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# REVISED PLANNING STATEMENT

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## Sunny Oaks Renewable Energy Park

Ref: 2224 | 9963

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## 1.0 INTRODUCTION & PROPOSAL

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- 1.1 This Revised Planning Statement ('RPS') is submitted in support of the planning application by Sunny Oaks Renewable Energy Park Limited ("the Applicant") for a proposed development consisting of a ground mounted solar array and a Battery Energy Storage System (BESS), known more widely as Sunny Oaks Renewable Energy Park or referred to within this RPS as The Proposed Development ('TPD').
- 1.2 The Project Description (PD, section 2) breaks down the typical components which cumulatively makes up TPD, including the ancillary infrastructure. The PD also includes more descriptive elements and considerations which makes up TPD. The installed capacity of the solar array will be approximately 20 MW(DC). The grid connection is 28.5MW(AC) and the BESS element of TPD would be exporting at 28.5MW(AC).
- 1.3 Planning permission for TPD was originally granted on 5<sup>th</sup> April 2024 following a resolution to grant by the Isle of Wight Council's ('the Council's') Planning Committee on 5<sup>th</sup> September 2023. The planning permission was subject to a claim for judicial review brought forward (Davis against IOWC [AC-2024-LON-001670]). There were three grounds of challenge which were as follows:
- (1) The officer's report ('the OR') recommending the grant of planning permission failed to address the risk of fire from the proposed Battery Energy Storage System ("BESS");
  - (2) The OR failed to set out the substance of the consultation response from the Hampshire and Isle of Wight Fire and Rescue Service; and
  - (3) The Council erred in law by failing to consult on an amendment made to the development's surface water management strategy during the course of the application.
- 1.4 By a Consent Order dated 23<sup>rd</sup> August 2024, the Council and the Applicant agreed that the original planning permission should be quashed on the basis that grounds (1) and (2) had been made out. The Council and the Applicant did not accept that ground (3) had been made out, but all parties agreed that it was not necessary to determine ground (3) as part of the proceedings.
- 1.5 As a result, the application is now back before the Council for redetermination. All of the points raised in the claim for judicial review have been addressed and there is no impediment to the lawful grant of planning permission. Revisions to TPD have been made, as outlined in Section 2, following liaison with the Lead Local Flood Authority (LLFA) and the Council's drainage consultants, as well as recommendations from the Hampshire and Isle of Wight Fire and Rescue Service.

- 1.6 This RPS updates and supersedes the original Planning Statement from September 2022. As well as dealing with those matters raised in the judicial review, it also takes into account any other material changes in circumstance which have occurred in the interim. For instance, TPD has been amended to take account of guidance by the NFCC (concerning BESS units and compounds). For those planning considerations (including policies and discipline specific baselines) which have not changed, the text of this RPS has not changed.
- 1.7 Based on the above, this RPS includes appendices 2-4 which did not feature in the original Planning Statement. The revisions also include various standalone plans which include:
- new BESS compound plan/drainage layout + BESS sections and elevation plans
  - Updated Landscape mitigation/enhancement figures
  - Revised site layout plan
- 1.8 Since the original planning determination (April 2024), to date there has been no cumulative changes to the local area.
- 1.9 The Development Description which forms part of the statutory application form is worded as follows:
- “Proposed Renewable Energy Park; Consisting of Ground Mount Solar Arrays, Battery Energy Storage System, Substation building, Ancillary Infrastructure\*, Means of Access and Associated Landscaping”*
- \*The Ancillary Infrastructure (once TPD is operational) will consist of and include panel frames and anchors, temporary compounds, string inverters, transformers, substation, access tracks, cabling and conduits, CCTV, security fencing and surface water drainage.
- 1.10 Under the Town and Country Planning (Environmental Impact Assessment) Regulations (2017) (as amended) a screening opinion was requested from the Council to determine whether an Environmental Statement (ES) was required for TPD. The Council’s screening opinion confirmed that TPD would not require an ES; albeit the Council did outline the suite of technical reports required to support the planning submission. Those technical reports have been undertaken, as outlined by Section 3. Beyond the Council’s scope, the application is supported by further technical reports commissioned by the Applicant to ensure a robust approach has been taken and to positively respond to all relevant material considerations. Since the screening opinion, the Town and Country Planning (Environmental Impact Assessment) Regulations (2017) have not changed.
- 1.11 The ground mounted solar arrays will be served off an existing means of access from Whiterails Road, Wootton. The BESS will be served off an existing means of access from Briddlesford Road. The Point of Connection is the Wootton substation on land immediately adjacent the proposed development site (to the west).

- 1.12 The associated landscaping works in composite with a range of mitigation and enhancements proposed by the suite of submission documents (section 3 and 7).
- 1.13 The land on which TPD will be sited will continue to be owned by Briddlesford Lodge Farm. In return an annual land rent will be paid to the landowner. Beyond the scope of TPD and the planning merits, the annual land rent will diversify the farms income to ensure the holding has additional and sustained revenue at a time when the challenges and economic returns for farm holdings, in general, are poor and declining (if not unsustainable). This is against the backup of EU subsidy's being removed and Environmental Land Management Schemes (ELMS) being unknown. In that regard, TPD is tantamount to farm diversification which is relevant to planning policy. Importantly TPD does not use land which falls into grade 1-3a and thus is not highly versatile or productive.
- 1.14 For the avoidance of doubt this RPS will not unnecessarily duplicate planning policies (in full length or description) which are referenced within the suite of other technical reports (which assess detailed and specific material considerations) which support TPD. Each technical report considers relevant planning policies associated against specific material considerations and defines how TPD is compliant. However, this RPS (section 3; Other Material Considerations) provides a list of the technical reports and the specific and relevant planning policies to which they relate.
- 1.15 Since the original determination of the planning application, the Council has undertaken a Regulation 19 consultation on the draft Island Plan (IP). That consultation is now completed, albeit the IOWC is yet to announce whether the draft plan will advance further.
- 1.16 The Government has also issued a new draft National Planning Policy Framework ('NPPF'). That consultation is now complete. The government is still to announce whether the NPPD will be formally revised and what specific revisions will be included.
- 1.17 The draft IP and draft NPPF would both attract very limited weight in any planning appraisal. This is consistent with the approach taken by councils and the Planning Inspectorate when making planning decisions. For this reason, this RPS does not consider them further albeit that it would be open to a decision maker to accord them limited weight in the planning balance.
- 1.18 Although this RPS will not duplicate the content or conclusions of those technical reports (in planning policy terms), it will outline all relevant strategic planning policies; namely defined by NPPF and the adopted Local Plan (LP) where those policies are not out of date in NPPF terms. Where those strategic planning polices rely on technical reports submitted as part of TPD this RPS will specifically review and make comment.

