APPENDIX 10

Extract from Appeal Statement in relation to

Land at Rose & Crown Farm

Objection to development at
Maggotts End, Manuden
(Pelham Spring Solar Farm)

PINS Reference: S62A/22/0011

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p.p.s.

Phillips Planning Services Ltd.
Town Planning and Development Consultants

Your Reference: 14/00283/FM
Our Reference: A134432
Planning Inspectorate Reference: APP/V2635/W/14/3001281

16th February 2015

Development Services
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Dear Sir or Madam,

PINS Appeal Reference: APP/V2635/W/14/3001281
Planning Appeal against the refusal of the Borough Council of King's Lynn & West Norfolk to grant planning permission for the 'Erection of 30 MW Solar Photovoltaic Facility with associated landscaping and construction of temporary access' (Application Reference no. 14/00283/FM Refused 12/06/2014) at Rose & Crown Farm, Mill Road, Walpole St Andrew, Norfolk

Further to the Planning Inspectorate's determination that the above appeal at Rose & Crown Farm, Walpole St Andrew is to proceed by way of a Hearing, we were requested by the Inspectorate to supply them with the evidence which would have been submitted at the proofs stage, had the appeal proceeded by way of an Inquiry.

In accordance with this request, please therefore find enclosed a copy of the revised Appeal Statement which has been submitted to Planning Inspectorate earlier today.

We confirm that all other appeal documentation remains as per submission in December 2014.

Yours faithfully,

[redacted]

Edmund Hodges
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Land at Rose & Crown Farm

Mill Road, Walpole St Andrew, Norfolk

Appeal Statement

Appeal against the refusal of the Borough Council of King's Lynn and West Norfolk to grant planning permission for the 'erection of 30 MW solar photovoltaic facility with associated landscaping and construction of temporary access' at Land at Rose & Crown Farm, Mill Road, Walpole St Andrew, Norfolk

P.P.S.
Phillips Planning Services Ltd.
Town Planning & Development Consultants

Febuary 2015

5.45 Anaerobic Digestion and the growth of associated feedstock does have a public benefit in regards to the production of biogas and renewable energy. However, as a comparison it has also been demonstrated that solar PV facilities produce significantly higher energy yields compared to farm-based anaerobic digestion, in addition to the meaningful contribution which they can make to domestic food supply.

5.46 It is also highlighted that installation of proposed solar PV facility and associated grazing of the land would provide an opportunity for the arable agricultural land to rejuvenate and potentially enhance its condition over the medium and long term when returned back to use.

5.47 It is clear, therefore, that the installation of the solar PV facility would not as a matter of fact result in the loss of high grade agricultural land. Rather it will be retained and rested whilst also remaining in agricultural production for livestock through the grazing of sheep. The meat produced will make a significant contribution to balancing the undersupply of mutton and lamb produced in the UK and is of more value than cereals which are overproduced. The land itself can easily return to intensive arable production if required in the case of a national emergency. The quality of the land itself will improve as a result of this period of "resting". This part of the Council's reason for refusal is therefore inherently flawed.

The need to release the land.

5.48 Nonetheless, as identified in the National Planning Practice Guidance (which was introduced post-submission of the original application), there is a preference for solar farms to be located on previously developed land and lower grade agricultural land. This of itself is not a fundamental objection as a matter of principle against locating photovoltaic schemes on higher grade land. Rather, such land can be suitable if there is no suitable lower grade land or previously developed land shown to be available within the area. Accordingly, a Sequential Test to review potential alternative sites for the proposal has been undertaken by Arcus as part of this appeal. This demonstrates that there are no preferential sites available to the appellants.

