

Date: 01 May 2020
Our ref: DAS/302531/14785 & DAS/302533/14786
Your ref: Proposed Solar Arrays at Fairlight, Hastings



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Discretionary Advice Service (Charged Advice) Contract Reference: DAS 6042

Development proposal and location: Proposed development of ground mounted solar arrays at Land at Helipad, South of Fairlight Road, Hastings, TN35 4AA and Land South of the Milking Parlour, Fairlight Place, Hastings, TN35 5DT

Thank you for your consultation on the above dated 04 December 2019, which was received on the same date.

This advice is being provided as part of Natural England's Discretionary Advice Service. On behalf of Hastings Borough Council, Public Power Solutions has asked Natural England to provide advice on the proposed development of ground mounted solar arrays at the following locations:

- Land South of the Milking Parlour, Fairlight Place, Hastings, TN35 5DT (Site 4)
- Land at Helipad, South of Fairlight Road, Hastings, TN35 4AA (Site 6)

This advice is provided in accordance with the Quotation and Agreement dated 22 January 2020.

The advice in this letter is informed by a review of the following documents submitted by Public Power Solutions in relation to each of the abovementioned locations:

- Landscape and Visual Impact Assessment (LVIA)
- Preliminary Ecological Appraisal (PEA)

The advice is also informed by the findings of a site visit undertaken on 18 February 2020.

A summary of my letter is given below, followed by the main body of my advice. Given the sites' location within the High Weald Area of Outstanding Natural Beauty (AONB), my letter first provides some general advice on development within the High Weald Area of Outstanding Natural Beauty (AONB), followed by specific advice in relation to the landscape/visual impacts and ecological considerations of the proposals at each location, which I hope is useful for your decision making.

1. Summary

- National policy affords the highest level of protection to AONBs, and this is reinforced by policies your local plan and the Management plan for the High Weald AONB.
- National planning policy provides clear guidance on major developments in AONBs, and it is the decision of your authority whether a proposal would constitute major development.

National planning policy framework (NPPF) paragraph 172 refers to the considerations that should be applied where major development is proposed in a designated landscape. This includes the requirement for consideration of alternative locations outside of the designated landscape.

- I advise that the decision to take forward any proposals for solar development in a designated landscape is guided by national and local policy in the first instance. Overarching policy and guidance on development in designated landscapes should be considered first, before examining the specifics for individual sites.
- I agree that development of ground mounted solar arrays would result in significant landscape and visual impacts at both sites, some of which are major adverse.
- Given the nature of solar development, mitigation is very difficult, particularly for landscape impacts. Mitigation of visual impacts is also challenging where there are open and/or close range views of the site.
- The landscape character of a site is important in its own right and valued for its intrinsic qualities whether the site is visible or not. The significance of landscape impacts should not therefore be affected by the limited visibility of a site/areas of a site.

2. Protected Landscape - High Weald Area of Outstanding Natural Beauty

Both sites (Land at Helipad and South of the Milking Parlour) are located wholly within the High Weald Area of Outstanding Natural Beauty (AONB). AONBs are nationally designated landscapes which are protected through national and local planning policy.

National Planning Policy

National Planning Policy Framework (NPPF) provides clear guidance that *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'* (paragraph 172)

Paragraph 172 further states that *'The scale and extent of development within these designated areas should be limited'* and that *'Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

The NPPF states that it is a matter for the decision maker to determine if a development is 'major'. The decision should take into account the nature, scale and setting of the proposed development, and whether it could have a significant adverse impact on the purposes for which the area has been designated (footnote 55).

Given the above advice, your authority should determine whether the proposed development of ground mounted solar arrays would be considered major development. This should include consideration of the nature, scale and setting of the proposals, and the impacts they would have on the conservation and enhancement of the key components of natural beauty of the High Weald AONB (see below). Only in exceptional circumstances should major development be permitted in the AONB.

Should these proposals be considered as major development, the criteria in paragraph 172 should be applied. Detailed advice on the 'need' for developments, or the cost and scope of alternative options is not part of Natural England's advisory role and is not included within this DAS letter. However, this information would need to be provided to inform decision making should either of these proposals be taken forward. Assuming the need for a development can be demonstrated (part a), it would be expected that all options for locating the development outside the AONB have been explored before considering sites within the AONB (part b). Specific advice on the environmental impacts of the proposal and the scope for any mitigation is contained within later sections of this letter.

Local Planning Policy

In addition to National Policy, your authority should make reference to local planning policies when assessing proposals for solar development schemes.