- 1.19 Irrespective of the above, this RPS will detail, for the avoidance of doubt, a summary of the mitigations (to condition out or minimise harm where possible) and enhancements which offer planning gains. Such measures act in composite as a material consideration in the overall planning balance.
- 1.20 TPD underwent extensive pre-application consultation (prior to the formal submission) with the IOWC; the details of which are covered (according to the material consideration) within each technical report or by the RPS where they are relevant to strategic planning policy. The pre-application consultation process has informed TPD to make iterative revisions to the design, layout, mitigation and enhancements package. TPD has also undergone extensive re-consultation with the Council, including LLFA and their drainage consultants, as well as the Hampshire and Isle of Wight Fire and Rescue Service since the judicial review.. This has enabled positive and successful dialogue in relation to those matters raised during the judicial process.
- 1.21 Extensive consultation, in advance of the original submission was undertaken with the local community; the results of which are covered by the Statement of Community Involvement (SOI).
- 1.23 The RPS will provide a conclusion on the 'planning balance' when the proposed development is assessed against relevant development plan policies and all other material considerations. It is that planning balance which objectively weighs up whether TPD is acceptable or not.

## 2.0 PROJECT DESCRIPTION

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- 2.1 TPD comprises solar photovoltaic (PV) ground mounted panels, site maintenance tracks and a Battery Energy Storage System (BESS), alongside associated electrical and supporting infrastructure (including cables) to export the generated renewable electricity to the local electrical distribution network. Furthermore, TPD comprises a suite of environmental mitigations, enhancements and wider scheme benefits. The Applicant is a project company owned by Ridge Clean Energy Ltd, a well-funded, UK-based clean energy company whose team have developed, constructed and operated clean energy projects in the UK since 2003. It has a significant portfolio of renewable energy projects of various renewable technologies, totalling over 1GW across projects throughout the UK.
- 2.2 TPD is formed from a planning unit (defined by red line) covering an area of 32.5HA; albeit from that planning unit (or application boundary) only 27.2HA would be used for solar panel development (land north of Whiterails Road), with approximately 0.8HA of land used for BESS and Substation to the south of Whiterails Road. The remaining land within the planning unit would be used for maintenance tracks, environmental enhancement or retained for the purposes of agriculture. As part of the 27.2HA used for solar panel development, the land below and between the ground mounted arrays is currently laid to

grass. That land would be sowed with wildflower mix from local donor meadows (where possible) and annually maintained. The details provided are typical of a renewable energy park of this size, but exact specifications can vary depending on which contractor is used to construct the site, the technology available at the time, and the requirements of the distribution network operator (DNO) which apply at the time of connection. Typical components are summarised below and described in more detail in following paragraphs:

- solar PV panels with a total installed capacity of approximately 20MW (sufficient to supply 5150 homes annually);
- panel frames;
- Battery Energy Storage System (BESS) and ancillary infrastructure within and around the impermeable compound;
- String inverters (mounted on panel frames) and transformers;
- Substation (and building);
- New permeable access tracks, up to 4.5m wide;
- Electrical cabling and conduits;
- Closed Circuit Television (circa x80);
- Site Cabinet;
- Minimal construction lighting; and
- Temporary construction compounds.

### 2.3 Construction & Decommissioning Period

2.4 Construction for TPD would take place over a period of six continuous months. The construction programme would commence with the temporary construction compounds and access tracks. Thereafter a rolling programme would complete areas of the site with fencing, security infrastructure, frames, panels, electrical installation system and commissioning. The BESS elements are delivered as pre-assembled container/skid mounted units. Traffic movements associated with the construction programme are defined in more detail by the Construction Traffic Appraisal.

2.5 Decommissioning of TPD is expected to take place over a similar timescale as that of construction and would likely result in similar processes as during the construction phase.

## 2.6 Operational Period

- 2.7 The operational period for the TPD is 40 years. At the end of the operational period, the land would be restored to agricultural use. During the operational period, associated traffic is limited and would mostly consist of monthly visits by a small van for general inspection. Testing would occur for one day on a six monthly basis (consisting of a single van visiting the site) and cleaning of the panels would occur periodically every 12 to 24 months (which would require approximately two vans visiting daily for a week). Traffic movements are defined, in more detail, by the Construction Traffic Appraisal.
- 2.8 During cleaning of the solar panels, light tractors (which can fit between the arrays) with a rotating soft brush use purified water to remove dirt and dust particles. Purified water is used as it reduces the opportunity for algae/moss/lichen growth and has no environmental consequences. Specialist panel maintenance firms are regulated by ISO14001 certification.
- 2.9 TPD would be automatically monitored for operating parameters and to alert operators of any faults. All operating parameters of the solar farm can be monitored remotely by the solar farm operator. The use of such remote monitoring reduces the number of site visits and operational vehicle movements.
- 2.10 During the 40-year operational period of TPD, the Sunny Oaks Renewable Energy Park is anticipated to generate around 21,450 MWh of renewable electricity each year. That is equivalent to powering approximately 5,150 houses per annum. This will be supplied to the local electricity distribution network and displace the import of power onto the network from traditional or fossil fuel sources of energy generation.
- 2.11 The BESS would be charged by TPD but would also be charged by excess electricity from the local distribution network during times of surplus supply and release this during times of excess demand.
- ## 2.12 Proposed Access Route and Vehicle Movements
- 2.13 The proposed access route would see vehicles arriving at the port of East Cowes. Heavy Goods Vehicles (HGVs) would be routed along the A3021/Whippingham Road, then along the A3054/Lushington Hill to Wootton Bridge where vehicles would turn right along Station Road, where vehicles would turn right along Station Road, then either onto Whiterails Road for access to the solar development, or left hand turn onto Briddlesford Road for access to the BESS/substation. No HGVs would be routed along Park Road and no delivery vehicle would be larger than the 18.65m/44T threshold that constitutes the need for police notifications.



2.14 The total number of individual HGV movements (including deliveries to and vehicles leaving the site) is anticipated to amount to 884 across the six-month construction period. This equates to an approximately daily average of eight individual movements per day. It is approximated that the peak number of personnel on site at any one time would be up to 100, however, methods for car sharing or bringing personnel to site by minibus would be encouraged. A construction Traffic Management Plan (secured by way of planning condition to be agreed with the Isle of Wight Council (IOWC)) would be prepared for TPD, to control delivery routes and timings.

#### 2.15 **Solar PV Array and Frame Mounts**

2.16 The ground-mounted solar arrays are set out on land to the north of Whiterails Road, with the application boundary to the north of the road equating to 27.2 ha. TPD would have an installed renewable capacity of approximately 20MW. Careful consideration has been given to the issues raised by the High Court judgment in *Galloway v Durham County Council* [2024] EWHC 367 (Admin). The design of the proposed development is efficient and has been fully justified by the Applicant. The land required for the scheme is necessary and proportionate.

2.17 As is typical for this sort of commercial solar farm installation, candidate model solar panels have been used for the purpose of the assessments within this application. The final solar panel model choice will be selected prior to construction and will match or better the environmental performance predicted. Therefore, whilst the maximum height of the panels is restricted in line with assessments in this submission, the installed capacity of the Proposed Development could increase should more powerful solar panels be available, subject to market availability. As above, the installed capacity will be approximately 20 MW(DC).

2.18 The solar panels would be mounted on frames at an angle of approximately 15 degrees to the horizontal, with a maximum height of up to 3.0m (however the highest point of the solar panels is currently 2.76m above ground level (AGL). To ensure a robust assessment is undertaken the 3.0m height has been assessed as part of this application, including the suite of technical reports such as the Landscape and Visual Impact Assessment. The lowest part of the panels would be 90cm AGL to provide sufficient freeboard between flood levels in a small and discreet part of the site located within flood zones 2 and 3. Frames that support the panels are typically made of aluminium and they are fixed to the ground with ground anchors. Typical frame details are provided by the submission plans. Where solar panels are located with Southern Gas Network's 15m cathodic protection buffer from the gas pipelines running through the site, no earthing equipment would be located. Concrete footings would be required to provide a foundation for arrays located within this 15m distance. No solar panels or frames are proposed to be located within the working easement of the pipelines.

