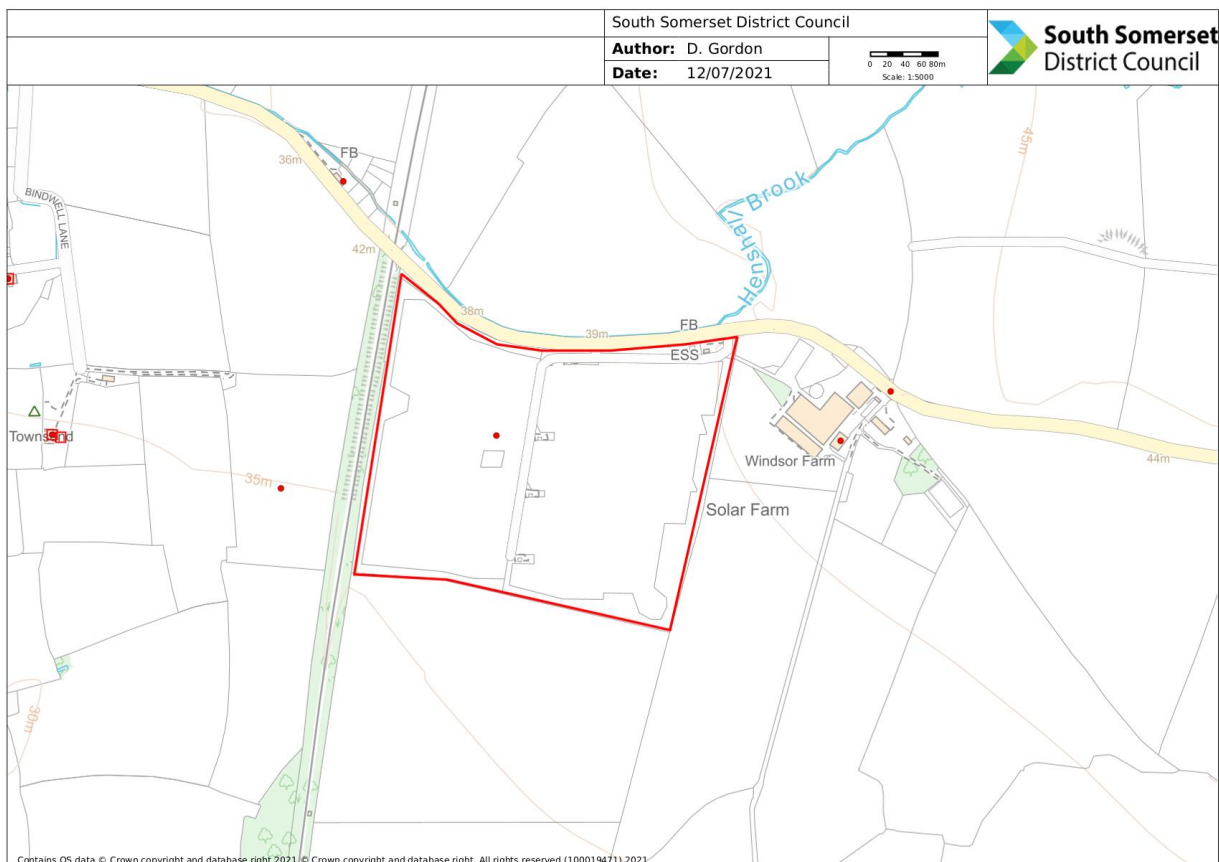


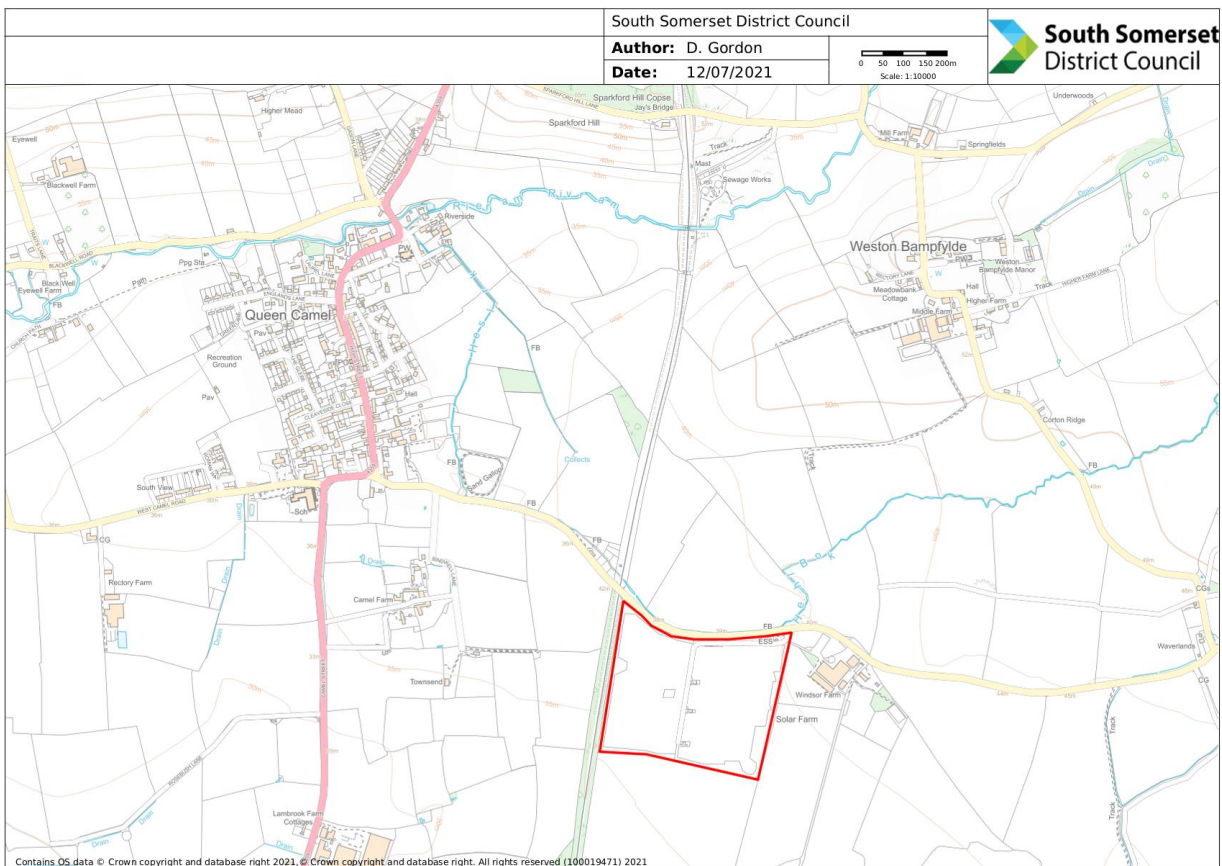
Officer Report On Planning Application: 21/00056/S73A

Proposal :	Application to vary planning condition 7 of approval 13/01697/FUL to extend the life of the solar farm from 25 years to 40 years.
Site Address:	Land Os 4200 Sutton Montis Road Queen Camel BA22 7HW
Parish:	Queen Camel
CAMELOT Ward (SSDC Member)	Cllr M Lewis
Recommending Case Officer:	Trudy Gallagher (Specialist) Tel: 01935 462462 Email: trudy.gallagher@southsomerset.gov.uk
Target date :	12th April 2021
Applicant :	Abercomyn Solar Limited
Agent: (no agent if blank)	Manley Glenavon Sidmouth EX108PU
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Regulation Committee as it comprises a large scale major development proposal ('Major Major').





SITE DESCRIPTION AND PROPOSAL

This application is seeking planning permission to extend the time period for the operation of an existing solar farm at Land Os 4200, Sutton Montis Road, Queen Camel. The operative planning permission (ref. 13/01697/FUL) conditioned that the Solar Farm must be removed on or before the 28th January 2039. As a result of market changes and technological advancement, which allow solar farms to be maintained for longer periods of time, the applicant is seeking to increase the time period that the solar farm is permitted to operate for up to 40 years from the date of the original permission, an extension of 15 years, which would be until the 28th January 2054.

