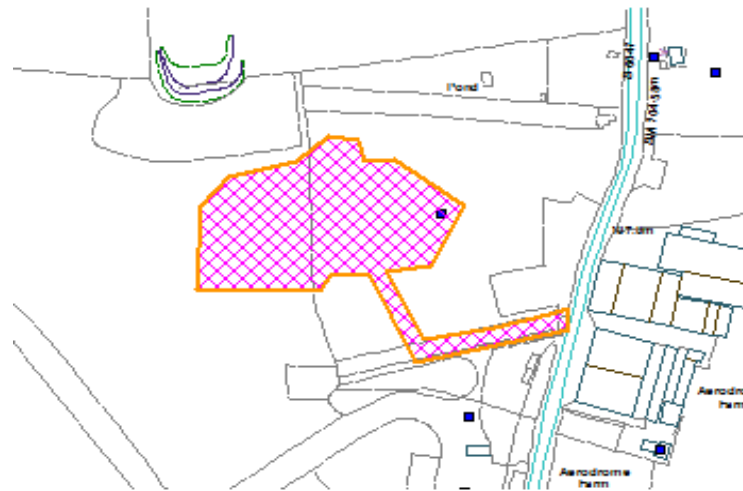


Reference: 13/00719/FUL
Date submitted: 24.12.2013
Applicant: Mrs E Ceney
Location: Field 8787, Dalby Road, Melton Mowbray
Proposal: Development for a ground mounted solar PV array of 150kWp.



Proposal:-

This application is for the installation of 612 Ground Mounted Solar Photovoltaic Panels to generate 149.94 kW power at land adjacent to the GW Padley Poultry Limited. The site lies within open countryside to the north of the town with access off Dalby Road. The energy generated by the proposed panels will be used by the poultry farm with any surplus being transported to the grid. The power outage of the solar farm has been designed to meet the energy demands of the poultry farm and unlikely to amount to a significant surplus of energy. The total area to be covered by the panels would be 2418 square metres and all of the panels would be arranged in blocks of 22 panels, consisting of 12 arrays. To achieve optimum solar gain the panels are laid out in east-west rows with a space of approximately 4 metres between each row to avoid shading. Each individual panel is non reflective and is orientated at 20 to 30 degrees to the sun with a maximum height of approximately 3 metres from ground level to the top of the panel frame.

The application site is part of the area classed as 'Melton Fringes', '*a mixed urban fringe ridge and valley and valley floor landscape, mostly pastoral farm land, MOD recreation land*'.

It is considered that the main issues arising from this proposal are:

- **Impact upon the character of the countryside**
- **Impact upon residential amenities**

The application is to be heard by the Development Committee due to the potential conflict with policy OS2.

Relevant History:-

11/00982/FUL - Erection of 3 poultry units for breeding, 3 feed bins and general purpose building. Approved 16th March 2011

Planning Policies:-

Adopted Melton Local Plan

Policy OS2 – planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy C2 - planning permission will be granted for farm based diversification proposals provided:

- the activities would be ancillary to the main agricultural use and would not prejudice the future operation of the holding;
- the proposal should reuse or adapt any suitable farm building that is available. if a new building is necessary it should be sited in or adjacent to an existing group of buildings; the proposed development is compatible with its rural location in terms of scale, design and layout;
- there is no significantly adverse impact on the character and appearance of the rural landscape or conservation of the natural environment;
- access, servicing and parking would be provided at the site without detriment to the rural character of the area; and
- the traffic generated by the proposal can be accommodated on the local highway network without reducing road safety

Policy UT7 has not been ‘saved’

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- support the transition to a low carbon future.....by encouraging the development of renewable energy

- recognising the intrinsic beauty of the countryside
- contribute to conserving and enhancing the natural environment

On Specific issues relevant to this application it advises:

Climate Change:

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. (Paragraph 93)

Paragraph 97 states that to increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute energy generation from renewable or low carbon sources.

Paragraph 98 states that when determining planning applications, local planning authorities should;

- not require developments to demonstrate overall need for renewable or low carbon energy
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

Conserving and enhancing the natural environment:

- Protecting and enhancing valued landscapes
- Apply great weight to protection of designated landscape and scenic areas (e.g. National Parks)
- Avoid noise giving rise to significant adverse impacts
- Minimise other impacts on health and quality of life through conditions
- Identify and protect areas of tranquillity

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Planning Practise Guidance for Renewable & Low Carbon Energy

Guidance was issued by the Department for Communities and Local Government in July 2013 to offer advice on the planning issues associated with the development of renewable energy, and should be read alongside the guidance within the National Planning Policy Framework (NPPF – above). The guidance is material consideration in planning decisions and should generally be followed unless there are clear reasons not to.

The document states that energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The NPPF states that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need automatically overrides environmental protections and the planning concerns of local communities.

