

Area West Committee – 17<sup>th</sup> July 2013

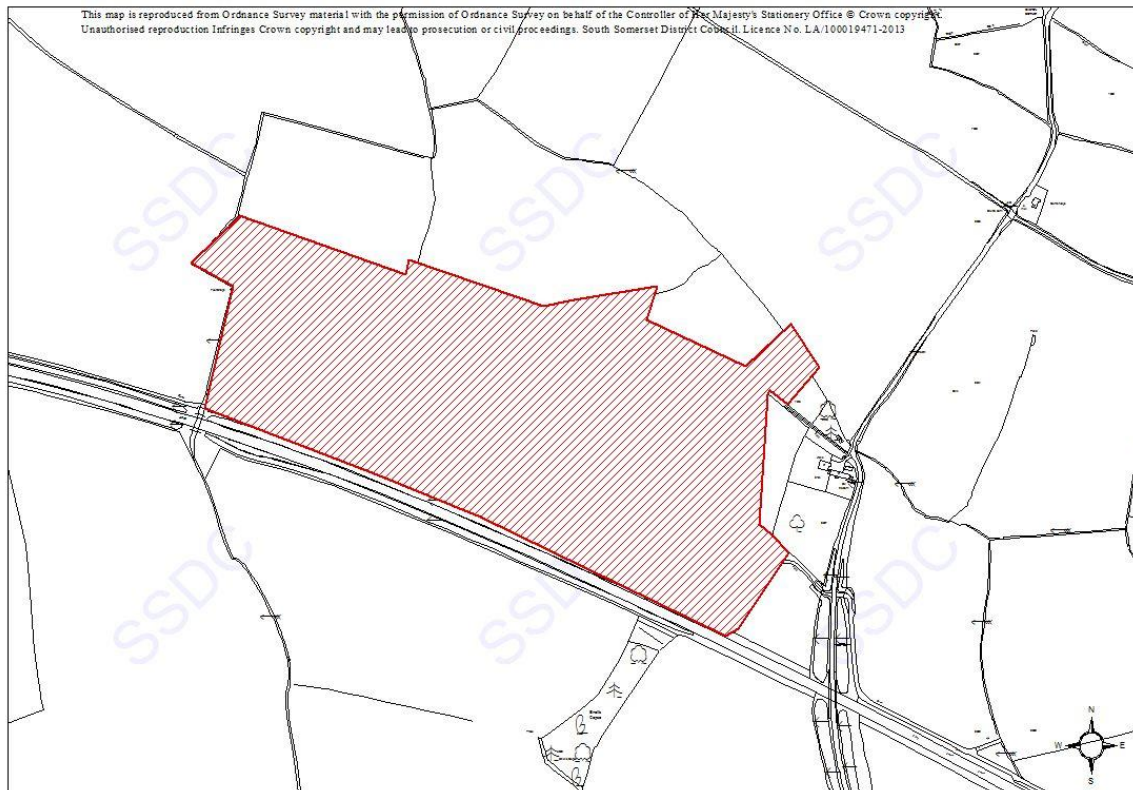
**Officer Report On Planning Application: 13/02403/S73A**