Planning permission was first granted on 28th January 2014 for the erection of a 5.09MW ground mounted solar park, which would include 21,640 solar modules; power inverter stations; transformer stations; security fencing; access gates; and CCTV security cameras (pole mounted).

The site is located approximately 700m to the south east of Queen Camel off of Sutton Montis Road. The village of Sutton Montis is 1.5 km to the west. It is bordered to the east by the railway line and on the remaining boundaries by open fields. The site is a level field, bounded by mature hedges. There is a watercourse to the north of the site, on the opposite side of the public highway. Access to the site is taken off the public highway at a central point in the site. An application for another solar farm was approved in January 2021 at Bindwell Lane to the east (20/00952/FUL).

RELEVANT HISTORY

14/01793/FUL - Underground cable and associated works between solar farm boundary and existing overhead electricity lines. Approved with conditions 10/06/2014

13/01697/FUL - Solar PV development and associated works. To include the installation of ground based racking systems, mounted solar panels, power inverter stations, transformer stations, sub station and comms building, fencing, associated access gates and tracks, and CCTV security cameras mounted on free standing support poles. Approved with conditions 28/01/2014

12/04622/EIASS - Screening opinion for a proposed solar pv installation. Approved with conditions 05/12/2012

Site to the east of railway line:

20/00952/FUL - Proposed solar farm and associated development, comprising the installation of solar panels, the erection of substation, switchgear, storage/communications buildings, the provision of inverter cabins and battery containers, construction of access and stone track, fencing and gates, installation of CCTV cameras, and associated landscaping and biodiversity enhancements. Approved 21st January 2021

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
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control
EP5 - Farm Diversification
TA5 - Transport Impact of new development
TA6 - Parking Standards

National Planning Policy Framework - February 2019

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 8 - Promoting healthy and safe communities
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

The Climate Change Act 2008 (as amended)

The Climate Change Act 2008 created a new legal framework for the UK to reduce, through domestic and international action, greenhouse gas emissions to at least 80% below 1990 levels by 2050.

3.3. On the 28th June 2019, section 1(1) of the Climate Change Act 2008 was amended changing the requirement that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline to at least 100% lower than the 1990 baseline.

The Energy white paper, entitled Powering our net zero future - published on 14 December 2020. This sets out how the UK will *'clean up its energy system and reach net zero emissions by 2050'*. The document acknowledges that a *'low cost, net zero consistent system is likely to be composed predominantly of wind and solar'* and states that *'Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.'*

CONSULTATIONS

South Cadbury and Sutton Montis Parish Council: Support.

SSDC Environmental Protection Unit: No comment received.

Highways Authority: Standing advice applies.

SSDC Highway Consultant: No significant highways issues with this proposal, provided the timing of any decommissioning traffic management plan is adjusted accordingly.

SCC Ecology: No comment received.

Natural England : No objection.

Network Rail: No objection.

REPRESENTATIONS

Seven neighbours have been notified, a site notice displayed and an advertisement has been placed in the local newspaper. One neutral comment to the application has been received, advising that the original landscaping scheme approved under 13/01697/FUL has not been fully implemented and gaps in the hedges remain. The letter of representation is set out in full on the website.

CONSIDERATIONS

The National Planning Policy Framework advises that, when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emission. Also, to approve the application if its impacts are (or can be made) acceptable (paragraph 154).

Local Plan Policy EQ1 is applicable in considering renewable energy proposals. Bullet point 3 states that 'Development of renewable and low carbon energy generation will be encouraged and permitted, providing there are no significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets, and biodiversity.' Policy EQ2 also refers to the need to safeguard landscape character of the area and visual appearance is clearly a weighty matter in considering environmental harm.

Permission exists for the establishment of a solar array on the site, which has been implemented. The

original permission was granted for a temporary period of 25 years (condition 07 of 13/01697/FUL) commencing from the date the permission was granted on 28th January 2014. This current application seeks variation of the temporary time limits imposed by the above condition to extend the operational lifespan of the approved solar farm from 25 years to 40 years, i.e. an extension of time of 15 years, allowing it to operate until 28th January 2054.

