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**James Seymour
Area Manager for Sussex and Kent
Natural England
9th Floor, International House
Dover Place
Ashford
Kent TN23 1HU**

17th June 2019

Dear Mr Seymour,

Establishment of Solar Arrays in Hastings Country Park

I am writing to you in my capacity as the Chairman of the Friends of Hastings Country Park Nature Reserve in order to express our concern about the project currently being considered by Hastings Borough Council to establish ground mounted solar arrays in the Country Park. We understand that the Council is going to request your advice through its agents, Public Power Solutions ("PPS").

The relevant reasons for our opposition to the project are set out below. I apologise for the length of this letter, which is a reflection of the serious nature of the matter. My apology also for including matters that Natural England may already be aware of. We also have considerable reservations about the commercial viability of the project, but have not included them in this letter since they are outside the scope of Natural England's remit.

We submit that there is particular need for rigour in considering this project since:

- the Council is the developer and Council planners will be judges in their own cause;
- PPS, as the Council's agents, will be reliant on information given by the Council, which may be partial and incomplete;
- with the possibility of a more lucrative partnership at a later stage of the project, PPS cannot necessarily be relied on to provide all relevant facts.

Summary

While we are in favour of renewable energy, and recognise the balance to be struck between the public interest and the environment, we do not accept that in the present case the proposed scheme is of such public interest that it outweighs other matters which the Council is legally required to consider. We submit that the project is inconsistent with the purposes of the designations of Area of Outstanding Natural Beauty, SSSI, SAC and Local Nature Reserve that are relevant to the chosen sites.

In particular:

- the Council has failed to give proper consideration to the factors they are required to consider under National Planning Policy Framework guidance, particularly as regards the choice of land and the visual impact, in the context of Areas of Outstanding Natural Beauty;
- since the proposed sites are within SSSI Impact Risk Zones, we would wish to ensure that an environmental impact assessment is properly commissioned, since we have certain concerns already about water run-off and land contamination and there may well be other risks to flora and fauna in the SSSI and SAC;
- the Council appears to be acting inconsistently with a number of its own Planning Policies, which protect the natural environment of the Country Park Nature Reserve – indeed, the Council's own "Sustainable Energy Options Study" of 2017 excluded the Country Park from consideration for ground mounted solar arrays because it is a protected environment.

This letter is divided, for ease of reading, into sections. Section 1 gives a summary of the proposed scheme. Section 2 sets out relevant details regarding Hastings Country Park. Section 3 gives details of our concerns under planning considerations. Section 4 sets out our concerns about consistency in the Council's approach. Finally, there is a conclusion.

1 THE PROPOSED SCHEME

In November 2018 the Income Generation Manager of HBC issued a document setting out the opportunity and options for HBC to establish ground mounted solar arrays. The document proposed three separate 1 MWp arrays, one to be located on the Council's property at Upper Wilting Farm, Crowhurst, and the other two on land immediately above Fairlight Glen, referred to by the report as close to The Milking Parlour, Fairlight. The latter is the subject of this letter, and is shown on the map attached as Annex 1, edged in blue. It comprises two fields with space for ten acres of solar panels.

The fields identified were stated to be subject to agricultural subsidy payments. As regards the ecological and scientific impact of the proposal, the document stated:

“The land in question has been subject to ecological and scientific (e.g. archaeological) professional analysis. The view of the managers is that the land identified...is of lower value from these perspectives. This should mitigate some potential obstacles to a successful planning application although the land in question abuts a SSSI and SAC and this will bring other issues.”

The Friends of Hastings Country Park Nature Reserve became aware of the document when it was presented to Hastings Council's Cabinet on 7 January 2019 and expressed their opposition to the proposal immediately. In May 2019 the Council issued a Briefing Note with an update on progress with the scheme. This stated that they had expanded the initial proposed areas to include “other potential alternative sites”. As regards the Country Park, the Briefing Note identified two fields above Warren Glen. This land is shown on the map attached as Annex 1, edged in purple.

For the purposes of this letter, the land initially proposed, edged blue, and the land identified as alternative or additional, edged purple, are referred together as “the Sites”.