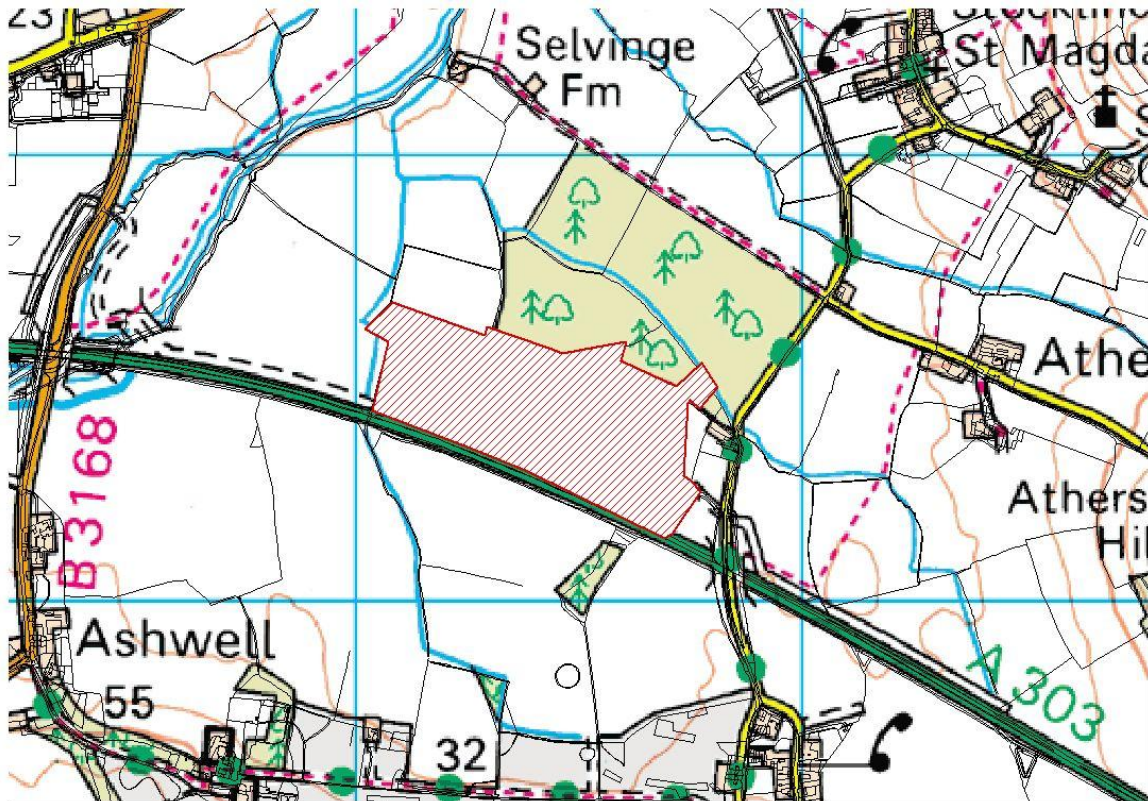
<b>Proposal:</b>	Application to vary conditions 02 and 03 of planning permission 12/02823/FUL to amend layout and tree planting area (GR 337702/116210)
<b>Site Address:</b>	Parsonage Solar Farm Parsonage Barn Stocklinch Road
<b>Parish:</b>	Whitelackington
<b>ILMINSTER TOWN Ward (SSDC Member)</b>	Cllr C Goodall Cllr K T Turner
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date:</b>	10th September 2013
<b>Applicant:</b>	Mr Andrew Troup
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Major Other f/space 1,000 sq.m or 1 ha+

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

This application is referred to the Committee as the application comes under the definition of a 'major major' and therefore has to be considered by the Area Committee.

**SITE DESCRIPTION AND PROPOSAL**





The application site sits 1km to the north-west of Whitelackington, adjacent to the A303 Ilminster By-pass. The site is 20.23 hectares (50 acres) and comprises three large fields. The site is surrounded by open farmland. It forms part of a relatively flat piece of land with a mature hedgerow on all the field boundaries. The village of Whitelackington is 500m (approx) to the south-east of the site with Stocklinch 750m to the north-east.

The site is currently being developed under planning permission 12/02823/FUL which granted consent for the significant extension of an existing solar panel PV array as approved under 12/00835/FUL. The later approval granted consent for approximately 20 hectares of land to be used for the installation of 40800 solar panels on fixed frames (1.92m high) with an additional 5 inverter buildings. Access tracks of gravel and mown grass will provide access to the array. A 1.85m boundary fence was approved that included small openings to allow free access by wildlife. Much of the existing hedging is retained with additional areas of planting.

This new application proposes a variation of the approved plans condition to allow for a change in the layout of the panels so that they are moved away from the western boundary and instead the eastern side is slightly enlarged. The amended plans also include additional planting on the eastern side.

The site is within the open countryside but has no specific landscape or wildlife designations. The western part of the site is within Flood Zone 3. There are no footpaths through the site or adjoining. There is one footpath running along the river 370m to the west and one 350m to the north.

## HISTORY

12/02823/FUL - The Installation of a 7.6MW photovoltaic array. Approved 18/10/2012.

12/00835/FUL - The siting of a PV solar array and inverter housing with associated

landscaping (revised application) (retrospective). Approved 24/04/2012.