When considering impact of renewable technologies the document states that landscape character areas could form a basis for considering which technologies at which scale may be appropriate in different types of location. For consideration whilst dealing with planning applications it is important to be clear that:

- The need for renewable or low carbon energy does not automatically override environmental protections

- Cumulative impacts require particular attention, especially the increasing impact that wind turbines and large solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- Local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape, and recognise that the impact can be as great in predominantly flat landscapes as in hilly areas.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Particularly in relation to the consideration of applications for solar technology the guidance advises that they can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addresses within the landscape if planned sensitively.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines, although in the case of ground mounted panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Consultations:-

Consultation Response	Assessment of Head of Regulatory Services
<p>LCC Highways - No objection</p> <p>Subject to a condition requiring appropriate visibility splays prior to commencement of development.</p>	<p>Noted. It is proposed to utilise the existing access. The solar PV panels and inverters for the proposed 150KWp PV would be delivered on a 13 tonne rigid lorry and would require two deliveries to site. There would be one further delivery for a telescopic handler and mini-digger and one for the framework. Once the equipment is on site there would be no more than one to two small (escort / transit) vans daily, and one car two times a week for the period of the build which is likely to be three weeks or less. Once construction is complete there would be two collections from site, one for the machinery and one to remove any surplus materials and waste, as well as an engineer’s van from Western Power Distribution for the final witness testing of the system. Longer term there would be a once or twice yearly maintenance visit.</p> <p>The Highways Authority has no objection to the proposal providing visibility is provided in accordance with the highway standards.</p>
<p>LCC Ecology – No objection</p> <p>The ecology report submitted in support of this application (Scarborough Nixon Associates, February 2012) is satisfactory. No protected species were identified. However, it is recommended that a note to applicant is added to any permission granted to draw the applicants’ attention to the recommendations in the report.</p>	<p>Noted.</p> <p>The report details the methods used, describes the habitats and species found on the site, discusses the results and makes recommendations for further work. The site comprises an area of rough grassland (a former airfield) with some semi-mature trees and scrub; it is surrounded by rough grassland, arable land, a road (B6047) and to the east Aerodrome Farm. The component habitats include rough grassland, scrub, mature trees and boundary</p>

	<p>hedgerows.</p> <p>The report discusses enhancement measures for the site which could increase the biological resource on site and improve the overall biodiversity in line with the NPPF, paragraph 109. The following measures would be recommended in order to achieve this.</p> <ul style="list-style-type: none"> • Retention, where possible, of all mature trees and hedgerows • Planting of hedgerows and trees – using native, locally appropriate species. <p>There was no presence of badgers and it is recommended that should any work be required to be carried out to hedgerows that this is conducted outside of bird nesting season (march to late August)</p> <p>No further surveys were required as part of the application process.</p>
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Representations:

A site notice was posted in line with consultation procedures, no letters of objection or comment has been received.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Landscape Impact	<p>This application is for the installation of 612 Ground Mounted Solar Photovoltaic Panels on land adjacent to a poultry farm. The site lies within open countryside to the north of the town with access off Dalby Road.</p> <p>The proposed solar panels would stand at a maximum height of 3m above ground level, tilted at an angle of 20/30 degrees, facing due South. The panels would be at a height of 900mm above ground, and arranged in rows of arrays utilising the shape of the parcel of land which is triangular. Each of the arrays would be spaced 4m apart from each other to prevent shadows being cast. The panels would be constructed of a non-reflective material to ensure that they absorb as much light as possible, and mounted on a metal frames set into the ground by a piling to a depth of approximately 1.5 metres.</p> <p>The proposed panels are relatively low in height, but the area which they cover is considered to be fairly large scale at approximately 2418 sqm which is contrary to policy OS2 of the Melton Local Plan which only allows for development outside of the village envelopes for limited small scale development for employment, recreation and</p>

tourism. The land however would still be available for animals to graze around the development, and is therefore not completely lost to the proposed electricity generation.

With regards to the landscape impact of the proposal, the site is within an area classed as 'Melton fringes' which described as *a mixed urban fringe ridge and valley and valley floor landscape, mostly pastoral farm land, MOD recreation land*'

It has distinct characteristics which are noted as;

- Rolling landscape of fields and hedges
- Mixed pasture and arable land
- Clear distinction between urban edge and countryside
- Housing estates remain unscreened
- Some industrial and other land uses (e.g. MOD)

The parcel of land where the arrays are proposed to be sited is relatively flat and fairly well screened by mature hedgerows. The field to the north slopes considerably leading to the urban fridge of Melton before rising up again as you make your way towards the town centre.

