

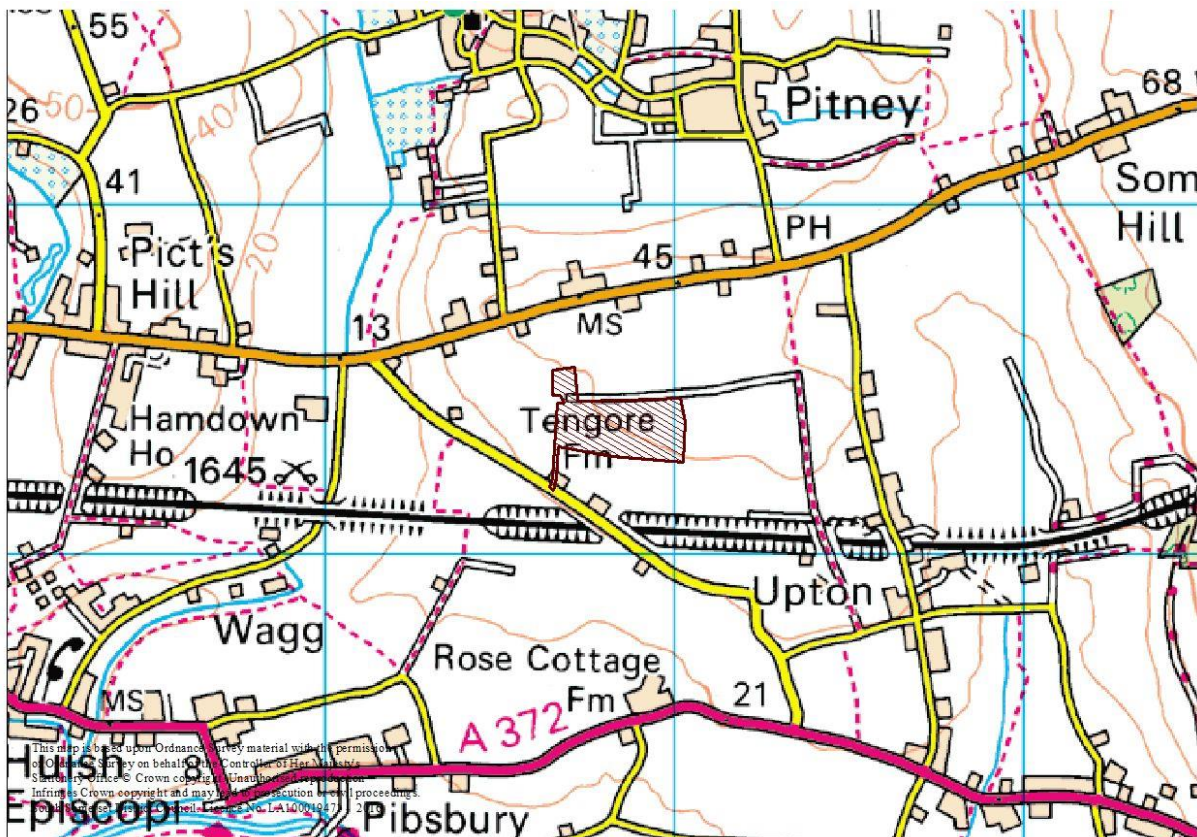
Officer Report On Planning Application: 16/03768/S73A