2.19 Space between frames is provided for maintenance access and to avoid shading from neighbouring panels. Land amongst the solar panels would be sown with a wildflower seed mix from local donor meadows which has been specifically chosen to compliment local ecology and result in a comprehensive net gain in habitat and biodiversity; as detailed by the Ecological Impact Assessment.

## 2.20 **Battery Energy Storage System (BESS)**

2.21 The BESS compound would contain a BESS sized to discharge 28.5MW of electricity over a two-hour period, comprising up to 40 containers measuring approximately 3.5m in height by 12.2 m in length by 2.5 in width for the switchgear units, 3.5m in height by 3.8m in length by 2.5m in width for the converter units, and 3.5m in height by 6.1m in length by 2.5m in width for the battery back housing. Each container would house battery strings, battery management systems, power distribution systems and auxiliary systems such as fire suppression and alarm systems, ventilation, cooling, internal lighting and thermal control system. Each BESS unit would be placed on skids, raising them off the ground as shown in the accompanying suite of figures. . A 4m high acoustic fence would be constructed around the BESS units.

2.22 Subsequent to the previous planning consent granted by the Council on 5<sup>th</sup> April 2024, a number of small changes to TPD has occurred. They include:

- Widened access road on approach to BESS compound, accommodating the turning circle of a fire appliance, or to allow multiple appliances to be held at this location.
- Two new pedestrian gates for emergency service personnel into the BESS compound (east and southern boundary). These gates would be locked but accessible for emergency service personnel should it be needed in the event of a fire.
- Two new pedestrian access footpaths for emergency service personnel from the enlarged approach to the BESS compound to the new pedestrian gates, for use by emergency services only and clearly signposted as such.
- Provision of above ground water storage tanks at eastern end of the compound to store water for use in a fire fighting event (in accordance with NFCC guidance and controlled by planning condition).
- Provision of drainage features at the impermeable BESS compound. New drainage channels at each plateau within the compound would, under normal conditions, collect rainwater which would be discharged by a new underground soakaway. In the unlikely event of a fire being fought at the site, the drainage channels would collect contaminated water which would be diverted (via an electronically activated penstock valve) into new underground attenuation tank at the western

end of the compound, preventing contaminated water entering the local hydrological regime. The stored waters would be tankered away for appropriate treatment/disposal. These tanks would be appropriately sized to accommodate the NFCC guidelines and controlled by planning condition.

- Removal of proposed vegetation within 10m of proposed battery units, in accordance with NFCC guidance.
- Addition of 3.7m of scrub further north into the field containing the BESS compound to offset that loss to account for NFCC guidance.

## 2.22 Inverters and Transformers

2.23 The solar panels generate Direct Current (DC) electricity, which must be converted to Alternating Current (AC) and the voltage raised to the grid connection voltage of 33kV before it is exported to the grid connection point at the Wootton Common substation to the immediate west of the southern part of the Application Boundary. The DC to AC and voltage conversion would be undertaken by string inverter units located behind the panels and mounted onto the frame. Each inverter is typically 100cm by 70cm by 37 cm and approximately 98 would be required.

2.24 The panels and inverters are connected via cabling which is mounted onto the panels or suspended behind the panels. Underground communications and power cables link the inverters to the transformer units.

2.25 The transformer units raise the voltage of the generated electricity to minimise the electrical losses within the site. They are typically mounted in standard container units. Approximately 4 transformer units would be required, each unit would be approximately 3m long, 1.5m wide and 2.5m tall. The external finish would be agreed with the IOWC prior to construction commencing (via a suitably worded condition).

2.26 From the inverter/transformers, export cables would pass under Whiterails Road, through the on-site substation then underground and west to the existing Wootton Common Substation.

## 2.27 Site cabinets

2.28 A site cabinet would be located near the site entrance off Whiterails Road and would contain equipment for general maintenance and spare parts, should they be needed during the operational phase. This would likely be a glass reinforced plastic (GRP) or steel container-based cabinets typically 3m high, 3m wide and 6m in length. The external finish will be agreed with the IOWC prior to construction commencing (via a suitably worded condition).

## 2.29 Substation and Grid Connection

2.30 To take the electricity generated from the solar panels to the BESS and substation, underground cables would connect from the inverter/transformer units in land north of Whiterails Road, trenched across the road and through agricultural land south of the road to an on-site substation providing appropriate protection equipment (e.g. fuses) and isolation switches.

2.31 The substation will typically be 17m long, 10m wide and up to 6m tall finished in a colour to match the local vernacular and to be agreed with the IOWC. The ground footprint of the substation would be approximately 19m by 14m.

2.32 To export the renewable energy generated by TPD to the local distribution network, two options are currently anticipated. Option 1 would route the export cables from the on-site substation underground west through the same field boundary, then across (likely to be horizontal directional drilled under) Palmer's Brook to the Wootton Common substation. Option 2 would route the export cables from the on-site substation, back to Whiterails Road. From here, export cables would be routed within the road (and slung across the edge of the bridge over Palmer's Brook) to the Wootton Common Substation. The exact route of the cable exporting electricity from the substation on site to the point of connection to the local distribution network cannot yet be finalised and is, in any case, subject to confirmation and a separate consenting process.

## 2.33 Site Access Tracks

2.34 Two points of access off the adopted highway are proposed. Access to the solar arrays would be via an existing access point off Whiterails Road in the south western corner of the application boundary north of Whiterails Road. The access to the BESS/Substation would be via an existing access point off Briddlesford Road to the south of Briddlesford Lodge Farm. From here approximately 128m of existing farm track would be used, after which new 'floating' permeable track is proposed to reach the BESS/Substation units without requiring excavation.

2.35 Where sections of new, upgraded or widened access track are required this will have the appearance of typical vernacular farm tracks with a crushed stone running surface that will grass over in time. The running surface (approximately 4.5m wide) would be laid over a permeable stone sub-surface on a surface-mounted geogrid base (e.g. Cellweb or similar).

2.36 Access tracks, as with the proposed infrastructure in general, have been designed and aligned to avoid interaction with tree Root Protection Areas (RPA) wherever possible (see the accompanying Arboricultural Impact Assessment). Where access tracks would be required to cross the intermediate pressure gas pipelines, they would do so at 90° with appropriate fencing along the easement for a

distance of 6m during construction. The pipeline would be protected at crossing points by appropriate track construction (in accordance with Southern Gas Network (SGN) guidance). Ground conditions, vehicle types and crossing frequency will determine the design, to be agreed with SGN.

2.37 The on-site access tracks within TPD need to remain in place through the lifetime of the project to facilitate access for routine maintenance.

#### 2.38 **Electrical Cables**

2.39 The solar panels are electrically connected to each other, with connections made for:

- electronic communication and control;
- low voltage power supply for the monitoring and operating systems;
- high voltage power export cables; and
- broadband telecommunication for remote site monitoring and management.

2.40 Cables between solar panels in the same row are hung in ducts fixed along the back of panels to the end of the row. All connection cables will be run across the site in underground cable trenches below agricultural depth.

