceptable in a wider landscape context?
- By reason of the use of greenfield and agricultural land have agricultural interests been properly considered?
- Would it be appropriate, were approval being considered, to seek to secure any matters by means of planning obligations?
- Given the site is in the Green Belt is the development appropriate development and if not do the required very special circumstances exist to justify approval of the development despite it being inappropriate development?

At the conclusion it will be necessary to consider whether any particular issue arises from the fact that the solar farm is proposed to be co-located with two wind turbines.

1.8 The application is accompanied by an Environmental Statement covering a wide range of issues. The scope of this Statement reflects a Scoping Opinion previously issued by the Local Planning Authority following the receipt of a draft Scope. A number of other matters would justify the application of conditions if permission were to be granted do exist, but the above are considered to be the main or key issues.

2.0 Does the proposed development have any adverse impact upon the character and appearance of the Keele Hall Registered Park and Garden and the Keele Hall Conservation Area

2.1. There is a statutory duty upon the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of its planning functions. There is no such statutory duty with respect to the Registered Park and Garden. Section 12 of the NPPF emphasise the need for development to be sympathetic to local character and history, and to maintain a strong sense of place. Section 16 expressly focusses upon conserving and enhancing the historic environment.

2.2 The NPPF (para 190) indicates that Local Planning Authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The significance of the asset should be taken into account when considering the impact of a proposal on heritage assets, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

2.3 It goes onto state that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

2.4 When considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.5 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development in its setting), should require clear and convincing justification. Furthermore substantial harm to or loss of Grade II RPGs should be 'exceptional' and to Grade I Listed buildings 'wholly exceptional'

2.6 Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of certain criteria apply.

2.7 Finally the NPPF indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

2.8 Saved NLP Policy B5 indicates that the Council will resist development proposals that would adversely affect the setting of listed buildings. In the supporting text it is indicated that in many cases, the setting of a listed building is as important as the building itself, especially where gardens or grounds have been laid out as an integral part of the design.

2.9 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas whilst saved NLP Policy B10 indicates the requirement to preserve or enhance the character or appearance of a Conservation Area will be achieved by inter alia the protection of important views, into and out of the area.

2.10 Saved NLP Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

2.11 National Planning Practice Guidance on how heritage should be taken into account in assessing solar farm applications indicates that "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. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending upon their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

2.12 As indicated above the site forms part of the RPG. The plan attached as Appendix 1 shows the application site both in relation to the RPG and the Keele Hall Conservation Area. Keele Hall Conservation Area has not been the subject of an appraisal, either at the time of its designation.

2.13 The applicants Heritage Statement concludes that the development would cause "less than substantial harm to both the RPG and the Conservation Area.

2.14 It is accepted by all parties that at time the parkland design at Keele Hall was laid out in the mid-18th century the application site was not enclosed parkland. However the surrounding fields, including the application site would have been readily visible from the Hall and its pleasure gardens. There is now no intervisibility between the Hall and this section of the RPG – at least at the level of any part of the solar farm development. At the time of the development of the historic park a principal element of the landscape was the formation of a lake to the east of the Hall linking to a series of cascades and pools running south eastwards down the valley to Springpool woodland pathways were formed in the 1760's down this deep wooded valley and around the pools. The Staffordshire Parks and Gardens Trust (SP>) are of the view that it is still possible to appreciate the significance of this rolling

landscape as the foreground of historic views towards the edge of the core pleasure grounds particularly when seen from the historic drive along Lymes Avenue from the Whitmore Road, from Park Lane, Butterton or in more distant views such as that from North Wood at Trentham. They describe the site as clearly part of the designed landscape and as properly included in the RPG. They submit that development of this type is in principle contrary to the historic purpose and character of the site and to the spirit of the legislation promoting its protection. Specifically they assert that the solar array “with its extensive range of utilitarian and reflecting panels will detract from foreground views of park and an appreciation of its context in the wider landscape” and be visually distracting in a landscape intended historically to offer peace and repose. It is also asserted that it will be visible from the historic perimeter walks around the lake and pools.

2.15 Historic England similarly express concerns about the impact of the development upon the open and rural character of the RPG, and whilst they acknowledge that the applicant has attempted to address the harmful impact of the proposals when viewed from the pathways around the lake, by not locating the panels on the pasture to the west of Brickkiln plantation, they suggest it would appear that the panels to the north adjacent to the Verdun plantation and those to the south of Brickkiln plantation would still be readily visible from such walks. They remind the LPA that any harm to a heritage asset should require clear and convincing justification and even should the harm be viewed as less than substantial this should be weighed against the public benefits.