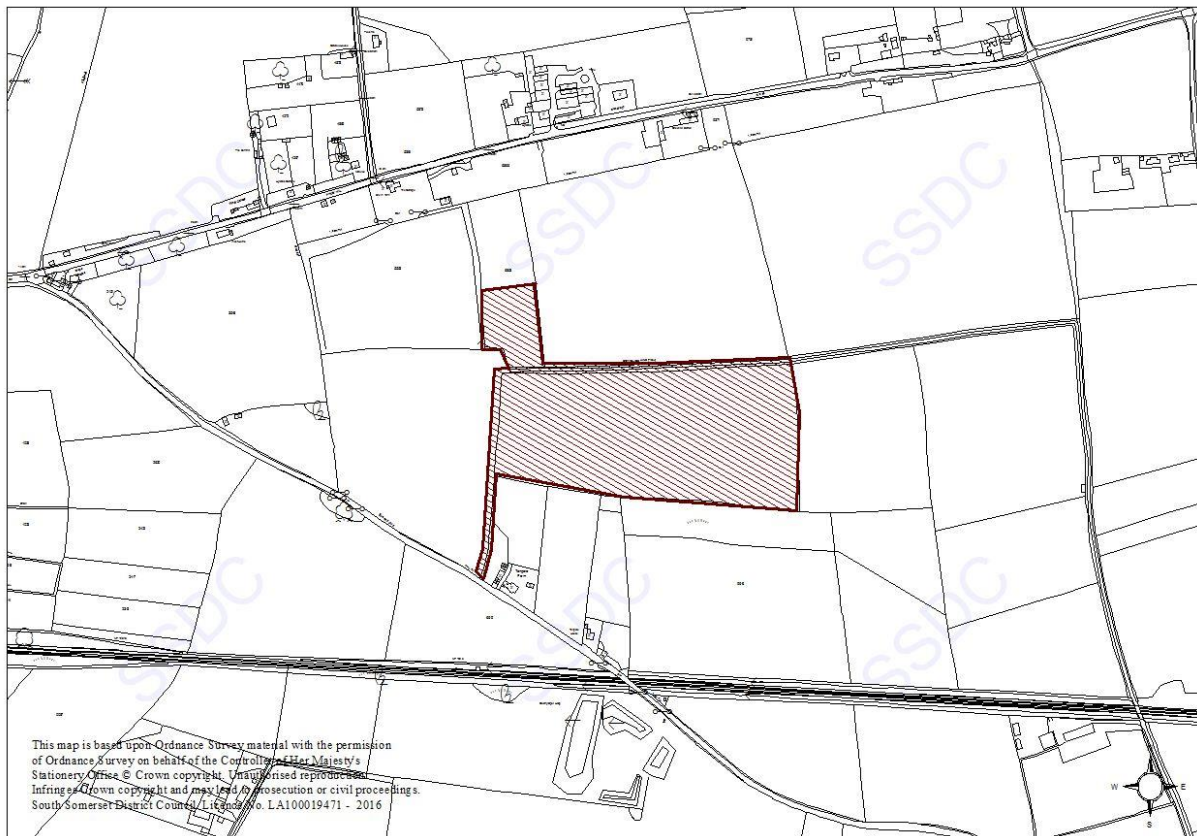
Proposal :	Section 73A application to vary condition 3 of approval application 13/03053/FUL relating to extending the length of planning permission by 5 years.
Site Address:	Land North Of Tengore Lane, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	5th December 2016
Applicant :	Tengore Solar Ltd
Agent: (no agent if blank)	Mr James Jenkison, The Shard, 32 London Bridge, London SE19SG
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

As a 'Major Major' application recommended for approval, the scheme of delegation requires its referral to committee.

SITE DESCRIPTION AND PROPOSAL





The application site is located north of Tengore Lane and covers two fields. The site is broadly level and stands one field apart from the Langport Civil War battlefield to the west side. The development is complete following planning permission ref: 13/03053/FUL that was allowed on appeal. The Inspector's decision is dated 24 June 2014 and involved a 3MW solar park on a 6.4 hectares site, designed to generate an annual electricity the equivalent of consumption of 840 homes. Temporary permission was sought and given for 25 years.

The proposal seeks to extend the period of temporary permission from 25 years to 30 years. The application originally sought an additional 11 years that took the temporary permission to 2050. An amended description now seeks an additional 5 years, only. Condition 3 of 13/03053/FUL reads:

'The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years from the date of this decision. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.'

It is proposed to simply remove reference to '25' years and replace it with '30' years.

As noted above the application has been amended to revise the original extension of time period down from 11 years to 5 years

RELEVANT HISTORY:

- 14/04751/S73: Application to vary condition 3 (time Limit) and condition 7 (lighting) of planning permission 13/03053/FUL (allowed at appeal) - Approved.
OFFICER Note: The change made to condition 3 kept the 25 year period but took this from the time electricity was first generated on site.
- 14/04676/NMA: Changes to solar farm and associated development, permitted.
- 13/03053/FUL: Solar PV Development, Refused, but Appeal Allowed.
- 12/01902/FUL: Solar PV Development, Refused and Appeal Dismissed.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

National Planning Policy Framework - March 2012:

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Supporting a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

Chapter 12 - Conserving and enhancing the historic environment

CONSULTATIONS

(OFFICER Note: Responses received on the basis of the original 11 years to 2050)

Long Sutton Parish Council - does not support the application's extension to 2050. The Parish Council is not able to predict the future use of the land.

County Highway Authority - No observations

Landscape Architect - This was consented on appeal and as a temporary structure. I view this as too great an intervention, and not 'temporary', with no landscape support for this proposal.

Historic England - It has the potential to result in a harmful change in setting to the historic battlefield remains. This application - to extend the active life of the PV array - will therefore

result in a prolonged period of potential harm.

Langport and District History Society - As conceded by the Planning Inspector, 'it is highly likely the Parliamentarians were on or around the appeal site'. The fact that the installation cannot, for much of the year, be seen from the rest of the battlefield area does not alter the fact that it is installed on land that forms an integral part of the story of the Battle of Langport.

REPRESENTATIONS:

There were 4 neighbour notification responses that object to the extension of time to 2050 that include the following reasons:

- We should not tie the hands of future decision makers
- It's designed to attract investors
- Pressure to farm the land may have heightened (in the future)
- What is the definition of temporary planning permission_
- The land the site occupies is of great historical sensitivity and integral to the battle
- Historic England will review the adjacent battlefield in the future with the consequence that boundaries will be moved right up to the site.
- The creation of this solar industrial site has inevitably blighted the battle site and prevents the viewer gaining a satisfactory understanding of the battle.
- The continued existence of the solar industrial site will inevitably cause harm to efforts related to local economy and lost tourist revenue
- It is not the job of planners to insulate applicants against future economic risk

CONSIDERATION

Principle of development:

The National Planning Policy Framework (NPPF) states that local authorities should have a positive strategy to promote energy for renewable and low carbon sources, and 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. The expectation should always be that an application should be approved if the impact is (or can be made) acceptable (para.98 of the NPPF).

