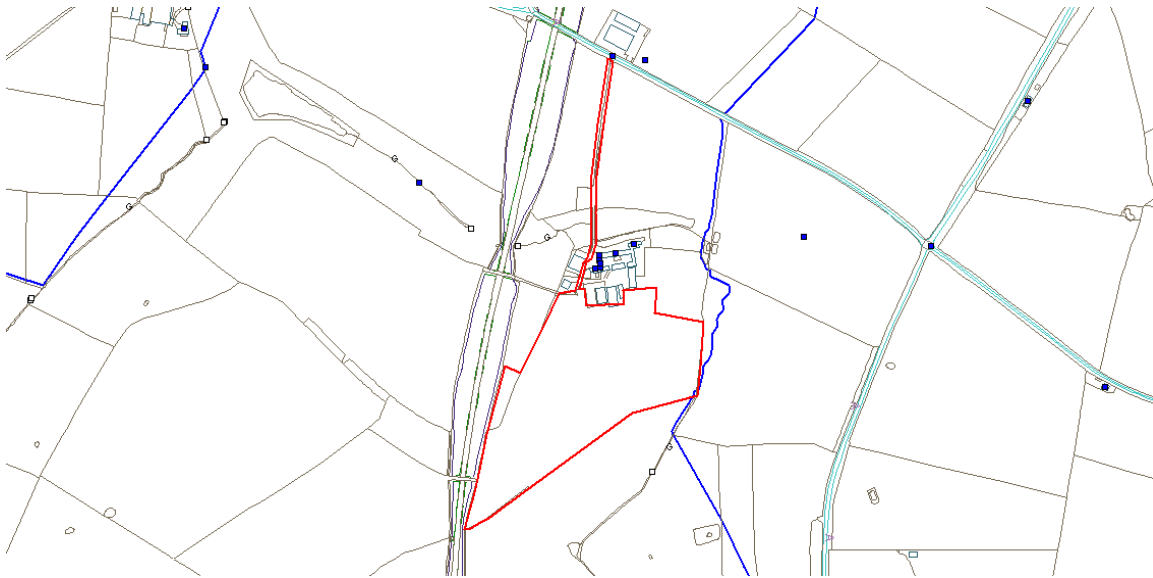


Reference: 13/00741/FUL
Date submitted: 22.10.2013
Applicant: Professor Gary England
Location: Hall Farm, Klondyke Lane, Thorpe Satchville, Melton Mowbray Le14 2TB
Proposal: Installation of 1090 Ground Mounted Photovoltaic Panels



Proposal:-

This application is for the installation of 1090 Ground Mounted Solar Photovoltaic Panels at Hall Farm, Thorpe Satchville. The energy generated by the proposed panels will be exported to the National Grid to provide a wider community benefit, contributing to sustainable energy production. The total area to be covered by the panels, including the proposed cable would be 1672.92sqm and all of the panels would be arranged in 6 lines (or arrays) with a 30 degree angle, the lowest part of the panels being 1m above ground level. The panels would stand at a total height of 2.64m, taking into consideration the angle at which they would be mounted. The six arrays would be arranged to face due South (to the South of the wind turbine on site) and the proposed cable would follow the line of the existing farm track which services the turbine on site.

The application site is part of the area classed as Melton 'Pastoral Farmland', a pleasant, rural, gently rolling lowland pastoral farmland landscape, generally well managed, with diverse field shapes and sizes, good hedges and scattered trees.

- **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:-

12/00460/FUL: Application for the erection of a temporary Endurance E3120 wind turbine, with a maximum height of 46.1m and access track and cable trench.

This application was refused by the planning committee on 14th September 2012 and subsequently approved by the Planning Inspectorate at appeal on 23rd May 2013. A Judicial Review launched challenging the decision has recently quashed the appeal decision and referred the matter back to the Inspectorate.. The turbine has been erected.

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>Environmental Health Officer No comments</p>	<p>Noted. It is not considered that the installation of ground mounted solar PV panels would cause any noise disturbance to local residents.</p>
<p>LCC Highways - Recommendation Approval</p> <p>The Highways Officer has recommended the application for approval subject to a traffic management plan being submitted to and approved by the local planning authority. The plan should include details of the routeing of construction vehicles, repair any damage caused to the highway (particularly grass verges) and the timing of deliveries to ensure that no delivery vehicles pass on Klondyke Lane, in the interests of highways safety.</p>	<p>Noted. The site is to be accessed from the north via Klondyke Lane and will use the existing driveway to the farmhouse. The access then passes to the west of the existing farmhouse, through the yard, and along the track which has been provided and built for the wind turbine which is present on site. There are no alterations proposed to the access, and the access track is included within the site for this application.</p> <p>It is not considered that the panels would cause any highways dangers, and the traffic management plan recommended by the highways officer can be conditioned on any approval issued.</p>
<p>LCC Footpaths – No comments</p>	<p>Noted. There is a footpath to the East of the site, however the proposed panels do not cross the footpath or block its path. The panels would not cause any</p>