11/00943/FUL - The siting of a PV solar array and inverter housing with associated landscaping. Approved 23 May 2011.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the South Somerset Local Plan (April 2006):

ST3 - Development Areas  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
EH5 - Development Proposals Affecting the Setting of Listed Buildings  
EC1 - Protecting the Best Agricultural Land  
EC3 - Landscape Character  
EC7 - Networks of Natural Habitats  
EC8 - Protected Species  
EP3 - Light Pollution  
ME5 - Farm / Rural Diversification

Policy-related Material Considerations

South Somerset Sustainable Community Strategy  
Goal 8 - Quality Development  
Goal 10 - Energy  
Goal 11 - Environment

South Somerset Carbon Reduction and Climate Change Adaption Strategy 2010- 2014

International and European Policy Context

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12.

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C.

The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

## National Policy Context

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

The 2003 Energy White Paper provides a target of generating 40% of national electricity from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge, for example by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables local planning authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

### National Planning Policy Framework

Chapters:-

Chapter 3 - Supporting a prosperous rural economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

Technical Guidance to the National Planning Policy Framework - Flood Risk

The NPPF effectively replaces the majority of the Planning Policy Statements and Planning Policy Guidance Notes.

The NPPF outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

The NPPF further advises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- 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 also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In determining applications, the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It is considered that the main thrust of the NPPF is to positively support sustainable development, and there is positive encouragement for renewable energy projects. However the NPPF reiterates the importance of protecting important landscapes, especially Areas of Outstanding Natural Beauty, as well as heritage and ecology assets.

## CONSULTATIONS

### Whitelackington Parish Meeting:-

- '1. I am unable to see what changes are being applied for in the South East Corner from the drawing supplied (Plan No 00-00).
2. I am assuming that the gas pipe running through the site was overlooked at the original submission. If this is correct it is quite concerning! What else has been missed?
3. One of the major factors promoting this scheme was 'Energy' was required by UK PLC, they now want to reduce what is being produced! Why? No explanation given. Power output should be maximised as the local area is being affected no matter what power is provided.
4. 'a small extension of the array' - How small? Plan does not show.'

### Stocklinch Parish Council:-

No response received.

### Landscape Architect:-

'The reduction in footprint is welcomed, as is the reduction in the height of the array, which will enable the low-trajectory views toward the site to be masked within a shorter time-scale. The slight shift of the array toward the eastern corner of the site is a minimal change relative to the overall scale of the array, hence there is no landscape objection to the application. That is with the following proviso's;

- (i) the approved landscape scheme is implemented in full, but with changes to;
- (ii) the eastern corner where an amended plantation ( to replace areas H and I and the footprint of Parsonage Barn) shall be detailed for planting during the winter season 2013-2014; and
- (iii) the west end, where I would advise plantation A is resited to the immediate east side of the existing ditch, whilst the intervening ground between panels and plantation is dedicated to grassland management. Again, this shall be detailed for planting during the winter season 2013-2014.

I am aware that there has been some local concern expressed over the retention of Kails Plantation, to screen the site from the north. My understanding is that there is no intention to clear fell this area, but for certainty, it would be helpful if the Plantation is conditioned for retention - this does not impede management of the plantation, but we can agree with the Estate that any woodland management operations are organized to ensure that cover is maintained.

Could you please condition the revised landscape details to be submitted for approval before September 2013. This should provide an appropriate timescale for submission and approval to enable a pre-Christmas planting.'

**Climate Change Officer:-**

Supported original application.

**Highways Agency** (notified as site is adjacent to A303 trunk road):-

Content that the proposals will not have a detrimental effect on the Strategic Road Network and offer no objections to the application.

**County Highway Authority:-**

Response awaited, no objection to original application. Any further comments to be reported at Committee.

**Ecologist (SSDC):-**

On the previous application had no objection subject to a condition ensuring that hedges were retained.

**Environment Agency:-**

No objection.

**NATS:-**

No safeguarding objections.

**MOD:-**

No objection to previous proposal, any further comments will be reported at Committee.

**Area Engineer, Technical Services Department:-**

Advised on previous application that 'Comments in the Design Statement regarding flood risk to part of the site are noted and agreed - subject to confirmation by Environment Agency and the Drainage Board.'