2 HASTINGS COUNTRY PARK NATURE RESERVE

I assume that you will already have seen the Council's web page describing the Country Park (https://www.hastings.gov.uk/countryside_nature/naturereserves/naturereserves_hastings/hcp/) and there is little purpose in reproducing the full contents here. However, there is one paragraph that summarises the position:

“Hastings Country Park Nature Reserve, owned and managed by Hastings Borough Council, is one of the foremost coastal nature reserves in the UK. It encompasses a Country Park, a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The 345 ha reserve is situated on the south-east coast of the UK and boasts spectacular scenery, eroding maritime cliff and slope, coastal grassland and heather, ancient woodlands and a sustainably managed farm, all within the High Weald Area of Outstanding Natural Beauty.”

As you can see from the map attached as Annex 2, from the Magic Map application, the Sites fall within the Country Park Nature Reserve, which is itself within the High Weald AONB. They

both border on the areas designated as an SSSI and SAC and are shown as Impact Risk Zones on the Magic Map Application.

3 PLANNING CONCERNS

3.1 NATIONAL PLANNING POLICY FRAMEWORK

We acknowledge that there is a tension, or a balance to be struck, between (a) the public interest requirement to help increase the use and supply of renewable energy, as expressed in paragraph 151 of the National Planning Policy Framework and (b) the requirement to contribute to and enhance the natural and local environment, as expressed in paragraph 170 of the Framework. Our concern is that the Council appears to regard the renewable energy factor as being so vital to the public interest that it outweighs all other considerations, and to ignore the safeguard in paragraph 151 of “ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)”.

As regards the public interest, the proposal involves a capacity of 2MWp of electrical energy, which we understand to be sufficient to supply the requirements of some 500 households. The population of Hastings is approximately 90,000, and on the basis of an average of three persons per household the electricity generated would equate to a supply for 1.7% of the local population.

To be weighed against this is the impact on the natural and local environment. Government guidance for local councils in developing policies for renewable and low carbon energy identifies a number of planning considerations applicable to large scale ground-mounted solar farms. Relevant considerations that have not, in our view, been given adequate attention are as follows:

3.1.1 The particular choice of land

The land proposed for the Sites comprises greenfield land currently under agricultural cultivation in a manner consistent with the policies applicable to the Country Park Nature Reserve, and is accordingly of high environmental value.

3.1.2 The visual impact

Council representatives have stated on several occasions that the solar arrays will not be visible from other parts of the Country Park. However, this does not seem to bear scrutiny. We have run viewshed analyses for the Sites, to show points from which the solar arrays would be visible. A copy of the result is attached as Annex 3, showing that both Sites are visible from numerous points in the Country Park, due to the undulating nature of the landscape.

It will not be possible to counter this with native hedges, as a result of which the proposal would cause substantial damage to the character of the landscape, with significant adverse visual impact. We would expect the Council to obtain a Landscape & Visual Impact Assessment to provide further objective evidence of this.

3.2 AONB

We were pleased to see, from the email sent to the Council of 18 January 2019 by Amy Kitching (Lead Adviser, Sustainable Development Team for Sussex and Kent) that Natural England has already highlighted the provisions of Paragraph 172 of the National Planning Policy Framework as far as Areas of Outstanding Natural Beauty are concerned, pointing out the three tests there listed. The Council, however, appear to be of the view that the public interest need for the proposed development outweighs the detrimental effect on the environment, landscape and recreational opportunities. In our opinion this approach fails to accord the necessary weight to the AONB designation and the detailed considerations required by Paragraph 172. We cannot accept that the public interest underlying the proposal merits the damage that will be caused to this part of the AONB.

3.3 SSSI IMPACT RISK ZONE

The Sites are both within SSSI Impact Risk Zones, since they border Fairlight Glen and Warren Glen respectively.

We have noted the conclusion of Natural England's own 2017 publication on the impact of solar farms on birds, bats and general ecology, to the effect that when considering site selection for utility scale solar developments it is generally agreed that protected areas should be avoided. We would hope that Natural England will require the Council to obtain an Environmental Impact Assessment in the present case.

Quite apart from the legal obligation to consult Natural England, the Council's project appears to fall within Schedule 2 of the 2017 Environmental Impact Assessment Regulations, as a result of which local authority planners are required to consider whether a proposal will have significant effects on the environment. The Council appears to be undertaking some preliminary studies, but we submit that in the present case the environmental sensitivity of the Sites is such that a properly commissioned Environmental Impact Assessment should be an essential precondition for consideration of the project.