Local plan policy applies NPPF requirements to protect and enhance designated landscapes and restrict major development in the AONB unless in exceptional circumstances. Local plan policy also refers to renewable energy schemes in protected landscapes.

Hastings Borough Council Planning Strategy (adopted 2014) includes the following policies which are of particular relevance to the proposed development:

- **Policy SC6** states that renewable energy developments will be supported unless the scale and impacts are not compatible with the purposes of designation, and that suitable sites will be identified through the Development Management Plan.

It is noted that neither of the identified sites are supported by allocations in the currently adopted local plan.

- **Policy EN7** outlines your authority's approach to protecting and enhancing the High Weald AONB, and having regard to the High Weald Management Plan.

The Development Management Plan (adopted 2015) also refers to development in the High Weald AONB:

- **Policy HN9** states that development will only be permitted that is not detrimental to the character, scenic quality or visual benefit of the High Weald AONB.

Consideration should be given to whether the proposed development options can accord with these policies.

High Weald AONB Management Plan

AONBs are nationally important landscapes protected by the Countryside and Rights of Way Act 2000 (CROW Act). The purpose of designation of an AONB is to conserve and enhance the natural beauty of the area.

Under the CROW Act, public bodies (in this case your authority) must make sure that all decisions have regard for the purpose of conserving and enhancing the natural beauty of the AONB. Your decisions and activities must consider the potential effects they will have within the AONB and on land outside its boundary.

The High Weald AONB Management Plan has been prepared to co-ordinate policy, investment and action in the High Weald AONB area. The Management Plan can help guide local authorities to ensure they are fulfilling their duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in their decision making.

The key components of natural beauty of the High Weald AONB (are identified in the High Weald AONB Management Plan as follows:

- **Geology, landform, water systems and climate:** *deeply incised, ridged and faulted landform of clays and sandstone. The ridges tend east-west, and from them spring numerous gill streams that form the headwaters of rivers. Wide river valleys dominate the eastern part of the AONB. The landform and water systems are subject to, and influence, a local variant of the British sub-oceanic climate.*
- **Settlement:** *dispersed historic settlements of farmsteads and hamlets, and late medieval villages founded on trade and non-agricultural rural industries.*
- **Routeways:** *ancient routeways (now roads, tracks and paths) in the form of ridge-top roads and a dense system of radiating droveways. These routeways are often narrow, deeply sunken, and edged with trees, hedges, wildflower-rich verges and boundary banks.*
- **Woodland:** *the great extent of ancient woods, gills, and shaws in small holdings, the value of which is inextricably linked to long-term management.*
- **Field and heath:** *small, irregularly shaped and productive fields often bounded by (and forming a mosaic with) hedgerows and small woodlands, and typically used for livestock grazing; small holdings; and a non-dominant agriculture; within which can be found distinctive zones of heaths and inned river valleys.*

The Management Plan includes objectives for each component of natural beauty. These objectives can act as a checklist or set of criteria against which policy and actions (including decision making for potential solar development) can be assessed for compliance with the CROW Act. Your authority has adopted the Management Plan as the policy for the management of the AONB area and for the carrying out of functions in relation to it. The guidance and objectives of the Management Plan should therefore be key in your decision making, and should be considered alongside national and local planning policy requirements.

3. Landscape/Visual Impacts and Ecological Considerations

The following sections of my letter include advice on the landscape/visual impacts and ecological considerations of the proposed ground mounted solar development at the two sites under consideration (Land South of the Milking Parlour/Site 4 and Land at Helipad/Site 6). The advice is informed by the information contained in the respective Landscape and Visual Impact Assessments (LVIA) and Preliminary Ecological Appraisals (PEA) for the two sites (dated October 2019 and November 2019, respectively), together with the findings of a site visit undertaken on 18 February 2020.

As detailed in both LVIAs, detail on site design is not available at this stage. The LVIAs are based on the assumption that the full extent of the sites are used for ground mounted solar photo voltaic (PV) installation, and that the developed sites would include features such as access roads, inverter housing, maintenance and plant compound, security fencing and lighting. Ground levelling/regrading works may take place to facilitate the development, and there may be a temporary compound during construction works. It is understood that the proposed development would have a lifespan of 25 years, after which the sites would be returned to grazed farmland. The advice contained within this letter in relation to landscape and visual impacts is based on these same assumptions.