#### 2.41 **Security**

2.42 A perimeter fence would be installed to protect the panels from theft. The fence will be stock style/deer proof fencing with wooden posts and open wire mesh up to 1.8m tall. A typical fence and accompanying wire mesh gate detail are provided by the submission plans. There would be a number of gates across the site, providing maintenance access to the solar arrays. The BESS would also be supplemented by an acoustic fence.

2.43 Access points (i.e. gaps at the base of security fencing) for wildlife will be included in the fence line to ensure permeability across habitat.

2.44 Inward facing CCTV cameras (approximately 80 in number across the site) will be located around the perimeter of the site. Cameras will be positioned on posts that are approximately 2m tall. The cameras would be used for security of the solar farm infrastructure and would be inwardly facing to the proposed development site. The number of CCTV cameras would be limited to the minimum required to reduce visual impact where possible.

#### 2.45 **Lighting**

2.46 No visible lighting is proposed as part of TPD for the operational period. Lighting associated with CCTV Cameras will be infrared and not visible to the naked eye.

2.47 During the construction phase, temporary lighting may be required should deliveries be scheduled for after dusk, and security lighting on a sensor is typically utilised for the construction phase whilst machinery and materials are stored on site. Any lighting on site during the construction phase will be kept to a minimum to avoid disturbance to local residents and ecological species as far as practically possible.

#### 2.48 **Temporary Construction Compound**

2.49 For the duration of the construction (and decommissioning) periods, two temporary compound areas will be required (at the entrance to the PV area, and at the location of the substation/BESS units) to provide secure storage of equipment and construction materials, welfare facilities and office accommodation for site staff.

2.50 Elements contained in the temporary construction compound include the following:

- site office;
- welfare facilities;
- equipment storage area;
- materials storage area;
- waste separation and holding area;
- wheel washing facilities;
- HGV turning area; and
- vehicle parking spaces.

2.51 The layout of elements within the construction compounds may vary but the overall dimensions would likely be 30 X 40m.

#### 2.52 **Wheel Washing Facilities**

2.53 Wheel washing facilities would be provided at exit points from the site onto the public highway and the construction compound. All of the above will be framed by a Construction Environment Management Plan (CEMP); the specific details of which can be covered by planning condition.

### 3.0 OTHER MATERIAL CONSIDERATIONS

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- 3.1 The planning submission is supported by a range of technical reports (including updated technical reports to support the proposed revisions) which review and considers TPD according to the material consideration specified. Each technical report had been assessed by relevant LP and NPPF policy to ensure TPD is acceptable in land use terms. Each consultant was appointed early to inform TPD from conception so that the design, mitigations and enhancement were robustly and comprehensively understood, evolved and deployed.
- 3.2 This RPS does not seek to duplicate the content of those technical reports, but it will define the scope of those reports within appendix 1.
- 3.3 Although this RPS does not define each relevant policy, it will, by way of the conclusion (section 9) summarise (high level) the technical report conclusions, the weight applied to the relevant policies and provide analysis on the final planning balance.

### 4.0 POLICY WEIGHTING AND PRIMACY (STRATEGIC POLICY)

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- 4.1 The NPPF (which sets out the Government's planning policies for England (and how they should be applied)) provides a framework within which locally-prepared plans for development can be produced.
- 4.2 Planning law requires that applications for planning permission be determined in accordance with the development plan (or Local Plan (LP)), unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan (LP) and is a material consideration in planning decisions. Importantly Local planning authorities must determine applications on planning grounds only and based on the LP and NPPF.

- 4.3 When set against the weighting of which policy (Local or National) has primary section 11 of the NPPF is explicit and confirms:

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 4.4 Although the LP (Isle of Wight Core Strategy, March 2012) predates the NPPF (July 2021) it is not specifically outdated against policies which are directed to renewable energy generation and against section 11 (NPPF). Thus, the LP is given primacy in decision making. Given that the LP is given primacy in relation to strategic (renewables) planning policy, the RPS will start with the LP, followed by the NPPF.



## 5.0 LOCAL PLAN (LP) POLICY

- 5.1 The LP is a construct of background papers/evidence and a range of now (out of date) Planning Policy Statements which have been superseded by the NPPF. However, in respect to renewable energy development, those policies in the LP are not out of date and thus are given primacy.
- 5.2 As an overall approach within the LP, there are twelve objectives; all of which are given equal weight. The ninth objective is to “provide renewable sources of energy that contribute to the Island being self-sufficient in renewable electricity production”. To date, the Island is not self-sufficient in renewable electricity production and so TPD should be given significant weight in LP (strategic objective) terms.
- 5.3 The LP has two specific policies relating to renewable energy; being SP6 (Renewables) and DM16 (Renewables). Importantly, there are no specific land allocations for renewable energy developments, nor is there any Supplementary Planning Guidance. Policies SP6 and DM16 define the sole approach within the LP.
- 5.4 SP6 is framed by the follow core objectives:

### SP6 Renewables

A range of renewable energies will be encouraged across the Island to meet its target of up to 100 MW installed capacity as the on-shore contribution to becoming self-sufficient in renewable electricity production.

The Council supports domestic and medium scale, localised provision across the Island and recognises the need for large-scale, grid-connected renewable energy schemes. These schemes will be expected to contribute to the economic development and regeneration of the Island and help it meet its target of becoming self-sufficient in renewable electricity production.

The Council believes the renewable energy target can be met through the following potential minimum contributions from a range of proven technologies:

At least 22.5 MW from wind

At least 15 MW from photovoltaics

At least 7.4 MW from waste

At least 6 MW from biomass

It is expected that the remaining 50 MW capacity will be met from a combination of smaller scale and domestic installations, schemes granted permission but not yet built and schemes using imported fuels.

It is accepted that a range of new technologies, other than those listed above, are likely to emerge and these will be considered on their own merits in-line with national planning policy and the policies of the Core Strategy.

Within areas of protected and sensitive landscapes, development should generally be small scale or community-based. It is expected that large-scale wind and photovoltaic schemes will be located outside of the AONB (and grade 1-3a agricultural land for photovoltaics) and other designated environmental assets, although schemes within the AONB will be considered when there are no alternative sites outside of the AONB and where a considerable community benefit is demonstrated and considered to outweigh the landscape impact.

The Council will support large-scale heat projects where they can demonstrate sufficient benefit to the Island and/or help to reduce the carbon emissions from existing housing and commercial buildings.

- 5.5 SP6 recognises that when seeking to become self-sufficient in renewable electrical production that this will contribute to the economic development and regeneration of the Island. Photovoltaics are one of the four technologies listed to assist with a target of up to 100MW of installed capacity; albeit from that

target the generation capacity from the specified technologies is a ‘potential minimum contribution’ and therefore not acting as a policy ceiling.

