Committee Date: 24th April 2014

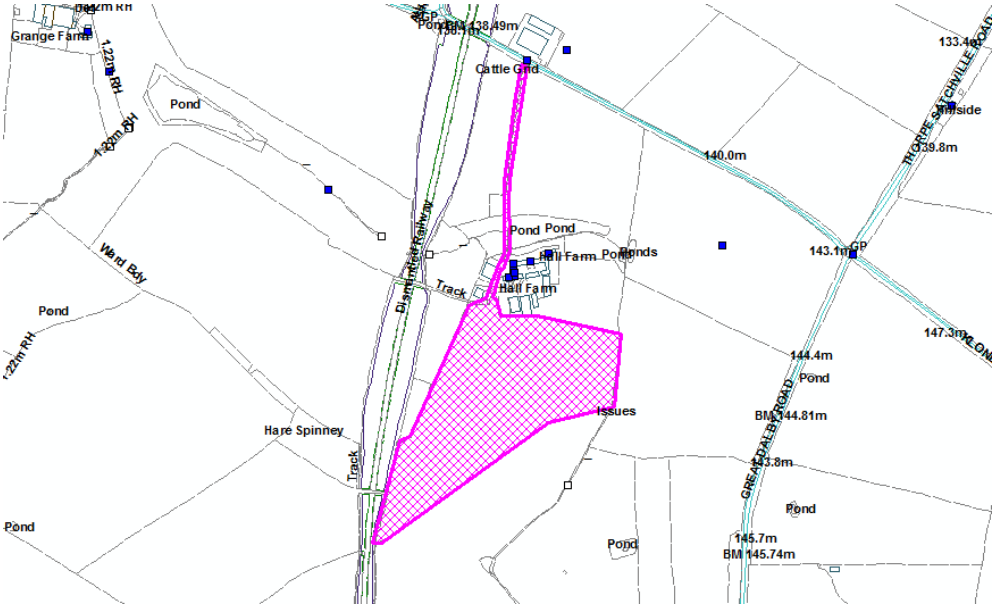
Reference: **14/00131/FUL**

Date submitted: **19.02.2014**

Applicant: **Professor Gary England**

Location: **Hall Farm, Klondyke Lane, Thorpe Satchville, Melton Mowbray Le14 2TB**

Proposal: **Installation of 1002 Ground Mounted Photovoltaic Panels**



Proposal:-

This application is for the installation of 1002 Ground Mounted Solar Photovoltaic (PV) Panels at Hall Farm, Thorpe Satchville. The proposed PV panels would be located to the South of the buildings associated with Hall Farm to generate electricity from daylight. The panels would be laid out in 5 arrays and the electricity generated from the scheme would be exported to the national grid. The applicant has advised that the PV panels would produce an estimated 250,500kWh of electricity per annum, and expects that this would be sufficient to generate electricity to power 56 homes.

The PV panels would be arranged in 5 arrays, each individual panel measuring 1.64m by 0.994m and would be arranged in 2 panels high in portrait format. Arrays 1 & 2 consist of 102 panels, 2 panels high (408 in total); arrays 3, 4 and 5 consist of 99 panels, 2 panels high (594 in total). The front edge of each array would stand 1m above ground level; the arrays would have a separation distance of 8m to prevent shadows. Considering the 30 degree angle they would be fixed at, the top edge of each array would stand at 2.64m above ground level.

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

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

- **Contribution to renewable energy supply**

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

Relevant History:-

13/00741/FUL: Application for the installation of 1090Ground Mounted Solar Photovoltaic Panels
This application was approved by the planning committee on 24th December 2013 subject to conditions. Condition 6 required the permitted panels to be screened as follows:

"Prior to the installation of any PV panels, a dense evergreen hedge (e.g. laurel) shall be planted along the length of the boundary marked yellow on the plan below, forming part of this certificate. The hedge shall be planted at a height no less than 3m and thereafter shall be allowed to grow and be maintained at a height no lower than 3m, for the duration of the time that the photovoltaic panels are present on the application site. (Alternatively, a lower hedge may be planted prior to the installation of the panels but no panels shall be installed until it has reached a height of 3m)."

