



## Urgent Item

# Planning Control Committee

**Date:** Tuesday, 17 March 2015

**Time:** 17:30

**Venue:** Crosfield Hall, Broadwater Road, Romsey

**For further information or enquiries please contact:**

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### **Legal and Democratic Service**

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

### **PUBLIC PARTICIPATION SCHEME**

*If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.*

**Planning Control Committee**

Tuesday 17 March 2015

**Urgent Item**

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**13/02735/FULLS – 11.12.2013**

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**(OFFICER RECOMMENDATION: WITHDRAWAL OF REASON OF REFUSAL 2)**

SITE: Land at Eveley Farm, Stevens Drover SO20 6SA,  
**HOUGHTON BROUGHTON**

CASE OFFICER: Rachel Illsley

## ITEM 4

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<b>APPLICATION NO.</b>	13/02735/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	11.12.2013
<b>APPLICANT</b>	KS SPV32 Ltd
<b>SITE</b>	Land At Eveley Farm, Stevens Drove, Houghton, SO20 6SA, <b>HOUGHTON BROUGHTON</b>
<b>PROPOSAL</b>	Construction of solar photovoltaic park with attendant infrastructure.
<b>AMENDMENTS</b>	n/a
<b>CASE OFFICER</b>	Rachel Illsley

Background paper (Local Government Act 1972 Section 100D)

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### 1.0 INTRODUCTION

- 1.1 This application was considered by the Southern Area Planning Committee in July 2014 and subsequently by the Planning Control Committee in August 2014, where planning permission was refused on the following grounds:
- 1.2 1. The proposed development, by reason of its size and scale would have an unacceptable impact upon the landscape character of this location with the magnitude of change imposed upon the character of the area having an adverse visual impact detrimental to the enjoyment of the countryside as experienced by users of public rights of way sitting in close proximity to the application site. The development conflicts with the Test Valley Borough Local Plan policies ESN32 (Renewable Energy Developments) and DES01 (Landscape Character).
- 1.3 2. Insufficient information has been submitted within the application to confidently conclude that the application is located solely on land classified as agricultural Grade 3b. The application also fails to demonstrate that there are no other alternative sites of poorer agricultural quality land which could be used in preference to the application site for the siting of this large scale solar development. The development therefore does not accord with the National Planning Policy Framework (paragraph 112) and Planning Policy Guidance.
- 1.4 The applicants, Kronos Solar Projects, submitted an appeal against this refusal in November 2014 – the appeal is to be considered at a hearing which is scheduled for May 2015.

## 2.0 **BACKGROUND**

- 2.1 The proposed development, under the original application, sought a temporary permission for the installation of the solar panels on the site, changing its use from arable to solar power (with possible inclusion of grazing) for the 25 year lifespan of the project. Following decommissioning of the solar farm, it was stated that the land would be returned to an agricultural use and therefore does not represent a permanent loss of such land. The land at present has a history of arable crop production as part of a larger arable holding, supporting wheat, spring barley and oilseed rape. Objections were raised during the consultation process to the loss of agricultural production, albeit for a temporary period, with comments stating that the development should first explore, or be sited upon brownfield land, poor quality land or on the rooftops of buildings.
- 2.2 The NPPF (para 111) seeks to encourage the effective use of land by re-using brownfield land providing it is not of high environmental quality. Paragraph 112 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be used in preference to that of a higher quality. As this solar array is large scale, it is 'significant development' thereby engaging paragraph 112.
- 2.3 The NPPG (2014) also sets out particular planning considerations relating to active solar technology. The first factor for consideration requires "...focussing large scale solar farms on previously developed and non-agricultural land, provided it is not of high environmental value". The first part of the second factor deems it necessary to consider "where a proposal involves greenfield land, 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".
- 2.4 The NPPG also makes reference to a speech by the Minister for Energy and Climate Change, Greg Barker, from 2013, in which he said "Where solar farms are not on brownfield land, you must be looking at low grade agricultural land..". This consideration of low grade land was also reiterated within the UK Solar PV Strategy (2014) and a letter of 22 April 2014 from Greg Barker to Local Planning Authorities. The emphasis of Government is clear that the best and most versatile (BMV) agricultural land (i.e. grades 1 – 3a) should be avoided where reasonably possible and if BMV agricultural land is to be used, this should be the last resort and be robustly justified.
- 2.5 The supporting documentation submitted with the original application stated that the land as comprised entirely Grade 3b (moderate) agricultural land with a visual assessment and trial pits observing the land to have a high chalk and stone content with substantial deposits of flint. Grade 3b is deemed to be capable of growing a narrow range of crops. However the stoniness of the soil was reported to result in poor water retention, crop growth problems, and crops producing below average and unprofitable yields. A large number of representations received disputed this conclusion, suggesting that the land should in fact be classified as Grade 3a (good) based on the continued production of good yields and the quality of neighbouring land.