- 5.6 The two main considerations for ‘large scale’ (or major) developments (which the IOWC define to be above 1MW of installed capacity) is that they should (generally) be located outside of the AONB and not use grade 1-3a agricultural land (for photovoltaics). TPD is located outside of the AONB and is not on grade 1-3a agricultural land (see ACL Report 2224-9963).
- 5.7 Through pre-application consultation with the Council it was confirmed in relation to SP6 that *“such renewable energy schemes are strongly encouraged and the NPPF states that the planning system should play a key role in supporting the delivery of renewable energy. In addition, Policy SP6 of the Core Strategy explains that a range of renewable energies will be encouraged across the Island to meet the target of 100MW capacity as the on-shore contrition to becoming self-sufficient in renewable energy production. Therefore, there is **strong policy support** for solar farms/panels here and therefore there is **no principle objection to such a project”**.*
- 5.8 The Council then outlined a range of material considerations, such as the need to review the Agricultural Land Grade, the Landscape Character and Visual Impact, relationship with neighbouring properties and highways; all of which are scoped by the accompanying technical reports.
- 5.9 Based on the parameters of SP6, TPD can be given significant weight.
- 5.10 DM16 takes a step further and is framed by the following core objectives:

**DM16 Renewables**

The Council will, in principle, support proposals for the utilisation, distribution and the development of renewable sources of energy. Development proposals will be expected to:

1. Be informed by a landscape character assessment.
2. Demonstrate how the provision of renewable energy in the proposed location contributes to the viability and financial sustainability of Island businesses and communities.
3. Reflect the capacity and sensitivity of the landscape of the Island, in line with Policy DM13.
4. Wherever possible, source any required fuels from Island-based renewable sources, with consideration given to waste streams as potential fuel sources. Where this is not possible, proposals will need to justify the need for non-Island-based renewable fuel sources.

- 5.11 The primary objective of DM16 is supportive on the proviso TPD is informed by a Landscape Character Assessment (part 1) and reflect the capacity and sensitivity of the landscape of the Island, in line with Policy DM12 (part 3, as scoped into the LVIA). Although the RPS does not seek to duplicate the content of other supporting technical reports, the LVIA is relevant to DM16 and thus, when presented against the proposed plans, the LVIA (and its updated landscape enhancement plan) makes various conclusions once TPD is operational and imbedded within its landscaping:

- The site is a relatively closed landscape with short to medium distance views available to the next topographical ridge or area of woodland. It is also a landscape that contains a number of recognised ‘Changed Countryside’ uses, in addition to subsequent new or unidentified ‘Changed Countryside’ uses, which have occurred since the EWLCA was published in 2015.
- There are **no noteworthy landscape or heritage designations within or in close proximity to the Site**, and there are none that **have a direct physical or visual relationship with the Site**. Features of interest include the hedgerows and trees, but these are not rare (and will be retained except where small sections will be removed for access). **The Site does not have a statutory status (National Park, AONB), is not designated or referred to as a ‘valued landscape’ and does not have any identified quality in the Island Plan Core Strategy**. Therefore, despite the attributes outlined in 5.24–5.34 within the text, when **applying the ‘commensurate’ test as set out in paragraph 174 of the NPPF, the Site is not subject to any protection or enshrined enhancements**.
- TPD is considered to have a **slight beneficial effect on the landscape resource** (direct effects) after a 15-year establishment period. This is considered appropriate, given that the new grassland, scrub/hedge and tree landscape features are considered to be a landscape enhancement beyond that of the existing working agricultural fields.
- TPD is considered to have a **negligible neutral effect or no effect on the local landscape character areas (‘PL3 Northern Clay Pasture Land’ and ‘Northern Lowlands’) after a 15-year establishment period**. This is considered appropriate, given that landscape changes would only be experienced within the Site itself in the context of other ‘Changed Countryside’ uses and not within the wider character area. Furthermore, **the proposals in the landscape mitigation and enhancement strategy have been carefully designed to naturally form part of and complement the existing landscape characteristics**.
- TPD is considered to have a **negligible neutral effect or no effect on the nearest AONB landscape character areas (‘Traditional enclosed pasture’ and ‘Northern woodland’) after 15 years**. This is considered appropriate, given the Site’s separation from the AONB and in spite of the proposed additional tree and hedge planting, which is expected to **further contribute to the characteristics of the local AONB and non-AONB landscape**.
- The viewpoint photography shows that the visibility of TPD would be **extremely localised**, with primary visibility (clear, open views of most of the Site) limited to the Site and its immediate context. Secondary visibility (glimpses or filtered views of part of the Site) would be limited to the

east and south-east along Briddlesford Road, to the south-west towards Staplers Road, and over the south-facing hillside in the vicinity of Alverstone Road to the north.

- Five of the eight visual receptors are expected to experience a **slight adverse effect after a 15-year establishment period. Adverse effects are considered to be unavoidable from all but one of these visual receptors due to their proximity to the receptor. However, these are views predominantly experienced by transient receptors, either as a motorist or cyclist, who have a lower sensitivity and appreciation of the landscape (compared with that of a leisure walker passing along a rural public footpath).** The proposed mitigation measures will ensure that the magnitude of effect is **minimised through new native plantings within and along the edges of TPD.** The other visual receptor which is expected to experience adverse effects after 15 years is located from a distant, elevated public footpath. Here, views of some of the panels will be experienced at a distance of over 1km within a much wider settled-rural landscape.
  - Three of the eight visual receptors are expected to experience a **negligible neutral effect after 15 years, as TPD is not expected to be visible from these receptors due to the intervening topography and existing or proposed new vegetation.**
  - The extensive range of mitigation and enhancement measures identified have been developed to **enhance the landscape character of the Site and to remedy the potential adverse landscape and visual effects. These initiatives include planting new mixed native hedgerows, planting a temporary evergreen hedge that will in time be replaced by a native scrub/hedgerow edge, planting new native trees within or next to existing hedges, and establishing extensive natural grassland areas** over the area covered by the proposed solar PV arrays.
  - TPD is expected to be in operation for a limited period of 40 years and is therefore **considered to be reversible. After the panels and associated infrastructure are removed, the landscape will return to the current farming use,** albeit within a retained enhanced landscape framework (subject to the necessary change of use planning consents).
- 5.12 Based on section the LP (7.264) TPD has been well informed by the LVIA to evolve the specific proposal in relation to the location, scale and design of TPD; nothing against section 7.264 the site is not a 'sensitive landscape'.
- 5.13 TPD, the LVIA and the associated plans demonstrate that the site and its landscape has capacity to accommodate the proposal without an unacceptable harm. The mitigations and enhancements ingrained into TPD ensure that the environmental capacity is compliant with DM16. In the context of DM16 TPD can be given significant and now overriding weight against the policy tests applied.

- 5.14 Section 7.271 of the LP recognises that *“renewable energy schemes can also contribute to the diversification of rural economies through providing income streams for landowners”*. This is true of TPD whereby it will provide diversified income for Briddlesford Lodge Farm. This can be given significant weight and framed against farm holdings seeking to diversify income against EU subsidy’s being removed and replaced with ELMS, the value of which is unknown. In that regard, TPD would correlate to LP policy DM8 (Economic Development) which confirms the Council will support (part 5) *“rural economic development opportunities and farm diversification schemes that contribute to the sustainability of the wider countryside”*. This can be given significant weight.
- 5.15 DM16 however is outdated against the NPPF (and so cannot be given primacy in complete regard) when it requires TPD to demonstrate how it will contribute to the viability and financial sustainability of Island businesses and communities.
- 5.16 The NPPF (Section 158(a)) confirms that when determining planning applications, Local Planning Authorities should *“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”*. This does not dismiss that TPD will still contribute to the viability and sustainability of Island businesses, communities and residents, but this is by virtue of TPD delivering significant renewable energy generation so that it reduces reliance on fossil fuels, leads to a low carbon future and helps ensure essential green infrastructure is installed for energy security. In LP and NPPF terms this can be given significant weight.