2.16 It is not the role of the LPA, or indeed other parties, to query, in the determination of a planning application, whether or not the application site was or was not properly included in the RPG.

2.17 The applicants note that HE have not expressly disagreed with their assessment - that there is harm but it is ‘less than substantial’. Furthermore they point out that the assets affected - a Grade II RPG and a Conservation Area are not of the highest importance.

2.18 In terms of the detailed observations made by Historic England it will indeed be the case that the area of the array to the south of Brickkiln wood will be visible and quite apparent from a section of the walks around the lakes. This is however for a very short section of the walks. Although the view is not a close one the panels will be on fairly steep slope at this point (and if the plan is to be followed not arranged parallel to the slope either). That said the applicants have indicated a willingness to accept a condition that limits the maximum height of the panels to 2.3 m above natural ground level. Views from the lakeside walk of the panels to the north adjacent to Verdun plantation are considerably more distant and would be more capable of being limited by hedgerow planting. That said hedgerow planting is not particularly a feature of this landscape – which comprises significant copses of woodland set within a primarily pastoral landscape. A positive feature of the scheme is the applicant’s willingness to undertake a scheme of planting to reinstate former parkland trees to the south-west of Brickkiln plantation. Taking all of the above into account it is considered that there is harm to the Conservation Area but it is less than substantial.

2.19 Turning to the site as part of a rolling landscape and the foreground of historic views towards the edge of the core pleasure grounds, the scale of the solar farm is to be noted – some 13 ha or 32 acres. However by reason of the actual landform and the significant belts and copses of trees the site has a surprisingly limited visibility from wider afield. There is for example no visibility from what the SP> describe as the “historic drive along Lymes Avenue from the Whitmore Road”. There is indeed visibility from a section of Park Lane, Butterton, (albeit a relatively short one) and from the A53 (over a longer distance but also at a longer distance for drivers travelling northwards from Newcastle, once past Shutlanehead). At this distance the effect of the panels is to alter the texture or pattern of the landscape, with the substation compound well located in relation the substantial Pie Rough woodland with the potential for an extension to that wood to block end on views. On the basis of the photomontage submitted with the wind turbines application there is no view of the solar farm fields from Trentham Park.

2.10 Taking all of the above into account the view is reached that there is harm to the RPG, which is greater than that to the Conservation Area, but it is ‘less than substantial’. In the case of the RPG it is as a result of its alteration and, in the case of the Conservation Area, intrusion in an important view from it.

3.0 What justification has been advanced in support of the proposal in the context of national and local policy on the consideration of heritage assets and is it sufficient to outweigh heritage concerns?

3.1 In the light of the conclusion reached above that use of the site for a solar farm would involve harm, but 'less than substantial harm', to the significance of the designated heritage assets – the RPG and the Conservation Area - the decision maker, to justify approval, has to conclude that there is clear and convincing justification if approval is to be considered. If members are of the view that substantial harm would result to the RPG, the case would have to be “exceptional” to warrant approval. That would imply rarity and a situation which would be most unlikely to be repeated.

3.2 In terms of justification the applicants have explained that whilst the University have undergone some redevelopment over recent years which will certainly have improved its energy efficiency the overall effect of this is extremely limited in comparison to a dedicated renewable energy project such as this. It is likely that the wider sustainability agenda being pursued at the University will enable the growth of the campus with no net increase in carbon emissions but it will not help reduce them below this level. The proposed solar farm will contribute significantly to the University’s annual electricity demand generating significant carbon reductions.

3.3 Beyond the wider carbon benefits such a proposal brings, this development also forms an integral part of the wider Smart Energy Network Demonstrator (SEND) project. Details of the Business case for the SEND project are provided in an Appendix 5.1 to the ES. The project is described as being a unique opportunity for a world class demonstrator facility for smart energy research and development enabling businesses to test and evaluate new and evolving energy technologies, and allied services and the opportunity to assess their efficiencies, both individually and combined, in terms of energy reduction, cost and CO₂ emissions. It is indicated that the University has already invested £12 m in upgrading its energy network.