At this stage, our particular environmental concerns (which we would expect to be dealt with in an Environmental Impact Assessment) are as follows:

3.3.1 Water Run-off

In an appeal relating to Land at Glebe Farm Tolland, Lydeard St Lawrence, Taunton TA4 3PR (Appeal Ref: APP/D3315/A/13/2203242), where a change of use was proposed from agriculture to solar farm with agriculture, the Planning Inspector considered the issue of drainage. An objector to the development had argued that it would be unsound to assume that rain falling on each row of solar panels would flow evenly into the rain-shadow of the row below, so as to mobilise the same percentage of the ground for infiltration as was available before the panels were installed. Rather, because the panels would be set at a downward slope and aligned to follow the contours of the land, rain-water would be likely to fall in a column from the lowest corner of each panel, and could then form rivulets flowing

down through the rain-shadows of the rows below without utilising their whole area for infiltration, thus increasing the amount of water run-off from the site. This argument was accepted by the Inspector.

In the present case, water from the Sites will run off into the fragile environment of the SSSI of Warren Glen and Fairlight Glen, with potential adverse consequences.

3.3.2 Land Contamination and Pollution

(a) Solar panel materials

Solar panels are susceptible to damage during installation or maintenance, or as a result of natural events or vandalism. Damage may result in the release of environmentally hazardous materials including cadmium compounds and lead as a result of being washed out of damaged modules by rainwater.

(b) Maintenance risks

There is anecdotal evidence of maintenance companies using chemical products to clean solar panels in order to save time, rather than the prescribed deionised water. Similarly, herbicides may be used to curb growth of vegetation under the panels. In practice this is difficult to monitor, regardless of contractual provisions for prescribed procedures.

3.4 SAC

Fairlight Glen and Warren Glen, immediately below the respective Sites, fall within a Special Area of Conservation, giving rise to the same considerations and concerns as those set out in section 3.3 above.

4 CONCERNS ABOUT CONSISTENCY WITH CURRENT COUNCIL POLICY

The Council has consistently refused planning applications for residential extensions and improvements on the basis that they would be contrary not only to paragraphs 170 and 172 of the National Planning Policy Framework, referred to above, but also to The High Weald AONB Management Plan 2019-24 and a number of Council policies incorporated in the Hastings Local Plan¹. It appears, however, that no such rigour is to be applied with regard to the Council's own present proposal.

As regards Council policies, there are a number which are relevant, but the most important are the following.

The Council's policy HN8 (Biodiversity and Green Space) states that:

¹ See, for example, Application Number HS/FA/18/00952, relating to Mill Farm, Mill Lane, Hastings TN35 5DP, refused in February 2019 and Application Number HS/FA/19/00024, relating to Fishponds View, Barley Lane, Hastings TN35 5DU, refused in May 2019.

“Development should result in no net loss of biodiversity or designated green space as defined on the Policies Map. The weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites.

“Development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be demonstrated that:

- the need for the development would outweigh the nature conservation interests;
- adverse impacts can be satisfactorily minimised through mitigation and compensation measures.

“An Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include:

- information of existing on-site ecology;
- opportunities for connectivity between spaces and improved accessibility to them;
- green space and biodiversity improvements on and off-site as appropriate;
- opportunities for the retention or creation of green infrastructure;
- measures for the protection and management of ecology, where appropriate;
- an arboriculture assessment.”

We have not so far seen any indication that any Ecological Constraints and Opportunities Plan is intended to be provided in relation to this project.

The Council’s Planning Policy SC6 (Renewable Energy Developments) states that:

“Proposals for renewable energy developments, including any ancillary infrastructure or building, will be supported unless:

- their scale, form, design, material and cumulative impacts is unacceptable to the local landscape or built environment; and
- they would adversely impact on the local community, economy, biodiversity or historic interests
- the scale and impact of developments in nationally recognised designations, such as the High Weald Area of Outstanding Natural Beauty, Sites of Special Scientific Interest, Scheduled Monuments, Conservation Areas, Listed Buildings or Registered Parks and Gardens, is not compatible with the purpose of their designation.”

The proposed project comes within a number of the designations, and it is difficult to see how it could be compatible with their purpose. Nonetheless, the Council appears to be pursuing it.

Similar wording to the above occurs in the Council’s policy EN5 in relation to Local Nature Reserves.

There are two additional conservation aspects linked to Council policies that have not so far been mentioned in the Council's proposals.