The PEAs, being preliminary in nature, have been prepared to establish each site's suitability for development in ecological terms, establish an ecological baseline for the sites and identify ecological features within and around the site. It is understood that the PEA and any subsequent survey results would be used to inform site design. Given the preliminary nature of the PEAs, my advice on the potential ecological considerations for the proposals are relatively high level, and I have focused on the impact to nationally and internationally designated nature conservation sites. This letter does not include advice in relation to protected species. Natural England has produced

standing advice¹ to help planning authorities understand the impact of particular developments on protected species. I advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

3.1. Land to the south of the Milking Parlour/Site 4

From visiting the site, it is acknowledged that generally, the site is visually well contained due to existing topography, built forms and vegetative screening. I agree that the site is of high landscape value that contributes to the natural beauty of the High Weald AONB.

Visual Impacts

Although existing topography and vegetation limits some views into the site, I agree that there are locations where the site can be seen in longer distance views from the south (around viewpoint 6). I would also suggest that shorter distance views of the site may be glimpsed through existing vegetation on the eastern site boundary, namely around viewpoint 5.

Whilst open views to the site from the east are generally limited by existing mature planting along the eastern site boundary, the screening potential will be reduced when vegetation has died down and/or is not in leaf. As evidenced from my site visit in February, I suggest that the visual impact in this area may be of greater significance during winter months. As a general point, it is also important to note that visual impacts would be influenced by the height of any structures constructed/installed for the proposed development (including lighting and security/boundary fencing) in relation to any screening/topography, which at this time is unknown.

Regarding the findings given in Summary Table 6 I would advise that the visual sensitivity for viewpoints 2, 3 and 5 should all be raised to high in accordance with Table 2, which attributes a high level of sensitivity to visual receptors within the AONB. Otherwise, given the limited visibility of the site from the surrounding area, and information available for the proposal at this time. I agree with the findings given in Summary Table 6, in that significant visual impacts associated with this proposal are associated with viewpoint 6 only. However, I would suggest that magnitude, significance of impacts and mitigation requirements may need to be revised should additional details on the site design become available. In particular it may be the case that impacts from viewpoint 5 might become more significant, but this would need to be considered in light of any additional details.

With reference to the mitigation proposals for visual impacts, the LVIA makes the point that potential benefits of planting schemes to visually screen the site need to be considered against any impacts the planting itself may consequently have on other views or the landscape. In this case, vegetative boundary screening may reduce visual impacts but would not address the landscape impacts of this proposal, which would be very difficult to mitigate. Any mitigation schemes, including planting, should conserve and enhance the natural beauty of the AONB and accord with the aims and objectives of the Management Plan.

Landscape impacts

Given the site's location within the AONB, I agree that the site is attributed high landscape sensitivity. I consider that the proposal to install solar panels and associated infrastructure would introduce an uncharacteristic, uniform and regimented feature into a highly sensitive landscape. I therefore agree with the findings of the LVIA that the change from a rural grazed field to a site dominated by solar PV installation would be adverse in the landscape context of the site. Given the obvious change to the character of the site as a result of the proposal I would consider the magnitude of change to be high at all but the national scale, which, given the terms in 6.34, could be considered as moderate. I therefore consider the significance of the landscape impacts of this proposal to be major adverse (or moderate adverse at a national scale), which is slightly higher than the findings given in Summary Table 5.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

The nature of solar PV development makes mitigation for landscape impacts very difficult. I do not consider that the mitigation proposals included in Summary Table 5 are appropriate for landscape impacts. Vegetative screening around site boundaries may limit the visibility of the site from the surrounding area but does not mitigate the change of character within the site. I agree that the significance of landscape impacts would remain unchanged after 5 – 10 years (as indicated in Table 6), as boundary planting (or any other visual mitigation) is not relevant to landscape impacts.

As acknowledged in the LVIA (6.311) the landscape character of a site is important in its own right and valued for its intrinsic qualities whether the site is visible or not. As such, the significance of the landscape impacts should not be affected by the limited visibility of this site.

Ecological Considerations

This site is directly adjacent to the Hastings Cliffs to Pett Beach Site of Special Scientific Interest (SSSI) and Hastings Cliffs Special Area of Conservation (SAC), which border the site to the south and west. The main habitat of the SSSI unit adjacent to the site (Unit 10) is identified as broadleaved, mixed and yew lowland woodland, and interest features include lowland mixed deciduous woodland, wet woodland, bryophyte assemblage, invertebrate assemblage (riparian sand), vegetated sea cliffs and geological interest. The SAC is designated for vegetated sea cliffs.