3.4 The applicant submits the following are the special circumstances or benefits that the LPA should take into account

Circumstance	Description
Increased production of energy from renewable sources and Climate change	The generation of approximately 7242 MWh of electricity per annum saving between 24,625t and 166,219t of CO ₂ depending upon the calculation method. Assisting towards meeting both domestic and EU targets as well as increasing quality of life and reducing risks associated with warming climate
Direct Economic Benefits	<ul style="list-style-type: none"> • £6m direct spend • C.£7500 per year community benefit • Unlocks £16m investment through the SEND project
Indirect Economic Benefits	Unlocks up to £80m indirect benefit by 2036
Job creation	Forms an integral part of SEND which will create up to 440 higher value jobs and support local businesses. Also helping to sustain future growth at the university and securing jobs by managing risk of exposure to volatile energy prices
Increase in security of supply of energy	Decentralised energy is promoted at NPPF para 151.
Improved sustainability at Keele University	Keele was 17th in the world green university rankings in 2017. One of only 22 Universities to make the top 200. The development will help maintain the university’s exceptional ranking which is a key driver for students choosing to attend the university
Wider educational and societal benefits	<ul style="list-style-type: none"> • Unique educational opportunity for engineers and environmentalist student • SEND project is a unique opportunity for

	energy research which could also contribute to promotion of the Higher Education Sustainability Initiative in the UK
Temporary and Reversible land use	All the effects associated with the development are both temporary and reversible
Green belt	During the temporary period a number of appropriate Green Belt used can continue at the site and the intended permanence of the Green Belt in the long term will not be compromised
Alternatives	There are no suitable alternatives which will meet the university's sustainability objective and also allow the private wire connection essential for the success of the linked SEND Project

3.5 As explained in section 6 below the contribution the development might make towards a community benefit fund is not a material planning consideration and must not be taken into account by the Local Planning Authority.

3.6 On the issue of what weight should be given to the temporary nature of the solar farm (25 years being their expected life), members need to be aware that there have been appeal decisions where Inspectors have weighed in the balance in favour of a scheme the likely temporary nature of the effects on the landscape and Listed buildings. That said the Secretary of State in considering an Inspector's report in one case agreed that although a scheme would be time limited, 25 years would represent more than a generation in which the heritage significance (in that case of the highest importance) would be diminished. Reversibility also does not avoid the development acting as a precedent either for further solar farm development in the same area or repeated development of the same site after 25 years.

3.7 In considering the justification for the choice of this site the ES provided limited detail on the alternative sites that were considered. It does however list the relevant site selection criteria. It is indicated that potential for wind energy development at Keele University has been explored over a number of years, and critically that in order to comply with the aspirations of the SEND project there was a requirement for "self-generation" of energy rather than import from grid. This it is said effectively limited the off-site locations that could be considered as any generating plant would require a private wire connection to the University. It is indicated that a feasibility assessment was commissioned to look at the Keele University landholding and identify the most suitable area for development and the potential scale of the proposed development that might be accommodated. The ES provides detail of how through a series of iterations the proposed site layout that has been submitted was arrived at, but not of that wider feasibility assessment.

3.8 Further details have since been provided by the agents on whether certain sites within the University's estate could be considered as realistic alternatives for the solar development. They were asked to comment on 3 general locations within the University's land ownership – the new development site, known as Keele Phase 3 (immediately to the north of the application site), the land to the east of Barker's Woods, and the field to the west of the junction of Keele Bank and Cemetery Road. The University's position with respect to Keele Phase 3 is that and solar use of the undeveloped areas would effectively remove the development potential of the site for the uses for which permission exists. The site was originally allocated for high value and university related activities and was advanced and supported by key stakeholders and agencies on this basis.

3.9. As far as the land to the east of Barkers Wood the first point made is that insofar as the site has been identified in the Preferred Options Document of the Joint Local Plan to meet future university growth/expansion needs, it appears to them that use of the site for renewable energy infrastructure would fundamentally undermine the Joint Local Plan Strategy and the delivery of one of its key components. Furthermore it is indicated that that land is heavily constrained by the presence of the 132kv powerlines which restrict development to relatively narrow strips orientated north-south, meaning that the solar array could only be deployed in relatively low densities which would increase costs, likely make the array unfeasible, and almost certainly part of the current application site would

still need to be utilized to achieve the desired levels of generation. A further point made is that from an environmental standpoint it makes sense to cluster the PV and wind energy generators together. The field at the junction of Keele Bank and Cemetery Road is unsuitable for solar being north facing.