The solar park is in place following the 2014 appeal decision. This was originally an extremely controversial application and the officer recommendation was to refuse because of the relationship to the historic battlefield. However the Inspector allowed the appeal. The current application has been amended to reduce the proposed extension of time down from 11 years to 5 years. It should also be noted that permission 14/04751/S73 had allowed the 25 years to run from the point of electricity generation rather than the date of the appeal decision and therefore in reality the current amended proposal seeks a little more than 4 additional years over what is already permitted.

A 5 year extension of time for similar solar park sites is not an uncommon 'rounding up' figure. It is clearly the case that unlike many of these other sites the current site relates to a much more controversial site. This said, the reduction in the initial 11 years that was sought is welcome. The resulting additional 5 years needs also to be balanced against the section 73 permission referred to above and on this basis the additional time sought by this amended application represents a little more than 4 years that is not considered sufficiently lengthy an extension to warrant refusal.

Landscape character and Impact on Heritage Assets:

The issues of landscape character remain largely the same. The Landscape Architect's response remains in accordance with their previous concerns. The immediate locality is sensitive to this type of development. It is quite possible in time to see the heritage boundaries of the adjacent battlefield changed that might extend to form a more holistic appreciation of the wider battlefield that would bring this closer to the application site. However in considering the additional time sought by the application, this is not considered a sufficiently lengthy period over and above that already approved.

Highway Safety:

There are no highway safety implications in supporting the extension of the time.

Residential amenity:

There are several dwellings in relatively close proximity to the site. It is considered that the presence of the solar panels would not result in any further detrimental harm to the amenity of the residents given a 5 year extension of time.

Other Matters:

The original planning conditions need to be re-attached and/ or up-dated, as appropriate.

RECOMMENDATION

Approve

FOR THE FOLLOWING REASONS:

01. The benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact originally envisaged of the proposed PV panels on the local landscape character. As such the proposal accords with the Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, and Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan 2006- 2028.

Conditions to revise.

02. The proposal is considered reasonable, accepting the change in date for the commencement of the 30 year period that offers certainty would not by this change, at this time, adversely affect landscape character, in accordance with the aims and objectives of Policy EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

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 24 June 2014.

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: Site design (dated 24-07-2013); 2V Racking System Rev2 (02/07/2012); Security fence (TGC/PV001 Rev A2); Double gates (TGC/PV002 Rev A1); Inverter cabin (TGC/PV003 Rev A2); Comms building (TGC/PV009/01 Rev A1); Switchgear housing (TGC/PV010 Rev A3); Schneider switchgear (GSC0015-01).

Reason: To avoid any ambiguity as to what is approved.

03. The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 30 years to commence from the 30 June 2015. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid any ambiguity as to what is approved.

04. Details of the colour scheme for fencing and buildings were submitted under 14/04618/DOC, validated 23 October 2014 and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014 discharging the condition having been undertaken on site for planning permission 13/03053/FUL. Having been carried out the details shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan, 2006- 2028

05. The development hereby permitted shall be undertaken in accordance with the Landscape and Ecological Plan submitted under 14/04618/DOC, validated 23 October 2014, and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014, discharging the condition having been undertaken on site for planning permission 13/03053/FUL.

Reason: In the interests of landscape character and local ecology further to Policy EQ4 of the South Somerset Local Plan, 2006- 2028.

06. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the land or the completion of the development, whichever is the sooner; 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.

Reason: In the interests of landscape character further to EQ2 of the South Somerset Local Plan, 2006- 2028.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on the site unless the details are agreed in writing with the local planning authority. Any agreed external lighting will thereafter be constructed and retained in accordance with the agreed details.

Reason: In the interests of character and appearance further to Policy EQ2 of the South Somerset Local Plan, 2006- 2028.

08. The access shall be properly consolidated and surfaced (not loose stone or gravel), and drained over the first 5m of its length, so as to avoid any loose material or water from discharging onto the adjoining public highway.

Reason: In the interests of highway safety further to policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

09. There shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2.4m back and from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. The above area shall be kept clear of all obstructions above 900mm in height thereafter.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006- 2028.

10. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006- 2028.

11. The development hereby permitted shall be undertaken in accordance with the CCTV scheme submitted under 14/04618/DOC, validated 23 October 2014, and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014, discharging the condition having been undertaken on site in accordance with planning permission 13/03053/FUL. The CCTV system shall thereafter be retained in accordance with the agreed scheme.

Reason: In the interests of landscape character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

12. Notwithstanding the details on any of the approved drawings the height of the solar panels, once installed shall be no more than 2.6m above natural ground level.

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.