The PEA identifies that the SSSI/SAC are vulnerable to impacts such as air, ground or light pollution and impacts to tree root systems. I agree that there is the potential for the designated sites to be impacted through these pathways as a result of the proposal, however I also highlight the potential for hydrological impacts. This is an important consideration given the proximity of the site to ghyll woodland (wet woodland) which is sensitive to changes in water quality. Where significant impacts to a designated site are identified, avoiding impacts through site selection should be the first step. Should any development proposal put forward for this site, an assessment of any potential impacts on the abovementioned designated sites will be required, with a robust set of mitigation measures to address any identified impacts. The PEA provides information on additional surveys and impact assessment and I advise these should guide the development of a mitigation strategy, plus measures to achieve a net gain in biodiversity.

In terms of mitigation, I agree with the recommendations indicated in the PEA which include (but are not limited to) measures to protect ancient and ghyll woodland with a buffer zone of at least 15m between the woodland and the site, a construction and environment management plan (CEMP) to manage construction impacts, and measures to prevent the release of contaminants or effluent into the aquatic environment. However, the scope for mitigation measures will need to be informed by additional surveys and impacts assessment, as indicated above.

Finally, considering the European interest of Hastings Cliffs SAC, I highlight the requirements of the Habitats Regulations 2017 (as amended), which require an assessment of any project which may have a significant effect on a European designated site, either alone or in combination, with reference to the site's conservation objectives. Any proposal at this site would need to be subject to a habitats regulations assessment (HRA). Whilst ecological reports may provide information to inform an HRA, it is the responsibility of the decision authority to undertake the HRA.

Summary

I generally agree with the conclusions of the LVIA. Whilst the site is relatively well contained in terms of visibility, a major adverse visual impact is identified from a longer distance viewpoint to the west. I agree that landscape impacts are major adverse or moderate adverse, and given the nature of the proposal, mitigation for these impacts would be very difficult.

The site is located adjacent to a SSSI and SAC which are of national and international significance, respectively. Any proposals for development at this site should include an assessment of the impacts on designated sites which could arise from the proposal and the scope for mitigation. The PEA provides preliminary information in this respect and I generally agree with the recommendations

provided at this stage in relation to further survey, impact assessment and outline recommendations for mitigation and net gain provision (although these would be subject to refinement as additional information becomes available).

3.2. Land at Helipad /Site 6

Having visited the site, I agree with the LVIA that the site is visually screened from the south east, north west and north west by existing vegetation. In contrast, the north-eastern boundary of the site is entirely open, and bounded along its entire length by a public right of way (PRoW). Furthermore, the site is located very close to a public car park and picnic area for the Hastings Country Park and the site is clearly visible from this 'gateway' area.

In terms of landscape, I agree that the site is of high landscape value and contributes to the natural beauty of the High Weald AONB. I also agree that the two TV masts and Fairlight Road are not significant detractors in this case.

Visual Impacts

All of the viewpoints located within the AONB should be attributed a high level of sensitivity, in accordance with the approach given in Table 2. This includes viewpoint 11 within the car park and viewpoint 13, to which the LVIA attributes a medium and medium-high sensitivity, respectively. The location of the car park at the boundary of the AONB and its nature as an arrival point and picnic area would indicate that visual receptors would be highly sensitive and receptive to surrounding views, which include the site in close proximity.

In terms of magnitude, I agree that impacts at viewpoints along the north-eastern site boundary/ PRoW are major adverse owing to the open, high quality panoramic views across the site which would be dominated by features of the solar PV development in the foreground. The presence of solar PV development (with associated infrastructure including security fencing and lighting) at such close distance would entirely alter the visual experience of users of this section of the PRoW. Owing to the topography of the immediate area dropping away to the northeast I agree that the magnitude of impact at viewpoints further east within the AONB is reduced, because the site is considerably less visible.

I agree that the visual impact of the proposal is likely to be less significant at viewpoints along the western and southern boundaries (viewpoints 1 – 5 and 12), and further to the east of the site (viewpoints 9 and 10), attributable to vegetation screening and local topography, respectively.

The visual impacts of most concern at this site are associated with viewpoints 6 – 8 and 11, which offer open, close ranging views across the site from the PRoW which runs along the north-eastern site boundary and from the public car park. I agree that visual impacts at these viewpoints are major adverse/significant. In these locations the visual impact is not reduced after 5 – 10 years/ when mitigation schemes are more established, reflecting the difficulty in mitigating the impacts of development in this visually prominent location.