3.10 With respect to the Campus PV has already been deployed throughout the campus on rooftops that are suitable in terms of load bearing capacity and shading. Other open areas are actively used – for example for sports grounds and pitches.

3.11 Neither the land to east of Barker's Wood nor Keele Phase 3 nor the site at the junction of Keele Bank and Cemetery Road lie within the RPG. Most but not all of the Campus does.

3.12 Your Officer has given careful consideration to this further submission. It would be wrong at this stage to give any significant weight to the inclusion of the land to the east of Barkers Wood within the JLP Preferred Options Document given that was for consultation. In summary it would appear that there are good planning constraint reasons why there are no realistic alternative sites for solar development within the University's land holding.

3.13 The SEND project provides clear and convincing justification for renewable energy development at Keele rather than at any other location, whilst the finding that there are no realistic alternative sites at Keele for significant solar energy development does, it is considered, provide similar justification for the harm to the heritage assets described in section 2 above. Furthermore the significant public benefits in terms of assisting addressing climate change, job creation and research are considered to outweigh the identified harm to the heritage assets.

4.0 Is the location and design of the proposed development acceptable in a wider landscape context?

4.1 The development is a large scale ground-mounted solar photovoltaic farm and as such could potentially have a negative impact on the rural environment, particularly in an undulating landscape such as this. The planning Practice guidance indicates that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively and it suggests a number of factors that a Local Planning Authority will need to consider

4.2 The site is within an Area of Landscape Maintenance as designated on the Local Development Framework Proposals Map and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.3 As already indicated views of the solar farm are surprisingly well contained. The application is supported by a Landscape and Visual Impact Assessment.

4.4 The Non-Technical summary of the LVIA states as follows

“The woodland to the north, east and west of the site would completely screen views of the proposed solar storage development from these directions. There are however views into the site from Butterton Lane and Bunnyhill, to the south and south-east of the site, and the solar farm element would become a significant new feature in the views from Butterton Lane”... “The battery storage element and substation would be screened by the surrounding woodland”

Whilst this does not mention that views are obtainable from the northbound A53 from Shutlanehead to The Lymes and that the solar farm element would become a significant new feature in views from this direction, there are not considered to be sufficient grounds to sustain an objection on landscape grounds alone.

5.0 By reason of the use of agricultural and greenfield land have agricultural interests been properly considered ?

5.1 Para 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by inter alia

a) protecting soils

b) recognising the wider benefits from natural capital – including the economic and other benefits of the best and most versatile (BMV) agricultural land – land which is defined as being land of excellent to good quality

e) preventing new development from contributing to unacceptable levels of soil pollution – recognising that soil is an essentially finite resource

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

5.2 The ES submits that the assessment of ‘significance’ in EIA terms is based on a threshold of a permanent loss of 20ha of BMV land, on the basis that 20ha is the area of BMV loss that triggers a requirement to consult Natural England on planning applications.

5.3 The planning practice guidance previously referred to indicates that where a large scale solar farm proposal involves greenfield land, LPAs will need to consider whether (i) 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 and (ii) the proposal allows for continued agricultural use where applicable and /or encourages biodiversity improvements around the arrays.

5.4 In this context it is relevant to note that the development involves (a) greenfield land and (b) 68% of the area of the site (9ha) is either Grade 2 or Grade 3a agricultural land and thus falling within the definition of the “best and most versatile” agricultural land.

5.5 As indicated above the ES provided limited detail on the alternative sites that were considered (and thus 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.

5.6 As described above further details have been provided by the agents on whether certain sites within the University’s estate could be considered as realistic alternatives for the solar development. No information appears to have been provided on the agricultural land value of the land at Barkers Wood which was considered as one of the alternatives.

5.7 Limiting the consideration to one of whether there is a sustainable objection to the use of greenfield and BMV agricultural land, your Officer would make the following observations. Whilst the Preferred Options Document has limited status and weight the applicant’s case with respect to the new development site and the land to the east of Barkers Wood does appear not unreasonable. The issue comes back to the underlying objective of the SEND project – that Keele should be self-generating. Once that is accepted the use of agricultural land has been shown to be necessary although no specific evidence has been advanced that 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 the array. It is not considered that the proposal’s use of greenfield BMV land constitutes a ground upon which planning permission should be withheld.