**REPRESENTATIONS**

Two letters of objection have been received, the main issues raised are:-

- The application is in retrospect the panels have already been installed;
- No new circumstances or information that the applicant should not have been



- aware of from the original application;
- Incremental extension ;
- An example of how some developers can unnecessarily use up additional planning authority time and resources;
- Wayleaves - it is for the applicant to gain other permissions;
- Landscaping - assume original plans and management regimes still apply;
- Concerned that hamstone barn was removed to make way for extension of panels. This was a valuable vernacular feature that formed part of original planting proposal;
- Existing nature planting provides valuable screening - this should be maintained and protected, if necessary;
- Softening of 'pipeline strip' may need additional landscaping;
- Concerned about increased density of panels and grassland management;
- Existing panels can cause glare - any amelioration would be welcomed;
- Request that the planning authority will amend its guidance in the future to ensure fuller environmental information in the earlier stages;
- Disappointed that despite previous request driven pile supports have been used and no escrow agreement was put in place;
- If no escrow is put in place with this application request confirmation of who will enforce the 25 year time limit and ensure land is returned to agricultural use;
- Panels are very visible from Stocklinch, the A303 and do produce dazzle.

## CONSIDERATIONS

This application is seeking a revision to the approved plans for the development of this site as a solar farm. The proposed changes will see a reduction in the size of the scheme from 7.6MW to 7MW by way of pulling the array away from the western boundary and slightly extending the eastern boundary. The rows of panels would be altered and the panels would be removed from the gas and water pipeline wayleaves. Additional planting is proposed to the eastern boundary to compensate for the small extension of the panels to this part of the site.

This application is made pursuant to Section 73A of the Planning Act and seeks to amend conditions imposed on a planning permission where the permission has been implemented. When considering such sec.73 applications, planning authorities are advised to recognise that by definition the development will have already been found to be acceptable in principle. They are also advised to focus their attention on national, development plan policies or other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought. There has been no material change since the grant of the original permission in October 2012, as such, the development is supported in principle. It is not considered that the proposed changes impact materially upon ecology or flooding as the site is smaller than that previously agreed; no changes to the hedgerows are proposed; and there are no longer any panels proposed within the flood zone. The main considerations for this application are therefore considered to relate to landscape character and visual amenity, residential amenity, access and highways, and impact upon setting of listed buildings.

### Landscape Character and Visual Amenity

As the site will be smaller and pulled away from the western boundary it is considered that the landscape impact will be reduced. Furthermore, additional planting is proposed to the eastern side to soften the enlarged part of the array. Whilst there is a change in

the layout in that some of the rows will now be longer in length it is not considered that this would render the proposal unacceptable in light of the significant planting that has been agreed to the northern boundary. The distance between the rows would be 3.5m and this would still allow for appropriate maintenance of the grassland below the panels. The barns that were removed were in an extremely poor condition and no permission was required for their removal. As such, it is considered that the revised proposal is acceptable in terms of its landscape impact.

### **Residential Amenity**

In terms of the immediate area, there is one house to the east of the house; this is a Grade II listed building (within the ownership of the applicant). Given the distance to the property and the additional planting that is proposed between the array and the dwelling it is not considered that the proposal will adversely impact upon the amenities of this dwelling or its setting.

### **Impact upon setting of listed buildings**

The adjacent residential property is a Grade II listed house. However, it is very much contained within its own curtilage which is defined by mature trees and hedgerow. In the circumstances, it would be very difficult to view the property as part of the array and it is not considered that the proposed amendments would have a significantly adverse impact upon the setting of this building.

### **Access and Highway Safety**

In considering the original application, the Highways Authority did not raise an objection noting that during construction there will be an increase in vehicle movements but this would only be a limited period. This current application does not propose any changes to the access.

In terms of the proximity to the trunk road, the Highways Agency confirmed that they are content that the proposals will not have any detrimental effect on the Strategic Road Network and as such have no objections to the application.

### **Other Issues**

In terms of the issues with regard to pile driven supports and the need for an escrow agreement, these matters were discussed as part of the original submission. The proposals were deemed to be acceptable in the way in which the panels were installed and it was not considered reasonable to require the developer to enter into an escrow agreement. It is considered that as the same considerations apply to this application to amend the layout then it would now be unreasonable to require a change in the method of installation or to require an escrow agreement.

The enforcement of the planning condition regarding the restoration of the land will be the responsibility of the Local Planning Authority.