First, as can be seen from the maps attached as Annex 4 and 5, headed respectively "Fairlight Glen HBC Local Plan Policies Map" and "Warren Glen HBC Local Policies Map", the Sites also abut areas designated as Ancient Woodland. Policy EN5 states that the layout of any development encroaching into, or close to, such woodland must take account of the designation and be designed so as to minimise the impact upon it. There has not so far been any reference to the Ancient Woodland in the proposals.

Secondly, there are three Grade 2 listed buildings (Fairlight Place, St. Andrew's Church, Fairlight and Schoolmaster's House, Fairlight) that are likely to be impacted by the proposal. The Council's Policy HN1 requires the potential impact to be assessed in order to ensure that the proposed development "sustains and enhances the significance of the heritage asset". We have not so far seen any reference to such an assessment.

CONCLUSION

As you will see from the above, we have a number of serious concerns about this project and are indeed surprised that it has reached a point where the Council still considers it viable from a planning point of view. First, they have chosen land that is not appropriate, and where the visual impact of the project would be materially detrimental to the AONB. Secondly, although it appears that they acknowledge that the Sites are within SSSI Impact Risk Zones they do not seem to have considered the implications of this or commissioned an Environmental Impact Assessment. Thirdly, they appear to be acting inconsistently with, or failing to take account of, a number of their own Policies, particularly by requiring from third parties an Ecological Constraints and Opportunities Plan whereas no such plan has so far been mentioned in regard to their own project.

I am most happy to provide you with any further information you may require in advising the Council, or to meet if you consider it useful or appropriate.

Yours sincerely

Michael Moor
Chair, The Friends of Hastings Country Park Nature Reserve

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Below are the maps referred to in the letter

Annex 1: Map showing the Sites

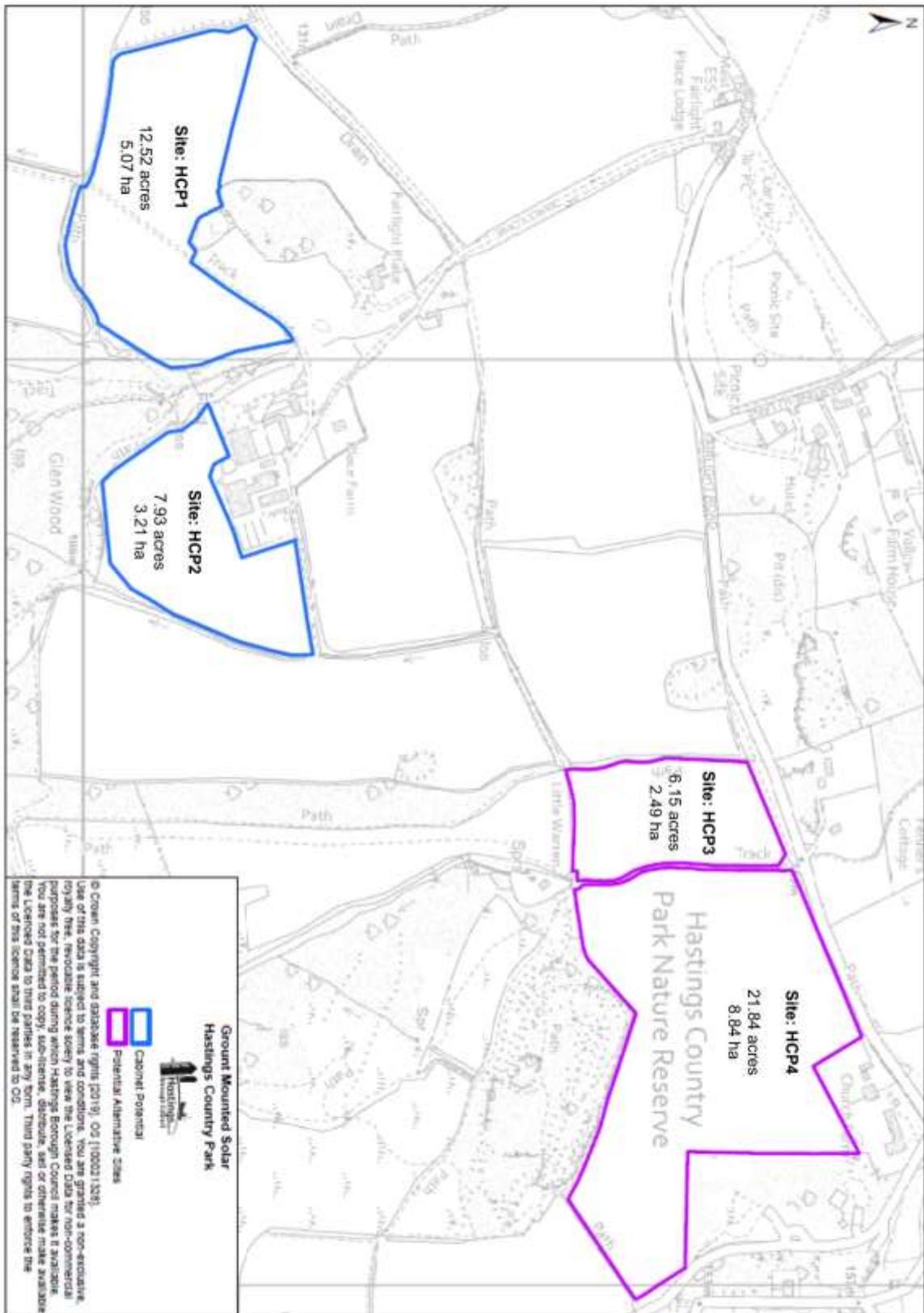
Annex 2: Map showing planning designations