5.49 Within the area of King's Lynn & West, Norfolk and surrounding local authorities, the only connection point with the capacity to accept electrical input of 30 MW is a 33kV cable which runs between Walpole St Andrew and Wisbech. As with all renewable energy projects, the ability to connect to the national grid is vital if the benefits of the

scheme are to be realised – there is no point locating facilities on sites which have no grid connection. Indeed, before progressing the appeal site, the appellants assessed 18 sites within the Fens area as to their potential suitability. The majority of these were rejected because there was no grid connection with sufficient capacity available although landscape impacts were also a consideration. Details of these and their location are shown in Appendix Five. The availability of a suitable grid connection therefore logically forms the starting point for determining the area of search for the Sequential Test.

5.50 The viability of running a connection to a cable with capacity is dependent on the estimated output of a proposal/site size. Grid connections are a significant infrastructure cost such projects have to finance and the length of the grid connection is determined by the size of the project – the larger the facility in terms of energy production, the longer the grid connection can be. In regards to this, the maximum distance which a 30MW solar PV facility could viably be from the cable /connection point is 15 kilometres along roads. This effectively equates to a radius from the cable of approximately 13 kilometres. However for purposes of the Sequential Test a 15 kilometre radius of the cable has been used and assessment undertaken to review the suitability of all land within it.

5.51 Within this search area, 20 sites of lower grade agricultural land, non-agricultural land and previously developed land were identified for additional review to establish whether or not they would be preferable to the appeal site. In each case, it has been demonstrated that they would not be suitable for a 30 MW solar photovoltaic facility. The primary reason for this is that the sites are too far from the cable/connection point and do not have enough land to make the facility of sufficient size to ensure the grid connection is viable. Arcus' work clearly shows that most of the potential sites are located well to the east of the cable on Grade 3 land on the opposite bank of the River Ouse which will create difficulty running the grid across connection across the limited number of crossing points. The area around the cable is Grade 1 or 2 land which is not sequentially preferable to the appeal site.

5.52 It has therefore been demonstrated that there are no sequentially preferable sites available for a comparable size of facility within the realistic catchment area of the stretch of grid cable which has capacity to accept a photovoltaic facility of this size. Within this catchment area, the appeal site which is grade 2 agricultural land would in fact represent some of the least 'valuable' agricultural land which is available for the facility to connect to the available grid capacity.

5.53 It is therefore clear that the considerations for establishing the appropriateness of Solar PV sites as set out in the National Planning Practice Guidance have been complied with. It has been demonstrated that by virtue of available grid capacity the only viable location to erect a 30MW solar PV facility would be on the lower quality Grade 2 agricultural land of the appeal site compared to the Grade 1 land which is predominant in the catchment area. Furthermore, within the farmer's landholding, the appeal site is the least productive of the land available. In any case, as previously discussed, the site would remain in agricultural production (sheep grazing to produce meat and wool). The biodiversity of the site would be enhanced through the land returning to grass and the introduction of new trees and hedgerows as part of the facility's landscaping proposals. The proposal therefore complies with the advice of the National Planning Guidance paragraph ID 5-013-20140306.

5.54 Finally, in addressing this agricultural land issue, a balanced decision needs to be taken weighing the benefits of the proposal against any likely negative impacts. The primary policy objective behind protecting the highest grade agricultural land is to ensure it is available for agricultural production to meet the country's food requirements. The site will continue in agricultural production even while it is also generating electricity. Moreover, its current mixed arable cropping regime will be replaced with a livestock enterprise which is of more value to the country's food supply as the UK is a net importer of mutton and lamb. The loss of the site to arable cropping will not be permanent and can easily be reversed if required. Any potential adverse effects are therefore very limited.

5.55 In terms of benefits, the proposal will generate a significant amount of renewable energy, the biodiversity value of the land will improve, the quality of the farmland will improve in the medium and long term, and the scheme will contribute a significant element of diversification to the current farm holding. The appeal site comprises the least valuable farm land within the holding. The growth of renewable energy facilities such as farm-based Anaerobic Digestion means that a substantial amount of high grade agricultural land in the area is being used to produce feedstock and not food. The appeal proposal is preferable as it produces more electricity and is kinder to the soil. Finally, the sequential test exercise carried out by the appellant shows that there are no other suitable sites available within the catchment area which are more preferable in terms of land quality.