In support of this application, the applicant's agent has offered the following information:

"The application is supported by national and local climate change planning policies within the National Planning Policy Framework 2012 (as revised), the South Somerset Local Plan 2006 - 2018 (adopted March 2015) and the Council's own ambition for South Somerset District Council to become a net zero carbon emitter, ahead of the government's target, by 2025. It will also contribute to policies aimed at increasing biodiversity and the diversification of agriculture through the planning and development system. Increasing the operational life of the solar farm will contribute to national and international targets for the reduction and offsetting of CO2 emissions. The application will facilitate investment for potential implementation of new technologies to increase the output of, and even more effectively utilise, renewable energy produced by the site - further contributing to levels of energy supplied by renewables and strengthening energy resilience locally and nationally.

In planning terms, and with reference to NPPF para 55, the primary reason for a time limit condition was the 'necessity' of setting a clear date by which solar farm decommissioning was to be completed, and also to ensure that decommissioning was controlled through the submission of appropriate method statements at the appropriate time. Providing appropriate decommissioning clauses are retained in any agreed revised planning condition allowing an extended period of operation, those objectives can still be secured.

The solar farm comprises predominantly lightweight structures and fixings that can be easily disassembled and removed. The panels themselves are also capable of an electricity generating life for longer than the 25 year period. Therefore, whilst the efficiency of the installed solar panels and infrastructure will reduce over time it has been determined that the solar farm can continue to operate viably beyond the 25 year period in a subsidy-free market. In essence, the project is able to make very effective use of the existing infrastructure and grid connection during years 24-40, and continue to make a significant contribution to Government renewable energy generation targets. This is a significant material consideration in support of the proposals.

In giving this consideration, this is a relatively sizeable increase in time, however there are no obvious concerns raised. While it is acknowledged that approval would result in the effects of the development being longer in duration, there would be no change in the nature of the impacts, while it is noted that these remain temporary and would be fully reversible in time. The benefits of the proposal include the opportunity to continue generating renewable energy, supporting national and local objectives relating to the installation and continuation of renewable energy sources. The above changes would allow the solar farm to operate for up to the full 40 year period before entering the decommission phase where the land would be restored to agriculture. This would allow maximisation of renewable energy generation and is consistent with Government guidance in respect of renewable energy projects.

In addition to the amendment of the above mentioned condition relating to the operational period of the solar farm, there are a variety of other conditions attached to the previous permissions that need to be reiterated or varied in order to issue a new decision. The comment received from a member of the public with regards to gaps in the landscaping scheme that was agreed by condition is noted. This application does not seek to vary the landscaping condition, and so it is still binding on the development and requires the applicant to maintain any planting that does not survive for the lifetime of the solar farm. This issue has been raised by the applicant and they have agreed to continue to maintain the planting scheme as agreed by the condition, filling in any gaps. Should this not happen within a reasonable timeframe then the member of the public should report the breach of condition to SSDC's planning enforcement

department.

Overall, there are considered to be no long-term adverse impacts resulting from the proposal to extend the operational lifespan of the solar park from 25 years to up to 40 years from the date the solar farm was approved.

Conclusion

The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was approved is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the application is recommended for approval.

RECOMMENDATION

That application reference 21/00056/S73A be approved for the following reason:

01. The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was approved is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the application is recommended for approval.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans received under the original planning application, drawings ref. TGC/PV001 Rev A1, TGC/PV002 Rev A1, TGC/PV003 Rev A1, TGC/PV004 Rev A1, TGC/PV007/01 Rev A1, TGC/PV009/01 Rev A1, TGC/PV010/01 Rev A1, PV 1.00 Rev A4, 2V Racking System Rev B.

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

02. The landscaping scheme shall be in accordance with the submitted Landscape Masterplan plan ref. P0046 Rev 2 and the details agreed under 14/04535/DOC. 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 commencement of the development. For the duration of this permission the trees and shrubs included in the scheme shall be protected and maintained, and any trees or plants which 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.