	adverse impact to walkers in terms of danger, the visual impact is discussed further below.
<p>MBC Conservation Officer – No objections</p> <p>Potential impacts of Solar Farms Solar farms have the capacity to have a physical impact upon the historic environment (archaeological sites, monuments, historic buildings and the historic landscape) both above and below the ground.</p> <p>Archaeology Direct impacts comprise the degradation or loss of in-situ below ground archaeological deposits or upstanding earthworks by activities associated with the construction of the solar farm and its subsequent decommissioning. Construction activities such as compounds, access roads, cable trenches, substations, security fencing and lighting all have the potential to disturb any in-situ archaeological deposits. While ground anchors such as pile driven or screw foundations may appear to offer minimal below ground intrusion, their impact over a significant archaeological sites such as a cremation cemetery or Roman villa mosaic can be cumulative and have a severely adverse impact upon the preservation and survival of that heritage asset. While the use of pre-moulded concrete blocks can entail less ground disturbance, their erection will still involve ground disturbance. This may not be acceptable depending upon the significance and sensitivity of the heritage asset present.</p> <p>Historic Environment Indirect impacts of solar PV developments relate to visual impacts upon the setting of the historic landscape and other heritage assets such as historic buildings and upstanding archaeological monuments. Such impacts may be cumulative and must be considered in conjunction with any existing or approved development.</p> <p>Landscape The definition of the historic landscape is: Landscape is the product of millions of years of geological evolution combined with thousands of years of human settlement and activity. The ways in which people in the past and the present have and continue to shape our physical environment is not just a matter of academic interest it affects us all both in the way we identify with our surroundings and with our quality of life.</p>	<p>Noted.</p> <p>The Officer is satisfied that the introduction of a solar farm at this location will not have an adverse impact upon the setting of St Mary’s Church (listed building) due to the relatively low height of the installation, coupled with the good level of screening provided between the site and the Church.</p> <p>It is considered therefore that the proposal would not have any adverse impacts upon the historic environment or any specific heritage assets, and complies with the overarching aims of the NPPF.</p>

The Leicestershire Historic Landscape Characterisation, recently completed places the site of the solar farm within the Landscape Character Area known as Fields and Enclosed Land, a classification which dominates rural Leicestershire. The countryside around Thorpe Satchville is typical of this classification where there has been little change in landform, apart from some hedgerow loss, since the eighteenth or nineteenth centuries

The Leicester, Leicestershire and Rutland Landscape and Woodland Strategy (2001 Revised 2006) places the solar farm in the area known as Wreake Valley. This is described as an area of mixed arable and pasture with widespread features of historical interest.

The Landscape Character Assessment of Melton Borough (2006) prepared by ADAS, places the solar farm in Area LCA11 Pastoral Farmland. This is further described as '*quintessential lowland English pastoral landscape*'.

Settlements

The closest settlement is Thorpe Satchville approximately half a kilometre away. The village does not have a designated conservation area but has a long history. There is only one listed building, namely the Church of St Mary but several heritage assets.

It is my view that the solar farm site is sufficiently distant from the Church (approx 0.6 Km), which benefits from a well treed churchyard, so as not to directly affect its setting

Conclusion

The balance that needs to be drawn is between the necessity for measures to meet the challenge of climate change and the importance of conserving the significance of heritage assets including listed buildings, conservation areas and the wider historic landscape.

In this instance the proposed location of the solar farm is in an area classified in historic landscape terms as Fields and Enclosed Land

The landscape in the immediate area of Hall Farm has apparently undergone minimal changes throughout the years. The area as a whole displays subtle variations which include unchanged remote and pastoral landscapes.

<p>Clearly there must be concerns that the introduction of a solar farm within the local landscape will present an ‘alien’ feature in the landscape and potentially mar the settings of some of the heritage assets within the village.</p> <p>The Officer is however content that the Church and other heritage assets within the village are sufficiently distant and in some cases screened so as not to present any such concerns. Likewise the solar panels are set at ground level which will serve to lessen any impact. Furthermore it is described as a temporary installation and as such its removal can be condition to ensure that it doesn’t remain a more permanent fixture within the rural landscape.</p>	
<p>LCC Ecology – No response</p>	<p>Noted.</p> <p>The applicant has stated that a desktop ecology survey was carried out looking at an area within 500m radius of the site. The survey revealed no Site of Special Scientific Interest, Local Nature Reserves or Important Bird Areas or National Nature Reserves within the search area.</p> <p>No further surveys were required as part of the application process.</p>
<p>Twyford & Thorpe Satchville Parish Council – No Objections</p> <p>The Parish Council would however like a condition of permission to be for the hedge surrounding the field to be maintained at a reasonable height to shield the view.</p>	<p>Noted.</p> <p>The field which is the subject of this application has dense trees to the west surrounding along the line of the old train track. To the east there is a smaller triangle of trees which would also provide a reasonable level of screening when approaching the village on Great Dalby Road from the North. There is a hedge on the field boundary which is marked as the application site, there are a few trees and bushes dotted around. There is however a significant amount of mature trees further to the South which give the village a high level of screening from the development.</p> <p>A condition requiring the hedge surrounding the field to be maintained at a particular height would enhance the level of screening of the site, however as the closest residential dwelling (to the South) is around 400m from the proposed development, and is well screened by mature trees it is not considered that this would be a necessary condition to overcome harm caused by the development.</p>

Representations:

A site notice was posted in line with consultation procedures, one objection has been received.