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 quashed the appeal decision and referred the matter back to the Planning Inspectorate. The turbine has been erected and is in operation.

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). This guidance was updated and reiterated within the NPPF National Planning Practice Guidance published on 6th March 2014. 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 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, particular factors will need to be considered by the local planning authority, including:

- Encouraging the effective use of land by focussing large scale solar farms on previously developed non-agricultural land, provided that it is not of high environmental value;
- Where proposals involve green field land, whether (i) the proposed use of any agricultural land has been shown necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;
- The need for renewable or low carbon energy does not automatically override environmental protections;
- Solar farms are normally temporary structures, planning conditions can be used to ensure that the installations are removed when no longer in use, and the land is returned to its previous use;
- 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. ;
- The effect of glint and glare on neighbouring uses and aircraft safety;
- 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. Careful consideration should be given to the impact of large scale solar farms on such assets;
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions;
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- The potential for energy generation which can vary for many reasons, including latitude and aspect.

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 undulating landscapes.

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
Environmental Health Officer No comments	Noted. It is not considered that the installation of ground mounted solar PV panels would cause any noise disturbance to local residents. Whilst the issue of glint and glare is raised within the planning guidance, the applicant has advised that the panels will absorb light rather than reflect it; the surfaces of the panels are non-reflective.
LCC Highways - Recommendation Approval The Highways Officer has recommended the application for approval subject to a traffic management plan being submitted and approved. 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.	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 may use some of the track which has been provided for the wind turbine development. There are no alterations proposed to the access to the site. **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.**
LCC Footpaths – No objections Public footpath D60 runs across the property and is not in the close vicinity of the proposed solar panels. The installation will not affect the use and enjoyment of the public footpath, however, as the footpath skirts the site within the existing wooded area, all contractors should be made aware of the line of the public footpath, and the possibility of pedestrians passing the site whilst they are working. Also, where the footpath nears the corner of the new planting area, this should be kept clear of any new trees to a minimum of 3 metres to give the trees sufficient room to grow, whilst not overhanging the footpath.	Noted. There is a footpath to the East of the site (D60), however the proposed panels do not cross the footpath or block its path. The panels would not cause any adverse impact to walkers in terms of danger; the visual impact is discussed further below. A note can be placed on any permission granted to ensure that contractors are aware of the location of the footpath, and a condition worded so that trees are not planted within 3 metres of the footpath as requested.
MBC Conservation Officer – No objections **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. **Archaeology**	Noted. 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 by way of tall trees on the northern

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, sub-stations, 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. **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. **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. 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	boundary of the village, and surrounding the pond within the field to the South of the site. **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**.

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 (over 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. 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. **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 conditioned to ensure that it does not remain a more permanent fixture within the rural landscape.	
LCC Ecology – No response	Noted. The applicant has stated that a desktop ecology survey was carried out within a 500m radius of the application site. The survey revealed no Sites of Special Scientific Interest, Local Nature Reserves, Important Bird Areas or National Nature Reserves within the search area. **No further surveys were required as part of the application process.**
Twyford & Thorpe Satchville Parish Council – No Objections It is considered that the issues with this revised application remain the same, if anything the proposed panels would now be more intrusive as the new site is further from existing hedges and is on higher ground. In view of the planning committee's previous condition regarding a 3m high hedge to provide screening at the site, the need for 3m high screening is now just as great, if not greater than before.	The field which is the subject of this application has dense trees to the west following the line of the old train track. To the east there is a smaller triangle of trees which would also provide a good level of screening when approaching the village via Great Dalby Road from the North. There is a hedge on the southern field boundary which is not within the applicant's control. There are a significant amount of large trees along the northern edge of the village of Thorpe Satchville providing a high level of screening to the occupants of the dwellings at the north of the village boundary. In addition, there is a good level of additional screening by trees and bushes around the pond which is situated in the field between Thorpe Satchville and the application site. The applicant has proposed screening to be provided by tree planting to run along the southern boundary of the field adjacent to the hedge. The trees would be arranged in two rows, creating an area 6m wide with the trees planted in 10m spaces in each row. The trees would be a mix of oak, silver birch, leylandii, pine, field maple, eucalyptus, Italian alder and wild cherry and would stand at a minimum of 3m high. The NPPF National Planning Guidance states that the potential to mitigate landscape and visual impacts through, for example, screening with native hedges could be appropriate. It goes on to state that in the case of ground mounted panels with effective screening and appropriate land topography the area of a zone of visual influence could be zero. **Whilst in this case it is considered that the visual influence will not be zero, it is not implied by guidance or policy, that the zone**