Reason: In the interests of visual amenity and landscape character in accordance with the NPPF and policies EQ2 and EQ5 of the South Somerset Local Plan.

03. Development must proceed in strict accordance with the site management plan for tree, hedge and grass maintenance of the site agreed under 14/04535/DOC shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with policy EQ2 of the South Somerset Local Plan.

04. No hedge, nor any part thereof, shall be removed, except for permitting reasonable access to the site, until the details of the proposed removals have been submitted to the local planning authority and approved in writing. Any significant amount of removal will require the details to include the results of dormouse presence and bat activity surveys undertaken to current best practice, an impact assessment, and mitigation proposals in respect of any impacts identified.

Reason: For the protection of bats and dormice in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) and Local Plan Policy EQ4.

05. The supporting posts to the solar array shall be anchored into the ground as shown in drawing 'Solar Farm 2V, 40 Module Racking' ref. 2v Racking System, received on 3 May 2013, and shall not be concreted into the ground.

Reason: To avoid an unsustainable method of attachment in the interests of landscape character and visual amenity in accordance with saved Policies EQ2 of the South Somerset Local Plan and the provisions of the NPPF.

06. The development hereby permitted shall be removed and the land restored to its former condition within on or before the 28th January 2054 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 the NPPF and saved Policies EQ1, EQ2 and EQ5 of the South Somerset Local Plan and the provisions of the NPPF.

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 the NPPF and saved Policies EQ2 and EQ7 of the South Somerset Local Plan.

08. No CCTV equipment shall be installed on the site other than that shown on the submitted layout plan ref. PV 1.00 RevA4, in accordance with the CCTV design details submitted with the original application.

Reason: In the interests of landscape character and visual amenity in accordance with the NPPF and saved Policies EQ2 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 the NPPF and policy EQ2 of the South Somerset Local Plan.

10. Development to proceed in strict accordance with the surface water drainage scheme for the site, agreed as part of 14/04535/DOC. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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.

11. The means of connection to the electricity grid from the site must accord with the details agreed under 14/04535/DOC.

Reason: To safeguard the character and appearance of the area in accordance with the aims of Policies EQ2 of the South Somerset Local Plan.

12. The construction, surfacing and materials of the access track must accord with the details agreed under application 14/04535/DOC.

Reason: To safeguard the character and appearance of the area in accordance with the aims of policy TA5 and EQ2 of the South Somerset Local Plan.

13. Development must proceed in strict accordance with the Site Construction Management Plan agreed under 14/04535/DOC.

Reason: In the interests of traffic management and minimising the impacts of the construction of the development in accordance with the aims of policy TA5 and EQ7 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for protection of the main sett, minimising disturbance and harm to badgers, and enabling badgers continued access within their territory as appropriate for their welfare. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

15. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard any archaeological remains on the site, and to accord with the NPPF and Policy EQ3 of the South Somerset Local Plan.

16. The solar panel arrays indicated on the revised drawing ref. 2V Racking System Rev B, received by email on 21 June 2013, shall not exceed a maximum height of 2.453m above ground level at any point on the site.

Reason: To safeguard the character and appearance of the area, and to accord with the aims of the NPPF and policy EQ2 of the South Somerset Local Plan.

17. Development to proceed in accordance with the fencing agreed along the boundary of the site with land owned by Network Rail under application ref 14/04535/DOC, to be implemented and retained for the lifetime of the development.

Reason: In the interests of safe operation of the railway line to the west of the site.

18. Development to proceed in accordance with the screening details agreed under 14/04535/DOC to prevent the impact of glare from solar panels on the adjacent railway line. The agreed details shall be implemented and retained and maintained for the life of the permission.

Reason: In the interests of safe operation of the railway line to the west of the site.

Informatives:

01. The applicant is reminded that condition 2 on this decision notice is binding for the lifetime of the solar farm and any gaps in the landscaping scheme must be maintained or risk enforcement action being taken.