Annex 3: Viewshed analyses

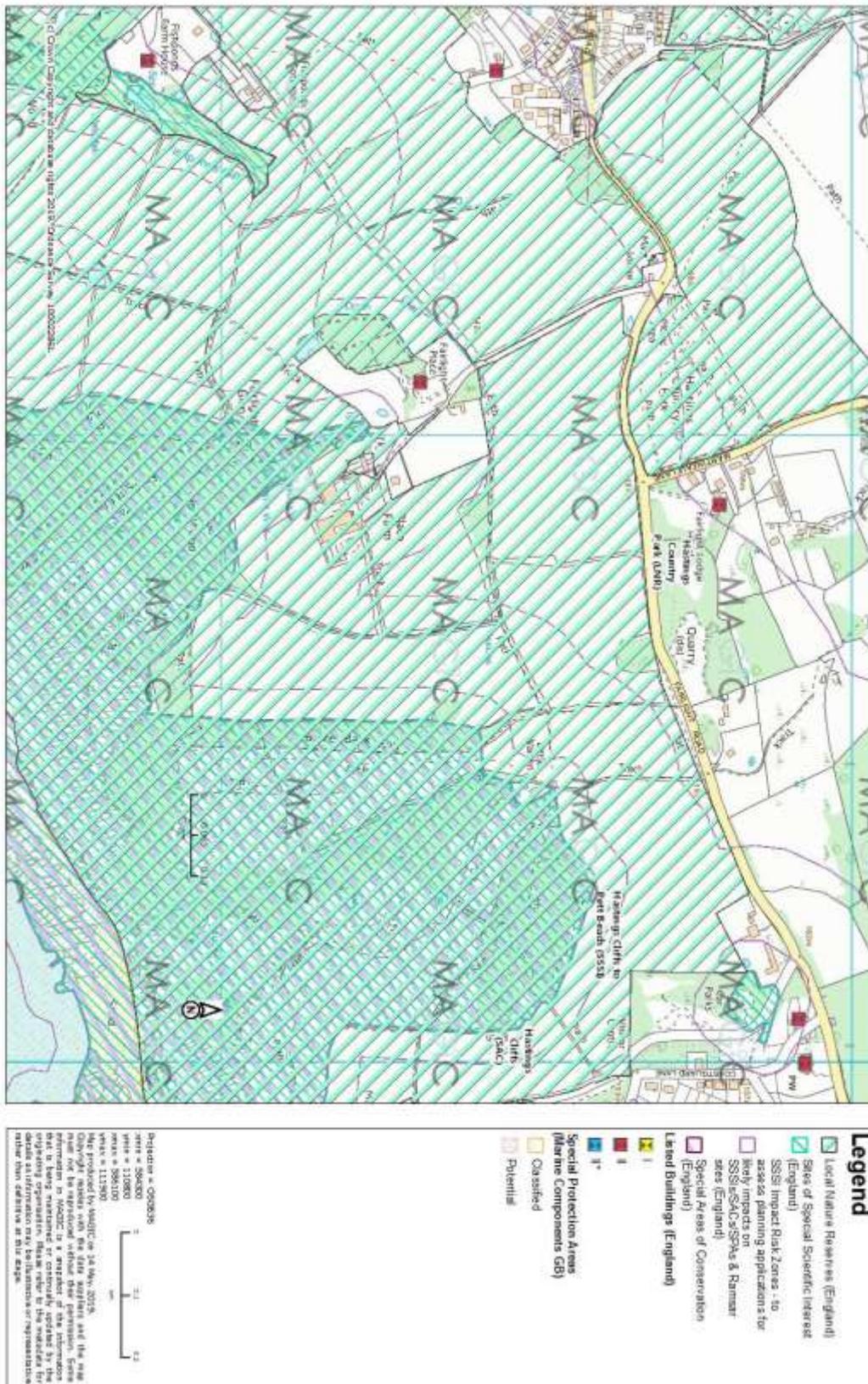
Annex 4: Fairlight Glen Hastings Borough Council Local Plan Policies Map