- 2.6 To assist in the consideration of this issue, the Council sought expert advice from Reading Agricultural Consultants on the methodology applied by the applicant in determining the soil quality. RAC has advised that the methodology applied to determining the agricultural land quality has not been completed in accordance with established guidance published by MAFF and concluded that the submitted assessment is not a reliable indication of the land quality and that it is unlikely the site will have a uniform grade as implied within the application. In the absence of a full assessment and proper investigation, it could not be confidently concluded that the site comprises entirely Grade 3b quality land.
- 2.7 The application also failed to demonstrate that the use of this site is preferable to any other areas of poor agricultural land quality within a reasonable search area. As such, it was not considered that the requirements of the NPPF (paragraph 112) had been met.
- 3.0 **CURRENT POSITION**
- 3.1 As well as submitting an appeal against the refusal of planning application 13/02735/FULLS, the applicants have now submitted a revised application, (ref: 15/00094/FULLS), still seeking permission for the construction of a solar park but with the site area having been reduced by approximately 13ha. This application is due to come before Members at the next SAPC meeting, scheduled for the 31 March.
- 3.2 The revised application is also supported by additional and more detailed information relating to agricultural land quality (revised ALC report from SES Ltd and a validation report from Robert Askew of Askew Land & Soil Ltd). These supporting reports confirm that there are two main types of soil on the site, a shallow soil over chalk (Type 2) and a deeper soil over chalk (Type 1). They also confirm that the main limitations on grading for each soil type are stoniness, soil depth and droughtiness. The Type 2 soils have a soil depth of 250mm, limiting the grade of the land to Subgrade 3b. For Type 1 soils, the combination of soil depth, texture and stoniness limit the soil grading to no better than Subgrade 3a. However, due to the stone content in the areas of Type 1 soil, the grading of the soil is limited to Subgrade 3b.
- 3.3 The Council has again sought expert advice in respect of agricultural land issues and the assessment of this aspect of the application, this time from ADAS. ADAS has advised the Council that it considers sufficient information has now been provided within the updated Environmental Statement in respect of agricultural land quality, and that it supports the conclusion that the majority of the site is best described as Subgrade 3b, with a small area in the north-west corner perhaps being Subgrade 3a.
- 3.4 Paragraphs 112 of the NPPF and 113 of the NPPG advise that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Paragraph 112 adds that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

3.5 Annex 2 of the NPPF defines best and most versatile land as land in grades 1, 2 and 3a of the Agricultural Land Classification. In light of this guidance and the revised and additional information submitted with the current application, it is not considered that the application site constitutes the “best and most versatile” agricultural land and therefore does not conflict with paragraph 112 of the NPPF.

#### 4.0 **CONCLUSION**

4.1 In light of the above assessment, the second reason of refusal attached to application 13/02735/FULLS has been overcome, in that the site can be considered as constituting grade 3b land, removing the need to demonstrate the availability of other sites of lower land quality. As such, this reason of refusal can be withdrawn from the ongoing appeal, as it is not considered justifiable or reasonable to sustain the current objection to the scheme on agricultural land quality grounds.

#### 5.0 **RECOMMENDATION**

**Further to the resolution of the Planning Control Committee in Aug 2014, the reason for REFUSAL to be defended at appeal shall be as follows:**

- 1. The proposed development, by reason of its size and scale would have an unacceptable impact upon the landscape character of this location with the magnitude of change imposed upon the character of the area having an adverse visual impact detrimental to the enjoyment of the countryside as experienced by users of public rights of way sitting in close proximity to the application site. The development conflicts with the Test Valley Borough Local Plan policies ESN32 (Renewable Energy Developments) and DES01 (Landscape Character).**
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