## 6.0 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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- 6.1 At the heart of the NPPF the goal is to achieve sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and pursued in mutually supportive ways.
- 6.2 Section 8 confirms those three overarching objectives to include:
- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - b) ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services*

*and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

- c) ***an environmental objective*** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 6.3 With respect to TPD the clear narrative to move toward a low carbon economy and to mitigate and adapt to climate change must be given significant material weight. To secure renewable energy generation which is only dependant on the sun (and not fossil fuels or other Countries) not only moves the UK to a low carbon economy which adapts to climate change, but also caters for positive social and economic benefits for generations to come by safeguarding essential renewable infrastructure which will support (to stabilise and grow) businesses, the economy and communities (including houses and facilities to support those communities).
- 6.4 As demonstrated by the suite of technical reports, TPD makes efficient use of land in the right location and in an effective way which will deliver a significant gain; moving to a low carbon economy whilst protecting the natural environment and improving biodiversity. It will also lead to diversification of Briddlesford Lodge Farm (NPPF, Section 8) by supporting the holding through diversified income and by not using land which is productive or highly versatile.
- 6.5 The NPPF, Section 120 confirms that planning policies and decisions should:
- a) encourage multiple benefits from both urban and *rural land*, including through *mixed use schemes* and taking opportunities to *achieve net environmental gains* – such as developments that would enable *new habitat creation* or improve public access to the countryside;
  - b) recognise that some undeveloped land can perform many functions, such as *for wildlife*, recreation, flood risk mitigation, cooling/shading, *carbon storage* or food production.
- 6.6 Although Section 120 is not directly linked to strategic renewable planning policy, the themes applied are indivisible in that TPD creates a mixed-use scheme where renewable energy generation coexists with significant net environmental gains (see report: 120) and enhanced and new habitat creation. That land will also, for the lifetime of TPD store carbon in the soil as it will remain uncultivated.
- 6.7 The NPPF (Section 152) then clearly states that “*the planning system should **support** the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to **radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources and support***

***renewable and low carbon energy and associated infrastructure”.***

- 6.8 TPD is clearly aligned and in positive correlation and should be given significant weight in NPPF terms.
- 6.9 The NPPF then reiterates (Section 153) that *“a proactive approach to mitigating and adapting to climate change [and] overheating from rising temperatures”* must be considered and that *“policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts”*.
- 6.10 The NPPF provides prescriptive guidance for new development which TPD has followed to ensure it is compliant. The NPPF is premediated to guide the preparation of LP allocations; albeit as defined by Section 5 the LP has made no allocation for renewable energy projects/sites, nor has the IOWC prepared any Supplementary Planning Guidance. However, the LP (when given primacy), has similar themes applied to new renewable development in that it offers prescriptive locational requirements and relevant material considerations for which developments, including TPD, should follow. It is within that context that TPD is strategically compliant and should be given significant weight.
- 6.11 In similar narrative, the NPPF (Section 155) states that *“New development should be planned for in ways that to help **increase the use and supply of renewable and low carbon energy and heat, plans should:***
- a) *provide a **positive strategy for energy** from these sources, **that maximises the potential for suitable development**, while ensuring that **adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)**;*
  - b) *consider identifying **suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development**; and*
  - c) *identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 6.12 In determining planning applications, local planning authorities should expect new development to:
- a) *comply with **any development plan policies** on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
  - b) ***take account of landform, layout, building orientation, massing and landscaping** to minimise energy consumption.*

6.13 In relation to TPD, it has taken informative steps from its conception to the planning submission by ensuring:

- It is co-located next to electrical infrastructure which can support the connections;
- It is located outside of any protected land designation (such as the Area of Outstanding Natural Beauty (AONB)) or a sensitive environmental area;
- It is not located on the best or most versatile agricultural land. TPD is wholly sited on land which is grade 3B or worse;
- It is located within a geographic area and locality which is self-contained and has limited landscaping and visual receptors; leading to favourable conclusions outlined by the LVIA; and which offers a package which mitigates any harm and will deliver longer term enhancements;
- That any existing environmental capacities or constraints (detailed by the supporting technical reports) have been robustly assessed to inform the design; enabling the protection and mitigation of those material considerations and, where possible, to deliver enhancements.

6.14 The above should be given significant weight.

6.15 The NPPF (Section 158) then further states that *“When determining planning applications for renewable and 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 cutting greenhouse gas emissions; and***
- b) **approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas”.***

6.16 In conclusion to the NPPF, it can be determined that significant weight must be given to the principle of renewable energy development as proposals offer the opportunity to radically reduce reliance on fossil fuel and leads to a low carbon infrastructure network. Against the social, economic and environmental objectives of the NPPF, TPD is positively indivisible and undisputed. It is compliant and can be given significant weight.



- 6.17 Against detailed material considerations, and when considered against the technical reports which form the suite of submission documents, the narrative of TPD is clear. It has taken a locational responsibility to use land which is not designated or sensitive and which can be accommodated in landscape, visual, design and other material consideration terms (including grid connection terms) so that any effects are mitigated (and made acceptable) and enhanced; both of which can be given significant weight.
- 6.18 In composite, when balanced against the objectives of the NPPF, TPD can be given significant and overriding weight to act in favour.

## 7.0 MITIGATIONS AND ENHANCEMENTS

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- 7.1 TPD provides a suite of mitigations to reduce or remove harm so the proposal is acceptable in the overall planning balance. The mitigations applied to TPD (from conception to planning submission) includes;
- 1) Taking significant iterative steps to inform the sites location, design and layout including:
  - 2) Using land which is not highly productive and highly versatile;
  - 3) Is not located within the AONB or in a sensitive area;
  - 4) Selecting land which is capable of change in Landscape and Visual, Residential Amenity, and Ecological terms;
  - 5) Has considered a positive access strategy which uses existing points of entry rather than creating new access points from the adopted highway which would have otherwise, in the short term, lost hedgerows;
  - 6) Has ensured all easements (electric and gas) are safeguarded;
  - 7) Surveying, as appropriate, trees on site to ensure they are retained, respected and safeguarded;
  - 8) Applied a 15m buffer around woodland identified as being ancient semi natural woodland, including Fattingspark Copse and a similar buffer strip associated with the BESS, even though that woodland is not a designated ASNW.
  - 9) Retained all hedgerows, bar the smallest of incursions where essential for internal access and cabling.
  - 10) Surveyed for all relevant species scoped in by the Preliminary Ecological Appraisal (PEA) to ensure accurate baseline evidence is known to safeguard and mitigate any effects (and to then apply those mitigations);