6.0 Would it be appropriate, were approval being considered, to seek to secure any matters by means of planning obligations?

6.1 The Statement of Community Involvement submitted with the application refers to the Best Practice guidance on Community Engagement for Onshore Wind Developments and the desirability of such engagement processes including the ability to discuss if and how community benefits may be delivered. It is emphasised that where possible these discussions should be separated from those related to the planning process. Other best practice guidance, addresses the expectation that voluntary monetary payments will be made from an onshore renewable energy developer to the community, usually on the basis of an annual cash sum. This is a voluntary scheme, not compensation payments. In this case it is being suggested that the developer would contribute in a community benefit fund £1,000 per annum per MW of installed solar capacity, with approximately £7,500 per annum being made available to the community to spend as they see fit.

6.2 It is important to note that such community benefits are separate from the planning process and are not relevant to the decision as to where the application should be approved or not – they are not material considerations. It is the case that LPAs are required to have regard to any local finance considerations in the determination of planning applications, but this is only so far as they are material to the application, and the definition of local finance considerations does not include payments to the community in any case. The possibility of payment to a Community benefits fund were the development to process is not material to the determination of the planning application and should be disregarded by the Committee.

6.3 The applicant has suggested that there be a condition attached to any planning permission granted requiring the subsequent entering of a Unilateral Undertaking securing such community benefit, and the LPAs' approval, but this does not appear to your Officer as appropriate having regard to the tests which planning conditions have to be met – as the condition is neither necessary nor related to planning, and furthermore planning obligations whether within agreements or unilateral undertakings may only constitute a reason for granting planning permission if they meet the test that they are necessary to make the development acceptable in planning terms

7.0 Given the site is in the Green Belt is the development appropriate development and if not do the required very special circumstances exist to justify approval of the development despite it being inappropriate development?

7.1 Saved NLP policy S3, dating from 2003, sets out local policy for development within the Green Belt indicating that there will be a presumption against any form of development, subject to certain very limited exceptions, none of which refer to renewable energy developments. Whilst existing policies should not be considered to be out-of-date simply because they were adopted or made prior to the publication of the Framework in 2012, due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

7.2 The NPPF details that 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; and their purposes include that of assisting in safeguarding the countryside from encroachment.

7.3 The NPPF indicates the circumstances when the construction of new buildings should be regarded as appropriate development. Insofar as the Solar Farm involves buildings (the substation building) it does not fall within any of the specified circumstances. It is indicated that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Solar farms do not appear in the list of such other forms of development. Paragraph 147 of the NPPF indicates that “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development”. Taken as a whole taking into account not only the solar panels, their scale, the various assorted associated elements, the tracks, the substation compound and building it is appropriate to regard the development as “inappropriate” in Green Belt policy terms. This would be even more so if viewed together with the wind turbines.

7.4 Therefore the proposal is considered to represent inappropriate development and should not be approved except in very special circumstances (para 143).

7.5 In terms of the Green Belt issue inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF para 144 indicates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ 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.”

7.6 In respect of renewable energy projects the NPPF goes on to state in paragraph 147 that where they are found to be comprise inappropriate development 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.”

7.7 In order to weigh in the balance the harm and other material considerations or benefits, it is necessary to first identify what harm arises from the proposal, other than that which inappropriate development causes by definition. The proposed development would result in a reduction in the openness of the Green Belt from the proposed structures and the development can be considered to be contrary to that purpose of including land within Green Belts that refers to safeguarding the countryside from encroachment.

7.8 The fact that agricultural activity can continue on the site is a positive. The overall effect on the openness of the Green Belt is considered limited. There would also be harm to the heritage asset but as already indicated this has been assessed at present as being quite limited in degree with no other substantive harm being identified.

7.9 A core principle of the NPPF is the use of renewable resources of which the development of renewable energy is one. Furthermore the NPPF details that the very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. In this instance the benefits identified by the applicant would be significant. Weighing these matters in the balance and having particular regard to the harm to the Conservation Area and the RPG, as well as the landscape and the Green Belt, it's considered that the benefits do clearly outweigh the harm identified and so the required very special circumstances do exist.