## **CONCLUSION**

In summary, the original grant of planning permission accepted that the provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and it was considered to raise no significant landscape or visual amenity concerns or other substantive planning concern. The changes to the layout are not considered to result in significant additional impact and as such the proposal accords with the aims and objectives of the National Planning Policy Framework (Parts 7, 10, 11 and 12) and Policies ST5, ST6, EH5, EC3, EC7 and EP3 of the South Somerset Local Plan.



**RECOMMENDATION**

Approve.

01. The provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and is considered to raise no significant landscape or visual amenity concerns or other substantive planning concern and to accord with the aims and objectives of the National Planning Policy Framework (Parts 7, 10, 11 and 12) and Policies ST5, ST6, EC3, EC7 and EP3 of the South Somerset Local Plan 2006.

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 18 October 2012.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s HAZEL-DILLI-001 Rev H (Site Location Plan) received 5 October 2013; Drawing No. 486/01 P9 (Landscape Mitigation Plan only NOT PV layout) received 22 November 2012; and Plan No.00-00 (Layout) received 4 June 2013.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The landscaping/planting scheme shown on the submitted plan (Drawing No. 486/01 P9 (Landscape Mitigation Plan) received 22 November 2012) shall be completely carried out within the first available planting season from the date of commencement of the development. Planting must be carried out during this coming planting season (November 2012- mid March 2013) if commencement is to take place in 2012/2013. For the duration of this permission the trees and shrubs shall be protected and maintained in accordance with the landscape maintenance specification on Drawing No. 486/01 P9 and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

A landscaping scheme for the additional planting shown on Plan No. 00-00 received 4 June 2013 and to include amended planting for the western corner shall be submitted before September 2013 to enable pre-Christmas 2013 planting. The scheme to include details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the 2013/14 planting season and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

The hedgerows and trees to be retained shall be protected during the course of the construction.

Reason: In the interests of visual amenity and landscape character in accordance with saved Policies ST5 and EC3 of the South Somerset Local Plan.

04. The supporting posts to the solar array shall be anchored into the ground as shown in HAZEL-DILLI-120 (Planning Elevation 1:50) received 23 July 2012 and shall not be concreted in.

Reason: To avoid an unsustainable method of attachment in the interests of landscape character and visual amenity in accordance with saved Policies ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

05. The external surfaces of the development hereby permitted shall be of materials as shown on the submitted application form and elevation plans hereby approved and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

06. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of the original permission (18 October 2012) or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with saved Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

07. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with saved Policies EC3, ST6 and EP3 of the South Somerset Local Plan (2006).

08. No works shall be undertaken unless details of the location, height, colour and number of the CCTV equipment is submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual amenity in accordance with saved Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

09. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity and to accord with saved ST6 of the South Somerset Local Plan (2006).

10. The existing hedges shall be maintained in accordance with the maintenance regime set out on Drawing No. 486/01 P9 and no hedge, nor any part thereof, nor any tree (including those within the approved landscaping scheme) shall be

removed until the details of the proposed removals have been submitted to the local planning authority and approved in writing.

Reason: In the interests of visual amenity and to protect the existing and approved landscaping and for the protection of bats in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) and Local Plan Policies EC3 and EC8 as any significant amount of removal may require the details to include the results of bat activity surveys undertaken to current best practice, an impact assessment, and mitigation proposals in respect of any impacts identified.

11. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

12. The management of the area within the site and under the panels shall be carried out in accordance with the Site Management Plan provided by the Farming and Wildlife Advisory Group (dated 4 October 2012).

Reason: In the interests of landscape character in accordance with saved Policies ST6 and EC3 of the South Somerset Local Plan (2006).

13. Prior to the commencement of the development hereby approved the details of the proposed route and formation of the grid connection for the array shall be submitted to and approved in writing by the Local Planning Authority. The work shall be implemented in accordance with the approved details.

Reason: In the interests of landscape character in accordance with saved Policies ST6 and EC3 of the South Somerset Local Plan (2006).

14. No works shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the hours of construction, routing for construction vehicles, parking for construction vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the surrounding villages. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to accord with saved policy ST6 of the South Somerset Local Plan (2006).

**Informatives:**

01. It is noted that the majority of the conditions attached to permission 12/02823/FUL have been discharged; the applicant is advised that providing there has been no change to the agreed details the associated conditions shown above will also considered to be discharged.
  02. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
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