The objections are summarised below:

Representation Objection/Concerns	Assessment of Head of Regulatory Services
Screening of the development A condition should be added to any planning permission granted that the hedge between Hall Farm and Thorpe Satchville village should be maintained at a minimum height of 2.5m.	Noted. Please see the commentary above in relation to the comments from the Parish Council.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Landscape Impact	<p>The proposed solar panels would stand at a maximum height of 2.64m above ground level, tilted at an angle of 30 degrees, facing due South. The panels would be at a height of 1m above ground, and arranged in six rows of arrays. The first row being the longest at 352.87m long (the same as the second row), gradually reducing in length to the sixth row which would be 149.46m long. Each of the arrays would be spaced 8m 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 foundation post which would be driven into the ground.</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 1672.92sqm 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 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.</p> <p>With regards to the landscape impact of the proposal, the site is within an area classed as Melton 'Pastoral farmland' which is a pleasant, rural, gently rolling lowland pastoral farmland landscape, generally well managed, with diverse field shapes and sizes, good hedges and scattered trees.</p> <p>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 a</p>

	<p>gently rolling lowland 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 under 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 add as significantly to the visual impact within the landscape as a wind turbine.</p> <p>The proposed panels are likely to be more visible when viewed from further afield, such as when looking towards the site from higher points such as Burrough Hill and Tilton on the Hill when approaching Thorpe Satchville from the South. The development would however be well screened by natural screening closer by. Users of the footpath which runs close to the site would at the closest be approximately 100m from the panels, but would not have direct views to the panels as there is a hedgerow forming the boundary which would reduce the visual impact. After this the footpath turbine North and runs for around 100m and then continues behind a copse of trees which would provide further screening from the development.</p> <p>It is considered that the proposal will not have any 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 guidance set out within the ‘Planning Practise Guidance for Renewable and Low Carbon Energy’ in relation to solar PV farms.</p>
<p>Access Track</p> <p>Although the application does not state that the new access track would be required within the site, it relies on using the track which has been installed for the wind turbine which was erected in summer 2013. As was discussed above, this turbine has been subject to a Judicial Review which has now been decided and the permission is in the process of being quashed. It is unknown at this stage whether the turbine will subsequently be granted permission, or refused and removed (along with the track which was part of that application).</p>	<p>The existing access track is within the application site (the red line) for this application. The Judicial Review decision has essentially revoked planning permission for the wind turbine and the associated access at Hall Farm. The planning approval for the wind turbine was issued by the Planning Inspectorate, and it is not yet known whether the Inspectorate will grant a fresh permission for the turbine and the access track.</p> <p>It is understood that the track referred to is not essential for this proposal and confirmation of this has been sought.</p>
<p>Residential Amenity</p>	<p>The closest residential dwelling is to the South of the site, approximately 400 metres from the proposed PV panels. The dwellings are well screened by a number of mature trees, and some hedgerows. The houses are lower than the</p>

	<p>application site, and cannot be seen easily from the site due to the topography and the screening to the South.</p> <p>There is a further dwelling to the East of the site, approximately 700m away, which benefits from a reasonable level of screening in the way of mature hedgerows and trees. It is unlikely that this dwelling would be affected by the proposal. The farmhouse to the North of the site (Park Farm) is well screened by the Hall Farm development of agricultural buildings and cottage and should not be impacted by the development.</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>
Policy	<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 1090 ground mounted solar photovoltaic panels arranged in six arrays to the South of Hall Farm. The development is considered to have no adverse impact upon the landscape of the area or the residential amenity of the dwellings in Thorpe Satchville village which are approximately 400m from the site. 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 para 215, it is considered that the latter outweighs OS2 due to its more recent date and the absence of policy addressing renewable energy in 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: 11/10/13/profileview/CH received at these offices on 14th October 2013, and 22/10/13/siteplan/CH, 22/10/13/locationplan/CH and 22/10/13/accessplan/CH received at these offices on 22nd 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. Prior to the commencement of development, details of a scheme to enhance and maintain hedgerows in the vicinity of the site in order to screen the panels shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with such details and they shall be maintained in the manner set out in the approved scheme for the period that the panels remain on the site.