Annex 5: Warren Glen Hasting Borough Council Local Plan Policies Map

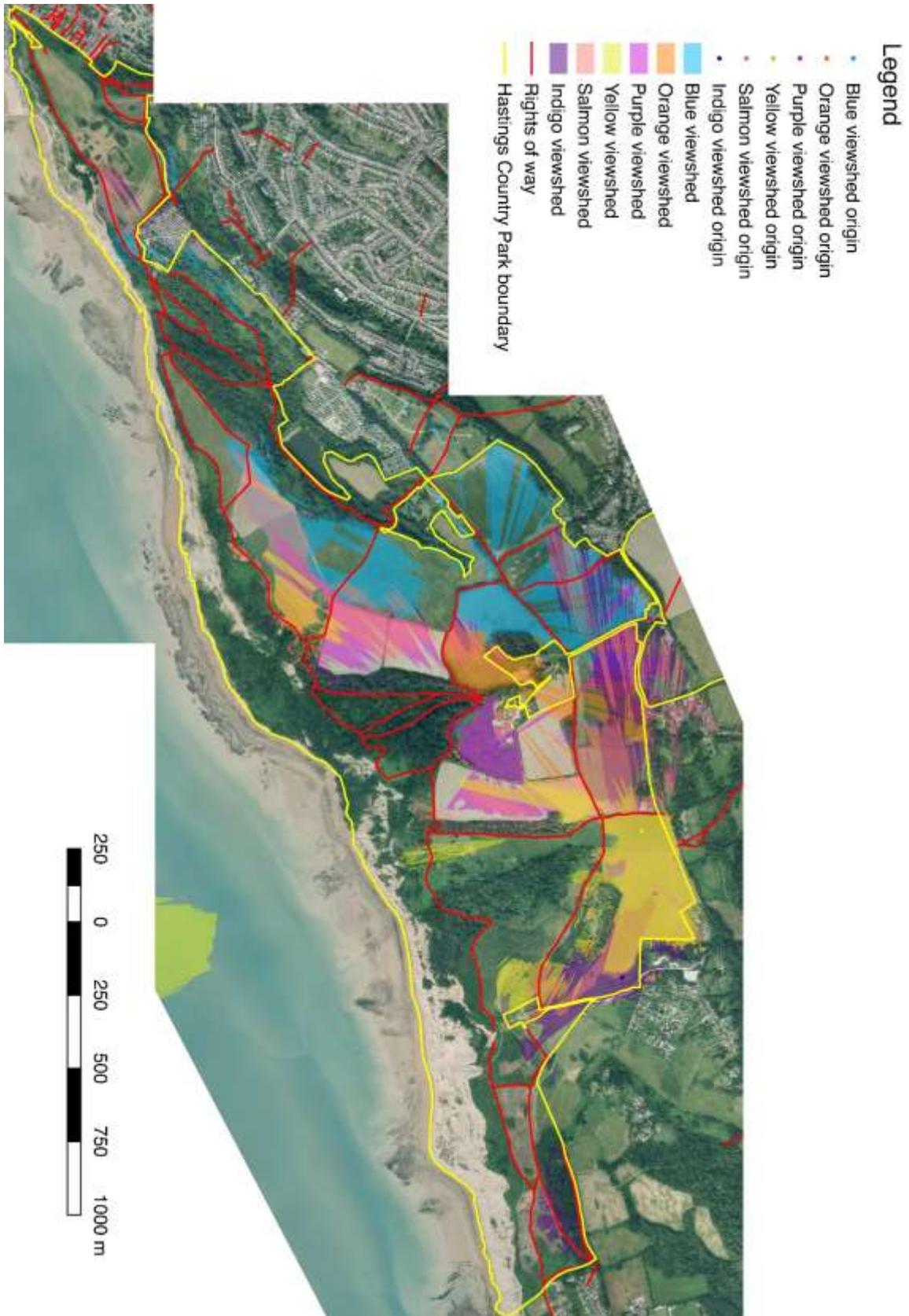
Annex 1: Map showing the Sites



Annex 2: Map showing planning designations



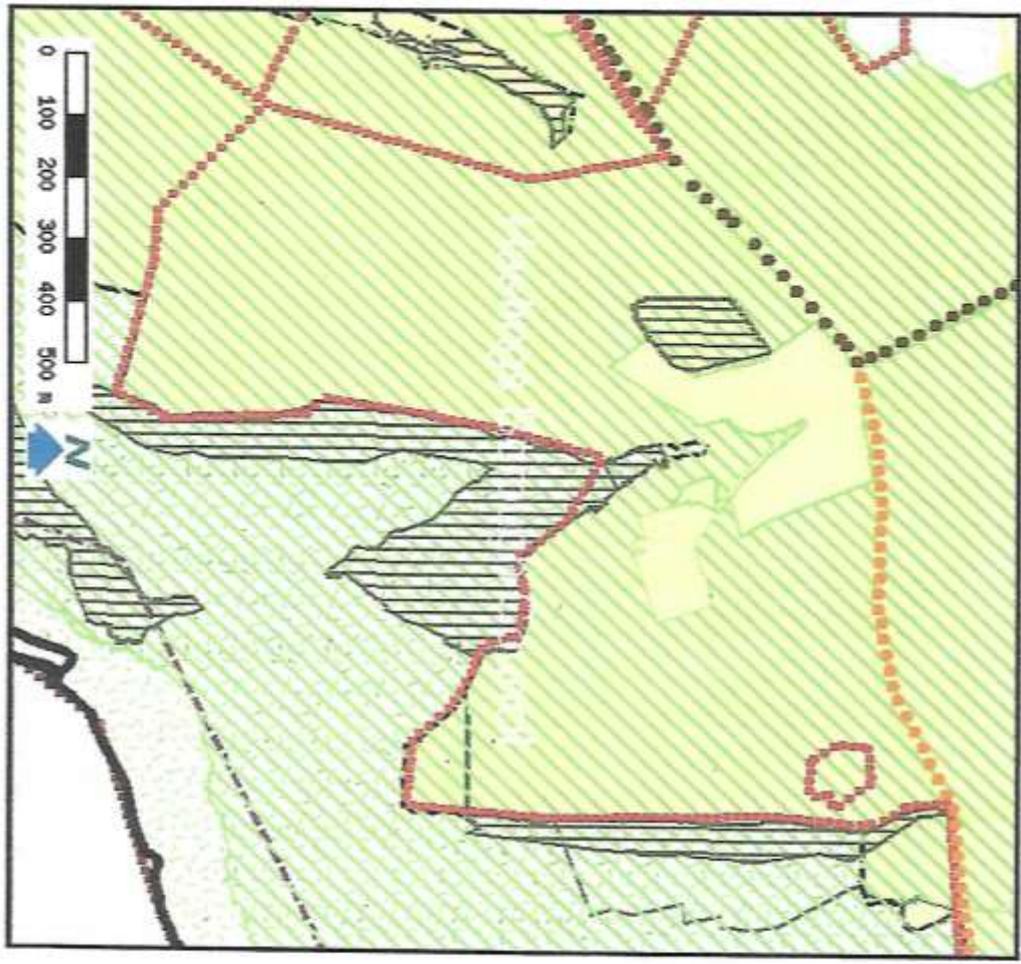
Annex 3: Viewshed analyses



Annex 4: Fairlight Glen

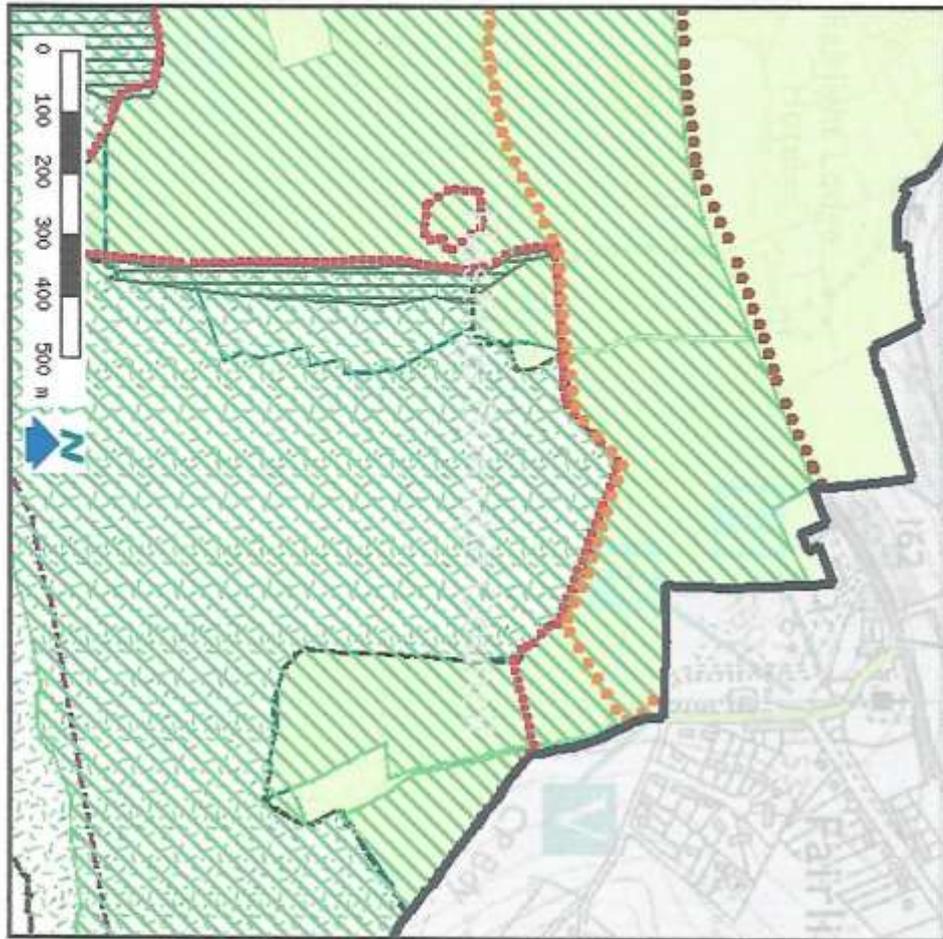
Hastings Borough Council Local Plan Policies Map

Showing designated Ancient Woodland which is not included in Annex 2



- Legend**
- AONB (Area of Outstanding Natural Beauty) EN7,HN8,HN9