- 11) Has worked iteratively with a noise consultant to ensure any associated infrastructure is appropriate and will not generate an unacceptable impact;
- 12) Has worked iteratively with a Landscape Architect (via the LVIA) to ensure the proposed design and layout assimilates within the environment and creating a package of landscape mitigations, including hedge and tree protections, hedge and tree thickening and hedge and tree planting;
- 13) Has ensured that TPD will not cause an impact in drainage or flood risk terms and has demonstrated compliance with new NFCC guidance to positively adapt the BESS and its ancillary infrastructure/compound to the satisfaction of the Hampshire and Isle of Wight Fire and Rescue Service. TPD has also provided reassurance that the surface water drainage strategy is robust and to the satisfaction of the LFFA.
- 14) Has undertaken a Desk Based Assessment and further a Geophysical survey to ensure TPD does not affect any unknown Heritage Asset (namely Archaeology) and that any limited works could be curtailed to the southern part of the site (BESS) and controlled via planning condition.
- 15) Accepting the use of planning conditions (to mitigate any other harms), where necessary and reasonable. The final set of planning conditions can be agreed with the Council, but amongst other considerations the applicant is agreeable to:
  - TPD to be conditioned against the approved plans to ensure it is 'built in accordance'. By being 'built in accordance' then naturally correlates with the conclusions defined by the suite of technical reports.
  - To provide a final Construction Environment Management Plan (CEMP) before the development commences.
  - To provide a final Landscape Management Plan (based on the principles supplied by the submission).
  - An archaeological watching brief curtailed to parts of the site (BESS) which the Council have directly specified.
  - Measures detailed in the Arboricultural Implications Assessment (AIA) to be implemented prior to a phased programme of works.
  - To provide a Traffic Management Scheme

7.2 Cumulatively, when dissected against the suite of technical reports the mitigations applied (along with the use of planning conditions) ensures TPD has taken robust steps to mitigate (by an iterative and

responsive approach) so that any potential harm is satisfactorily mitigated to allow TPD to occur. This can be given significant weight.

- 7.3 Alongside the technical infrastructure required to construct and operate the proposed renewable energy park, additional measures are proposed as part of the development, as summarised in the accompanying LVIA and EIA.
- 7.4 Substantial areas of new wildflower mix planting amongst the panels are proposed, along with new and improved hedge/scrub planting and trees. Although acting, in part as mitigation, that planting also offers significant enhancement to the ecological, landscape and visual amenity resources. The proposed enhancement strategy (see the accompanying LVIA) would result in a net gain in habitat of approximately 100% (see EclA) and has been designed to complement the existing landscape character of the area whilst improving the site ecologically. An outline Landscape and Ecology Management Plan has been submitted as part of this application and sets out the outline management proposals to demonstrate the deliverability of the proposed enhancements. The main management aims are to:
- Enhance ecological value of the site by improving connectivity and creating new grassland, scrub and tree habitats.
  - Reinforce local landscape character, with particular note to the guidelines as set out within the East Wight Landscape Character Assessment (EWLCA), 2015 which identifies the Site falling within the 'PL3 Northern Clay Pasture Land' local landscape character area (including "Conserve and enhance the hedgerows, hedgerow trees", "Conserve the ancient woodland, copses and field trees", and "Conserve and enhance grasslands").
  - Retain high level open views across the Site to wooded edges and across the valley by limiting the height of new and existing hedge and scrub plantings.
  - Ensure existing hedges and trees are safeguarded and their habitat and diversity improved over the long-term.
  - Improve structural diversity of the ancient and mature woodland areas by creating a 15m tiered 'soft' woodland edge (to be managed as 'new woodland scrub mix').

## 8.0 CONCLUSION & PLANNING BALANCE

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- 8.1 In terms of the LP, and policies SP6 and DM16 (which are given primacy), TPD is located on land which is not within the Area of Outstanding Natural Beauty, nor designated for any for purpose. TPD uses land which is grade 3b or worse and therefore is not best of most versatile land. This can be given positive material weight.
- 8.2 TPD has undertaken a robust LVIA approach, the conclusions of which (as contained within the LVIA and section 5.11 of this PS) demonstrate there are no significant adverse impacts arising. It is LP SP6 and DM16 compliant as the primary strategic starting point. This can be given significant positive material weight.
- 8.3 The extensive range of mitigation and enhancement measures identified have been developed to enhance the landscape character of the Site and to remedy the potential adverse landscape and visual effects. These initiatives include planting new mixed native hedgerows, planting a temporary evergreen hedge that will in time be replaced by a native scrub/hedgerow edge, planting new native trees within or next to existing hedges, and establishing extensive natural grassland areas.
- 8.3 TPD has been informed and reflects the capacity and sensitivity of the landscape. TPD is LP SP6 and DM16 compliant. In that regard, TPD can be given significant positive weight; noting SP6 and DM16 are given primacy in NPPF terms.
- 8.4 The Council has confirmed the strong policy support for TPD and there is no principle objection arising. Pre-application consultation with the Council (as per the Design and Access Statement and LVIA) has helped shaped the proposal, the mitigations and enhancements to be LP DM2 compliant. As a consequence of the above, TPD is LP DM8 (Economic Development) compliant as it will support “rural economic development opportunities and farm diversification schemes that contribute to the sustainability of the wider countryside”. LP policy DM8 (Economic Development) confirms the Council will support “rural economic development opportunities and farm diversification schemes that contribute to the sustainability of the wider countryside”. This can be given significant weight.
- 8.5 TPD is compliant with the NPPF; and namely (but not exclusively) sections 120, 153, 155 & 158. This can be given significant positive material weight.
- 8.6 An assessment of all other material considerations, a summary of which is as follows:
- Access Statement: TPD will not create an unacceptable impact on highway safety. The TPD will use a fully compliant access to service the BESS and substation from Briddlesford Road. The

exiting access off Whiterails Road (to service the Ground Mount Arrays) is deficient in terms of visibility to the southwest, however it is not so deficient as to constitute a significant hazard and this is demonstrated by the lack of accident history specifically related to the access point. The access is currently in regular use and, as such, has an existing level of traffic generation. Island Roads have agreed with the principle of comparing existing and proposed levels of traffic movements. Island Roads have confirmed that if there is a reduction in traffic generation they would support the proposal. As demonstrated by the Access Statement, traffic volumes will be reduced and therefore is supportable. This can be given positive material weight.

- **Noise Assessment:** The assessment has undertaken a robust approach by setting noise limits at a low absolute limit for both day and night. It has also undertaken the assessment when operating at 100%. Subject to the noise barrier for the BESS being installed (which can be controlled by a planning condition) TPD is not expected to affect residential amenity or business activity. The operational noise associated with the Ground Mounted Arrays is very low and unlikely to be audible past the site boundary. This can be given positive material weight.
- **Arboricultural Impact Assessment (AIA):** Subject to TPD following the measures detailed in the AIA (Tree Protection Plan and Arboricultural Method Statement) combined with the mitigation and enhancement (landscaping) proposals, TPD will have no substantive effects or impacts upon trees on or off-site. The mitigation and enhancement measures can be controlled by planning condition. This can be given positive material weight.
- **Archaeology:** As a combination of the Desk Based Assessment, site visits, Geophysical Survey and correspondence with the Council the land to the north of Whiterails Road (to service the Ground Mount PV Arrays) would not require any further assessment. The potential for remains would be low/negligible. The field to the south of Whiterails Road (to service the BESS and substation) may hold some limited potential archaeology based on uncertain anomalies identified in the geophysical survey. Archaeological mitigation and the scope of further works (as agreed with the Council) can be satisfactorily covered by planning condition. This can be given positive material weight.
- **Flood Risk Assessment and Drainage Strategy:** The proposal is considered to be 'Essential Infrastructure' and has been located in Flood Zone 1; bar a small area that falls within Flood Zones 2 & 3 which has been limited and passes the Exception Test. The development layout, level and form means that it is appropriately flood resistant and resilient and could therefore be brought back into use without recourse to significant refurbishment. Whilst it does not incorporate a designed sustainable drainage system, it accords with the aims of the sustainable

urban drainage system principles by virtue of its continuing to utilise a surface water drainage strategy utilising infiltration as its method of disposal. There is no net loss of flood storage capacity. The above will be supplemented by the landscaping strategy which will enhance infiltration. There are no residual flood risks to manage due to the majority of the site being within Flood Zone 1, the nature of the proposed development, the lack of any overnight accommodation and the fact that the surface water management strategy remains as in the pre-development scenario. TPD has demonstrated compliance with new NFCC guidance to positively adapt the BESS and its ancillary infrastructure/compound to the satisfaction of the Hampshire and Isle of Wight Fire and Rescue Service. TPD has also provided reassurance that the surface water drainage strategy is robust and to the satisfaction of the LFFA. This can be given positive material weight.