Proposed mitigation for this scheme includes increased planting and careful location of solar arrays/associated infrastructure. Whilst I agree that screening with additional planting, including some evergreen species, along the southern and western site boundaries would reduce the visual impact by screening views into the site, this would not be an appropriate solution along the north-eastern site boundary. Screen planting along the PRoW would prevent long distance views out to the south-west, resulting in an additional/indirect visual impact. Any mitigation schemes, including planting, should conserve and enhance the natural beauty of the AONB and accord with the aims and objectives of the Management Plan. Locating solar arrays and other structures away from higher ground may reduce the visual impact from receptors at medium distance viewpoints (e.g. 9 and 10) but this would be of no benefit to visual receptors (users) of the PRoW along the western boundary. At such close proximity to the site and where existing views are open and panoramic, measures to mitigate the visual impact of this proposal are unlikely to be possible, and the visual impacts would remain major adverse throughout the lifetime of the development.

Whilst the TV masts and Fairlight Road are not considered to be significant visual detractors at this location, I would consider that solar PV development would itself be considered a visual detractor in this location, and would significantly alter the overall experience for visitors to this part of the AONB.

Landscape Impacts

The site is attributed a high level of landscape sensitivity, reflective of its location within the AONB. I consider that the proposal to install solar panels and associated infrastructure would introduce an uncharacteristic, uniform and regimented feature into a highly sensitive landscape. Given this obvious change to the character of the site as a result of the proposal I would consider the magnitude of change to be high at all but the national scale, which, given the terms in 6.34, could be considered as moderate. I therefore consider the significance of the landscape impacts of this proposal to be major adverse (or moderate adverse at a national scale), which is slightly higher than the findings given in Table 5.

The nature of solar PV development makes mitigation for landscape impacts very difficult. I do not consider that the mitigation proposals included in Summary Table 5 are appropriate for landscape impacts, and indeed the landscape impacts remain unchanged after mitigation planting has become established. Vegetative screening around site boundaries may limit the visibility of the site from the surrounding area but does not mitigate the change of character within the site.

Ecological Considerations

I agree with the findings of the PEA which indicate that there are unlikely to be any impacts to nationally or internationally designated sites as a result of the proposal. I acknowledge that the site is located within a local nature reserve and local wildlife site, which is of local importance for nature conservation. However, I agree that significant ecological impacts from this proposal are unlikely given the existing use of the site as grazing pasture.

Summary

I generally agree with the conclusions of the LVIA. The site is visually screened from the west by existing vegetation but is open to the east, with a public right of way along the eastern boundary affording open and long distant views across the site to the west and southwest. Because the aspect of the site is open to the east, visual impacts along the eastern boundary and car park are major adverse. The significance of visual impacts diminishes further to the east as the land drops away and the site itself becomes less visible. Mitigation for visual impacts along the eastern boundary would be very difficult to accommodate without impacts to the existing long distance views. I agree that landscape impacts are major adverse or moderate adverse, and given the nature of the proposal, mitigation for these impacts would be very difficult.

As acknowledged in the PEA, the site is not within close proximity of any nationally or internationally designated nature conservation sites. I agree that significant ecological impacts from this proposal are unlikely given the existing use of the site as grazing pasture.

4. Conclusion

I advise that the decision to take forward any proposals for Solar PV development in a designated landscape is guided by national and local policy. I advise that the overarching policy and guidance on development in designated landscapes is considered first, before examining the specifics for individual sites. Of particular importance is the overarching national policy to protect and enhance the AONB, which is reinforced by policies your local plan. I also highlight the need to consider the guidance on major developments in AONBs, and the relevant policy that should be applied in these circumstances (NPPF paragraph 172), particularly the requirement to consider alternative locations outside the AONB.

Where details for specific sites are considered, I have provided my judgement of the landscape and

visual impacts and ecological considerations of solar PV development at Land South of the Milking Parlour/Site 4 and Land at Helipad/Site 6, which is based upon the details provided in the LVIA and PEA prepared for each site, plus a site visit to each location. I hope my advice is helpful in your authority's consideration of how the landscape and visual impacts and ecological considerations of development at these sites, together with the scope for mitigation, aligns with local and national policies.

I hope the advice provided in this letter is useful. For clarification of any points in this letter, please contact me at [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

Sustainable Development, Sussex and Kent

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This letter concludes Natural England's Advice within the Quotation and Agreement dated 22 January 2019.

The advice provided in this letter has been through Natural England's Quality Assurance process.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.