7.10 Some consultees have expressed further concerns about the proposal to co-locate the wind turbines and the solar farm. The mix is perhaps unusual but that does not make it unacceptable. In landscape terms the simplicity of the turbines will be to some degree diminished by the carpet of solar frames at their feet, but this is not considered to be a sustainable basis for not permitting both to proceed. Indeed the applicant puts the contrary argument that by doing so advantage can be taken of the shared features – the access tracks into the site and in particular the electricity substation and its connection into the grid. There is some merit in point but it is not one that would make an unacceptable proposal acceptable (if that were the view of Members on this proposal).

APPENDIX 1

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Strategic Aim 17

Policy SP1	Spatial Principles of Targeted Regeneration ? -
Policy SP2	Spatial Principles of Economic Development?
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3	Development in the Green Belt
Policy N2	Development and nature conservation – site surveys
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
Policy N13	Felling and Pruning of Trees
Policy N17	Landscape Character – General Considerations
Policy N19	Landscape Maintenance Areas
Policy B3	Other Archaeological Sites
Policy B5	Control of development affecting the setting of a Listed Building
Policy B9	Prevention of Harm to Conservation Areas
Policy B10:	The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13	Design and Development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy B15	Trees and landscape in Conservation Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Overarching National Policy Statement for Energy \(EN-1\) 2011](#)

[Planning Practice Guidance](#) (March 2014, as updated)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007) ????

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[The setting of Heritage Assets – Historic England](#)

[Relevant Planning History](#)

18/00606/EIA – Scoping opinion under the Environmental Impact Assessment Regulations given with respect to Solar Farm Proposal – October 2018

Views of Consultees

Historic England in summary has concerns regarding the detrimental impact of the proposed solar storage development on the significance of surrounding heritage assets and does not consider that the resulting harm has been convincingly justified.

It is clear from the information submitted with the application that the proposals will impact upon the significance of the registered historic park and garden, and some views from the Conservation Area associated with Keele Hall.

Although it would appear that at the time the parkland design was laid out in the mid-18th century the application site was not included within the enclosed parkland, the surrounding open fields would have been readily visible from the Hall and its pleasure gardens.

Historic England note in particular the size of the proposed battery storage and compound area, the access roads, and the large number of security perimeter cameras and poles. The Heritage Statement suggests that the proposals could be considered to be temporary and reversible. Once developed in this way there is no guarantee that the land would ever revert back to green fields. Historic England has some reservations regarding the principle of locating such an industrial complex of structures within the park and garden, given its open, rural character. Whilst the applicant has attempted to address the harmful impact of the proposals when viewed from the pathways around the lakes by not locating the panels on the pasture to the west of Brickkiln plantation, it would appear that the panels to the north adjacent to the Verdun plantation, and those to the south of Brickkiln plantation would still be readily visible. Whilst development does affect parts of the registered park and garden, great pains have been taken to ensure that the historic core around the Hall and gardens have been protected from the wider expansion of the University.

The NPPF states that any harm to a heritage asset should require clear and convincing justification. Furthermore even should the harm be considered to be less than substantial, this should be weighed against the public benefits. Having considered the justification put forward Historic England are unclear as to the magnitude to which the proposals would benefit the wider public, or what other less harmful energy sustainability options or locations were considered by the University. They cannot support the application and they recommend refusal.

Historic England have been invited to make additional comments following the receipt of additional information from the applicant

The **Staffordshire Gardens & Parks Trust (SP>) & the Gardens Trust (GT)** object to the application. They describe in some detail the development of the historic park. These details are provided in the summary of their consultation response on application 18/00933/FUL. The P > and the GT object strongly to the proposal to erect this development in the RPG, commenting that the adverse impact will be exacerbated by the related proposals for the Wind turbines. Locating development of this type within an RPG is in principle unacceptable being contrary to the historic character and purpose of the site and to the spirit of the legislation promoting its protection. Specifically the solar array with its extensive range of utilitarian frames and reflecting south facing panels will detract from foreground views of the park and an appreciation of its context in the wider landscape (for example from viewpoint 6). It will be contrary to statements in the Heritage chapter of the EIA be visible from the historic perimeter walks around the lake and cascade of pools. The industrial nature of the support stands and pv panels will be wholly at variance with their rural setting, the reflective face of the panels will be visually distracting in a landscape intended historically to offer peace and repose.

The applicants have not demonstrated that the proposals are the only way of achieving the goals of reducing the applicant's energy useage and carbon footprint. There is no guarantee that the use of the site would not continue beyond 25 years. The applicants have not demonstrated that their proposals are so exceptional as to warrant the substantial harm that would be caused to the two heritage assests – the Keele (Hall) CA and the Keele RPG.

