The Planning Inspectorate

Pre-Hearing Note and Agenda

Dated 8th Dec 2023

PINS REF: APP/Z1510/W/23/3325681

LPA REF: 21/03735/FUL

Sitting: Tuesday 12th December 2023 @10:00

Venue: Howard Hall, Braintree Masonic Centre, 36 Bocking End, Braintree, Essex CM7 9AA

Core document link: https://www.braintree.gov.uk/rivenhallsolarfarm

Appointed Inspector:

Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

Appellant: Novus Renewable Services Limited

LPA: Braintree District Council

Address: Land West of Park Road, Rivenhall, Essex

Easting 582286 Northing 218522

Description: *'Installation of solar farm and associated development'*.

CD1 List of Original Plans and Reports submitted with the Application

	Plan Title	Reference No.	Revision
1.1	343-PG-2E Location plan 10000	343-PG-2E	
1.2	343-PG-12B	343-PG-12B	
1.3	343-PG-17A_Fee Calculation Plan	343-PG-17A	
1.4	343-PG-19 Location plan 2500	343-PG-19	
1.5	343-PG-20-1	343-PG-20-1	
1.6	343-PG-20-2	343-PG-20-2	
1.7	343-PG-20-4	343-PG-20-4	
1.8	343-PG-20-5	343-PG-20-5	
1.9	343-PG-20-6	343-PG-20-6	
1.10	343-PG-21 Landscape and ecol	343-PG-21	
1.11	20211203 UKPN GRP	20211203	

CD2 List of Additional Plans and Reports Submitted to the LPA

	Plan Title	Reference No.	Revision	Date
2.1	Parkgate_FRA_Addendum_220425			
2.2	343-PG-24 ATTENUATION PLAN			

Suggested Conditions:

None appear to have been provided within the agreed Statement of Common Ground (SOCG) dated 24 November 2023. Without prejudice, please can the main parties supply a copy to the PINs Case Officer **no later than 17:00 Monday 11 December 2023**.

If there are suggested conditions which are disputed or not agreed, still send a single list of suggested conditions, with a separate section indicating which party is suggesting those.

ACTION: Can the LPA please ensure that a copy of such documents is uploaded/placed on to the relevant casefile for public inspection?

Site Inspection:

I informally visited the appeal site and its surrounds prior to the Hearing: last week on Thursday 30th November 2023.

Under Rule 12 of the Hearings Rules (SI 2000/1626) as amended, there is the potential to adjourn the Hearing to the site and conclude the Hearing there. **It is not my intention at this stage to do that.**

I intend on undertaking a formal site visit after the Hearing has closed. I shall invite comments on whether this needs to be accompanied or not at the Hearing.

If an accompanied site inspection (ASV) is requested, then I will agree the necessary arrangements on opening the Hearing.

ACTION: If either main party wishes to request an ASV please discuss this with the other main party in terms of attendees required.

Matters in dispute between main parties (from agreed SOCG):

6. Matters Not Agreed Between the Parties

6.1. The degree of impact on landscape character, and visual effects from a number of Public Rights of Way, residential properties and heritage assets.

6.2. It is not agreed that the landscape and visual impacts are contained to the site and its immediate local landscape and that outside the site and its immediate environs, the scheme would be visually contained and would be barely discernible.

6.3. The degree of visual effects of the development at approximately 8-10 years post completion, as set out within Table 3 of the LVIA (CD1.41, page 30-34) but specifically in relation to:

- Residents at West Ford Farm (Viewpoint 5);
- Users of PRoW 105_11 (Viewpoint 6-8);
- Users of PRoW 105_61 and 108_16 (Viewpoints 9 and 10); and
- Users of PRoW 108_66 (Viewpoint 11).
- Users of PRoW 105-25 (Viewpoints 13/14)

6.4. The Council have also requested the inclusion of points at paragraphs 6.5 to 6.11 below. The Appellant reserves the right to comment on these matters further in due course, upon receipt of the Council's landscape and visual Statement of Case.

6.5. Whether a commercial-scale solar farm is consistent with the countryside character of the area, and would meet the landscape objective to conserve and enhance it.

6.6. Whether openness contributes to the appreciation of local character and the amenity of PRoWs.

6.7. Whether arable farmland is a key characteristic of the Farmland Plateau character area/type.

6.8. Whether the landscape and visual effects can properly be regarded as long-term.

6.9. Whether, in the context of an enduring climate crisis, it is likely that the development would be reversed.

6.10. Whether the proposed planting strategy would deliver net landscape/visual benefits.

6.11. Whether the development would have a harmful effect on the legibility of the field pattern.

6.12. Whether the public benefits of the Proposal outweigh less than substantial harm to Grade I listed building (St Mary and All Saints Church) and a Grade II* listed building (Rivenhall Place).

6.13. The public benefits and the weight to attach to these. The following table sets out the position of the parties.

Impact	Appellant's Position on Public Benefit	Council's Position on Public Benefit
Provision of renewable energy (carbon reduction)	Very substantial weight	
Biodiversity Net Gain	Significant weight	
Economic Benefits	Significant weight	
Addressing the negative impacts of climate change	Significant weight	
Addressing UK energy security	Moderate weight	

6.14. The Appellant considers that field boundaries in the surrounding area are typically marked by hedges, shrubs and trees and that there are stands of trees and pockets of woodland in the surrounding area. The Council does not agree with this statement.

6.15. The Council does not agree with the appellant that the proposed hedgerow planting is a natural landscape feature.

6.16. Whether the public and other benefits of the proposal, outweigh the identified harms when assessing the general planning balance.

Main issues (informed by evidence and SOCG):

(i) *Whether or not the proposal would preserve the setting of nearby listed buildings, including the Grade I listed St Mary and All Saints Church and Grade II* listed Rivenhall Place, and;*

(ii) *The effect of the proposed development on the character and appearance of the area, and;*

(iii) *The overall planning balance.*

Planning Policies

1. *National Planning Policy Framework* (September 2023) – It has been suggested by the SoS in Parliament that an updated/revised version is to be published imminently. Should this occur before a decision is issued, then the main parties will be given a short time to provide any observations in writing after the Hearing has closed.

   Issue 1:
2. *Braintree Adopted Local Plan Policies LPP1, LPP47, LPP52, LPP57, and LPP73. NPPF 202.*
   Issue 2:

3. Braintree Adopted Local Plan Policies SP1, LPP42, LPP52, LPP67 and LPP73. NPPF 174.

Agenda Items

1. Inspector Openings

2. The case of the main parties

3. Questions from Inspector

4. Conditions -without prejudice (none suggested at present)

5. Site visit arrangements (I intend on undertaking an unaccompanied site visit to view the context of the appeal site).

6. Costs – None made, and none necessarily invited, but should be made ***before*** the Hearing closes.

7. Hearing Closed.