The planning practise guidance for renewable energy states that the local topography is an important factor when determining this type of development, particularly in very undulating landscapes. This landscape is considered to be an urban fridge ridge and valley mostly pastoral landscape. The landscape in itself provides a reasonable level of screening of the proposal. The panels themselves will only have a maximum height of 3m, significantly lower than most trees, bushes and around the same height as most hedges. This ensures that the proposal would not be widely visible and would not impact significantly to the landscape.

The proposed panels are likely to be more visible when viewed from further afield, such as when looking towards the site from higher vantage points, for example when leaving Melton along Dalby Road heading out towards Great Dalby. The development would however be screened by natural screening around the site which would limit any degree of harm.

It is considered that the proposal will not have any significant adverse impact on the landscape due to its height and the available natural screening and would meet with the objectives set out in the NPPF at paragraphs 97 and 98 (meeting the challenge of climate change) and the

	<p>guidance set out within the ‘Planning Practise Guidance for Renewable and Low Carbon Energy’ in relation to solar PV farms.</p>
<p>Impact upon Residential Amenity</p>	<p>The closest residential dwelling is to the southwest, Aerodrome Farm, the existing poultry buildings on the site would screen the panels from view so as not to cause any visual harm. To the north on the urban fringes of Melton are a number of properties, some facing out towards the proposal. It is considered that due to the parcel of land being fairly enclosed by natural screening that the visual outlook from these properties will not be unduly affected by the proposal. Great Dalby village is further to the south set within the ‘dip’. The panels will not be visible from here as the poultry buildings and mature hedging will provide screening.</p> <p>It is not considered that the solar farm at this location would have an adverse impact upon the residential amenity of dwellings in the vicinity, and would therefore be supported by the NPPF paragraph 98 which states that Local Planning Authorities should approve applications for renewable or low carbon energy if its impacts are (or can be made) acceptable.</p>
<p>Policy</p>	<p>The application is considered to be contrary to saved Melton Local Plan policy OS2 as it is not considered to be small in scale, however it would comply with parts of saved policy C2 which seek to ensure that farm based diversification does not cause any significantly adverse impact upon the character and appearance of the rural landscape, or conservation of the natural environment.</p> <p>The application is considered to meet the overall objectives, aims and relevant paragraphs of the NPPF as discussed above, also the guidelines as produced in the ‘Planning Practise Guidance for Renewable and Low Carbon Energy’.</p> <p>Planning law requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. This application highlights a conflict between local and national policy, and the Committee should consider whether the overall aims of the NPPF outweigh the objectives of policy OS2.</p>

Conclusion

The application seeks approval for the erection of 612 ground mounted solar photovoltaic panels arranged in blocks to the North of GW Padley Poultry Olympic Farm of which will benefit from the energy

production reducing CO2 omissions from the commercial premises. The development is considered to have no adverse impact upon the landscape of the area or the residential amenity of any nearby dwellings. The development is not supported within the Melton Local Plan policy OS2, however it is considered to meet the wider objectives of the NPPF, and the guidance published within the 'Planning Practise Guidance for Renewable and Low Carbon Energy'. Following the approach set out in paragraph 215, it is considered that the latter outweighs OS2 due to its more recent date and the absence of policy addressing renewable energy in the Local Plan and Policy OS2. Accordingly, the application is recommended for approval.

RECOMMENDATION: Approve, subject to conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This permission relates to the approved plans numbered: Olympic-DWG0001 and MELTON-B-DWGOO1 received at these offices on 8th October 2013.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
4. The permission is for a period not exceeding 25 years from the date that electricity from the development is first provided or brought into operation. Written confirmation of this date will be provided to the Local Planning Authority within one month of the commencement of generation. No later than 3 months prior to the permanent cessation of electricity generation at the site, a scheme for the removal from the site of the PV Panels and associated works shall be submitted to the Local Planning Authority. Restoration shall be completed in accordance with the approved scheme within 12 months of the restoration scheme being approved by the Local Planning Authority.
5. In the event that the PV panels hereby permitted fail to produce electricity for a continuous period of 12 months, unless the panels are under repair then:
 - (i) the operator of the development shall notify the Local Planning Authority in writing no later than one month after the end of that 12 month period;
 - (ii) the PV panels and any associated ancillary equipment shall be removed from the site no later than 9 months from the end of that 12 month period.

If the PV Panels are removed in accordance with clause (ii) above the land associated with the PV panels shall be restored in accordance with a scheme to be submitted to the Local Planning Authority no later than 2 months after the end of the 12 month period. The scheme must be approved in writing by the Local Planning Authority. Restoration shall take place in accordance with the approved scheme within 12 months of its approval by the Local Planning Authority..
6. No works shall commence on the installation of the Solar Panels until such time as the visibility splays at the junction of the access on to Dalby Road, have been provided fully in accordance with the planning conditions imposed on the approval for the Poultry Unit 11/00982/FUL.

Officer to contact: Mrs Denise Knipe

Date: 27.02.14