Should LPA be minded to grant permission for the development it is suggested that a condition requires the developer to not only to undertake replanting of wood pasture planting around the site,

but also to fund a conservation plan for the wider park as well as a programme of management and enhancement works in the dingle immediately adjoining the application site.

The Gardens & Parks Trust and the Gardens Trust have invited to make additional comments following the receipt of additional information from the applicant

The **Conservation Advisory Working Party** has no objections generally to the location of the solar panels given that they sit lower in the landscape, although it is the level of obtrusive equipment (the inverters, cameras, substation and pylon and large number of battery containers, etc required to facilitate them which will be incongruous in the landscape and potentially harmful from specific viewpoints. Consideration should be given to setting such facilities underground to reduce their impact. The fact that panels are temporary was considered by the Working Party. The Working Party had particular concerns over the number of cctv cameras proposed which looked more like a prison encampment and suggested that if necessary that the number of them should be significantly reduced. One member had concerns about the reflective quality of the panels that may intrude on the designed landscape

The **Council's Conservation Officer** provided a single set of comments covering both applications. The following are relevant to the Solar farm application.

The cumulative effect of turbines, solar panels and associated buildings and development deserves consideration and none of this ancillary development has been included on the photomontages but it will have an impact on the setting of the heritage assets. For example 39 four metre high pole mounted cameras are proposed around the site. All of this infrastructure and the field of solar panels will be glimpsed through the edge of Springpool Wood (from the Conservation Area) and whilst it is welcomed that the solar panels have been pulled back away from the pasture west of Brickkiln plantation it will still be visible.

If the LPA is minded to permit the solar farm development more screen planting of the development from the CA would be advantageous. Equally any restoration of the historic landscape should be informed and set out in a condition, as suggested by the applicants.

If the harm is less than substantial, this means that there is still harm to the heritage assets from both the wind turbines and the solar panels to some degree. The NPPF then calls for public benefits to be weighed against the harm with clear and convincing justification.

The **County Archaeologist** regarding archaeological issues associated with the proposed development considers the application is supported by appropriate documents including the ABDA, supported by a geophysical survey. SCC recommends further archaeological work, but "pre-determination" archaeological works are not required – i.e. the issues can be dealt with by condition, which is set out in detail in their comments

The **Environmental Health Division** has no objections subject to conditions. Noting that the construction works have the potential to create noise and fugitive dust nuisance to nearby properties and due to the nature of the works and the number of vehicle movements they recommend a Construction Environmental Management Plan is obtained by condition. They comment that the application is supported by an assessment of potential 'glint' which whilst it identifies that many properties will be affected by glint at certain times of the day during certain times of the year, concludes that this will not have a material impact upon nearby properties. A condition controlling external lighting is recommended.

The **Landscape Development Section** – no objections subject to conditions requiring submission approval and implementation of a Tree Protection Plan, and an Arboricultural Method Statement

The **Highway Authority** has no objections subject to a condition requiring the development to be completed in accordance with an approved Construction Traffic Management Plan

Keele Parish Council - no objections

Natural England - no objection in that they consider that the proposed developments will not have significant adverse impacts on statutorily protected sites or landscapes, but have provided generic advice to the LPA on other natural environment issues

The **Environment Agency** has assessed the application as having low environmental risk.

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no comments to make on the application

Staffordshire Police – have made detailed comments which suggest that a higher standard of security is required than is proposed in the application – relating to fencing, hardening of access points and planting

Staffordshire Badger Conservation Group have made comments on the application which are available upon request to Members of the Committee

Representations

None received

Applicant's/Agent's submission

The application is accompanied by the following documents:

- An Environmental Statement, and a Non-Technical Summary of it
- Tree Survey
- Statement of Community Involvement
- Planning Statement
- Design and Access Statement
- Construction Traffic Management Plan

Since the application was received a response to consultation responses has been provided, a list of suggested conditions, a plan showing an illustrative concept for the reinstatement of parkland trees, a letter about the Council's Climate Emergency resolution of the 4th April, photographs taken from the lakeside walks, and a letter concerning solar storage constraints with an accompanying plan

All of these documents are available for inspection at Castle House and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00934/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared: 6th July 2019