 - SAC (Special Area of Conservation) EN3,HN6
 - Country Park EN3,EN7,HN8
 - Local Wildlife Sites EN3,EN6,HN8
 - Spatial Areas FA1,FA2,FA5,FA6
 - SSSI (Sites of Special Scientific Interest) EN3,HN6
 - Local Nature Reserves EN3,EN5,HN6
 - Ancient Woodland EN3,EN4,HN6
 - Archaeological Notification Areas EN1,HN4
 - Proposed Cycle Routes T3
 - Existing Cycle Route T3
 - Area Outside the Borough
 - Borough Boundary

**Annex 5: Warren Glen
Hastings Borough Council Local Plan Policies Map
Showing designated Ancient Woodland which is not included in Annex 2**



- Legend**
- AONB (Area of Outstanding Natural Beauty) EN7,HN8,HN9
 - SAC (Special Area of Conservation) EN3,HN8
 - Country Park EN3,EN7,HN8
 - Local Wildlife Sites EN3,EN6,HN8
 - Spatial Areas FA1,FA2,FA5,FA6
 - SSSI (Sites of Special Scientific Interest) EN3,HN8
 - Local Nature Reserves EN3,EN5,HN8
 - Ancient Woodland EN3,EN4,HN8
 - Archaeological Notification Areas EN1,HN4
 - Proposed Cycle Routes T3
 - Existing Cycle Route T3
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