- Glint and Glare: Glint and Glare impacts (without mitigation) against residential receptors are considered high at nine receptors, low and four receptors and none at all other receptors. Once mitigations measures (as controlled by planning condition) are implemented the impacts are low at three receptors and none at all other receptors. Of the road receptors five receptors are high but reduce to no impact once mitigation measures are implemented. All other receptors have no effect. There are no rail or aviation effects. In consequence of the mitigation there will be no effect on all road, rail and aviation receptors. Of the residential receptors, only three will be affected; albeit that level of impact will be low. This can be given material (and mainly positive) weight. The limited and specific impacts would not outweigh the TPD and the benefits arising.
- Residential Visual Amenity Assessment (RVAA): There is potential for significant effects at three of the six residential visual receptors which are located immediately alongside the site serving the Ground Mount Arrays. However, TPD would not appear overbearing, overwhelming or oppressive as to have a visual effect to render those three properties unattractive or uninhabitable and against the site-specific factors considered in the RVAA (Section 8.2; bullet points 1-5). This can be given material weight. The limited and specific impacts would not outweigh the TPD and the benefits arising.
- Ecology: From the combined range of reports (Bat, Winter Bird, Hedgerow, PEA and EclA (Including BNG Calculations (including updates) the following applies:
  - The updated PEA has confirmed that as the site's overall function as farmland and hedgerow network hasn't changed, the site's original conclusions regarding ecology remain unchanged.

- The bat transect surveys and static defector results show that a low number of bat species commute and forage around the site's boundary, with common pipistrelles being the highest recorded species. The lack of variation in habitat and poor-quality grassland are likely contributors. TPD will not harm or negatively impact bats. TPD will enhance the habitat, grassland and woodland edge to offer a planning gain. This can be given positive material weight.
- A total of 16 bird species were recorded. The arable habitat was identified within Network Enhancement Zone 2 and are areas of land connecting 'existing patches or primary and associated habitats' which are less likely to be suitable for creation of primary habitat. Land managed changes and/or green infrastructure provision for such areas are recommended. TPD would have a negligible effect, and via the proposed enhancement measures will enable bio-diversity net gain to be delivered. Such measures can be controlled by planning condition. This can be given positive material weight.
- 5 hedgerows qualify as being important under the Hedgerow Regulations 1997; of which only two hedgerows would require Hedgerow Removal Notices. Of the 3516m of on-site hedgerows only 68m (or 1.93%) needs to be removed as an essential requirement for access/track routes and power cables routes. Against that loss, a suite of mitigation measures are proposed to offer significant biodiversity net gains. This can be given positive material weight.
- As a culmination of the above (as per the EclA) TPD avoids negative ecological impacts and will secure considerable enhancements and biodiversity net gains (by 134.67% and 20.37% hedgerow units) by the restoration and enhancement of habitat. This can be given positive material weight. Note, the Biodiversity Net Gain (BNG) calculations were undertaken in March 2022 using Metric 3.0. A new BNG Metric 4.0 was introduced in 2024, and the site calculations have been updated using the BNG Metric 4.0.

8.7 From the limited impacts arising which includes:

- The loss of 68m of hedgerow. However, this is then compensated by wider mitigations and enhancements as described above.
- Three properties which will have a low impact effect from glint and glare, and;
- Three properties which will have some Residential Visual Amenity Impact, but not an impact which would be considered overbearing, overwhelming or oppressive as to have a visual effect to render those three properties unattractive or uninhabitable.

8.8 From the limited impacts arising comes a robust proposal which positively addresses all land use considerations and secures a suite of mitigations (which will be controlled by planning conditions) to reduce adverse effects where possible. Alongside those material considerations and the range of substantial enhancements (or planning gains) which collectively can be given significant positive material weight comes a strategic policy framework (LP and NPPF) which is supportive and must also be given significant positive material weight.

8.9 TPD is LP SP6 and DM16 compliant. It is also NPPF compliant. In both regards, significant positive material weight can be afforded. Against all other material considerations (and when assessed against the suite of technical reports) TPD has no adverse impacts arising; bar those limited and summarised in section 8.7. All other extensive material considerations generate no harmful impacts and indeed (where specified) create a suite of positive enhancements. TDP has positively responded to the considerations raised during the judicial review process to the satisfaction of the LLFA, NFFC guidance and The Hampshire and Isle of Wight Fire Services. The proposed development is in compliance with relevant policies contained in the development plan where such policies do themselves conform with the NPPF. In the overall planning balance, substantial and overriding positive material weight can be afforded to the benefits. Given that the proposed development would comply with relevant policies in the adopted development plan, the balance in favour of TPD is positively tilted beyond the narrow scope of the impacts; leading to an overwhelmingly policy compliant and sustainable development.



## **Appendix 1 – Original Technical Report Schedule**

Consultant	Report	Reference
O30 Landscape	Landscape & Visual Impact Assessment (LVIA)	N/A
O30 Landscape	Residential Visual Amenity Assessment	N/A
The Ridge Group	Outline Construction Environment Management Plan (CEMP)	N/A
Mayer Brown	Flood Risk Assessment and Drainage Strategy (DFRA)	25978
Mayer Brown	Access Statement (AS)	N/A
Engena	Construction Traffic Appraisal	N/A
E3S Consulting	Preliminary Ecological Appraisal (PEA)	NN1418
E3S Consulting	ECIA (Including BNG)	NN1418 RO3
E3S Consulting	Bat Survey	NN1418 RO1
E3S Consulting	Winter Bird Survey	NN1418 RO2
E3S Consulting	Hedgerow Survey	NN1418 RO4
E3S	Archaeological DBA + Final Cover Letter	NN1418
Magnitude Surveys	Geophysical Survey Report	MSS21217
Neo Environmental	Glint & Glare Assessment	N/A
Ion Acoustics	Noise Assessment	A1878 R01A
E3S Consulting	Archaeological Desk Based Assessment & Geophysical Survey	NN1418
BCM	Agricultural Land Grade Assessment	9963
MJC Tree Services	Arboricultural Impact Assessment	MJC-22-0111
BCM	Design & Access Statement	9963
The Ridge Group	Statement of Community Engagement	BRS.4710

## Appendices 2 – 4 (See Separate Reports)

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