	of visual influence must be zero. It is not considered that screening of this type would be necessary to mitigate the panels in this location, as there would be little harm caused by the installation; however the type of screening proposed is considered to be far more appropriate in this countryside location than a dense evergreen hedge as conditioned previously. Whilst is accepted that the proposed location is slightly raised from the originally approved position (ref 13/00741/FUL), it is considered that the PV panels would relate well to the existing Hall Farm buildings and be some 150m further from the village. **A condition requiring the proposed screening to be provided would enhance the level of screening of the site, however as the closest residential dwelling (to the South) is approximately 550m from the proposed development, and is well screened by mature trees it is not considered that this would be necessary to overcome the visual impact of the development. The screening proposed would help to 'soften' the impact of the proposal in this location, and the use of some indigenous species will look more natural in the countryside location.**

Representations:

A site notice was posted in line with consultation procedures, 9 objections have been received.

The objections are summarised below:

Representation Objection/Concerns	Assessment of Head of Regulatory Services
Visual Impact on Landscape PV panels at this site will be more intrusive than the previous approval as they will be visible from the B6047 and homes on the northern side of Thorpe Satchville. Therefore a 3 metre high evergreen hedge is still required to screen the panels at this location. It should be maintained at a height no lower than 3m for the lifetime of the panels. The PV panels will be visible from within Thorpe Satchville, and further afield – Tilton on the Hill, Thimble Hall, Marefield, Somerby and Borough on the Hill, visible for miles around. The development is inappropriate and of an industrial type despoiling the locality and its intrinsic amenity value.	Noted. Please see the commentary above in relation to the comments from the Parish Council. As discussed above, guidance states that the zone of visual influence could be zero, it does not state that it must be zero. The visibility of the panels from further afield does not necessarily mean that there will be harm posed by their visibility. Additional screening has been proposed to 'soften' the appearance of the panels at the site. The potential harm caused by the installation of the PV panels at this location is to be assessed by Members, however in the Officer's opinion the harm is not considered to be substantial so as to warrant a refusal in this case.

Government guidance recommends screening to make the visual impact of PV farms zero. Due to the rolling nature of the High Leicestershire Landscape the installation will be widely visible further afield. The proposed trees for screening are inadequate, they won't block the view. Screening should be dense evergreens as leaves will drop over winter and the trees will take too long to grow. The spacing proposed between the trees is too large. There should be a thick under planting of hedge plants to block out the gaps between the ground and lower branches. This should be 3m high and dense. trees being over 100m away they will be ineffective for screening purposes, and may take many years to grow to a density where they would even screen something in close proximity to them, never mind something over 100m away. The hedge near the proposed trees must be ignored, it is not on the applicant's land.Rows of trees are not an adequate screening where no enforceable condition is or can be attached relating to density. Slow growing deciduous trees are effectively useless as screening for much of the year anyway, and in the case of young trees for many years at any time of year.	It is considered that the screening plan put forward by the applicants is sufficient, and will blend in well with the countryside location, and the types and density of surrounding trees. A dense evergreen hedge in this location would create an unnatural feature in the landscape which in itself would cause visual harm by virtue of the type of planting. If the planting was closer to the proposed PV Panels this would cause some of the panels to be in shadow over the winter months which the applicant considers unreasonable. It is not considered that the screening would need to be closer to the panels to provide an adequate level.
Trees to the east and north east of the site should be maintained in order to provide effective screening The trees are not protected from being felled at will; they should be maintained in good order for the lifetime of the PV panels.	The trees to the east and north east of the site are under the control of the applicant, and are not the subject of Tree Preservation Orders. A condition can be placed on any permission to ensure that these trees are not felled as it is considered that they provide screening for the development.
The photos submitted are misleading, the view south is actually south west. Photos to the south and south east would show homes on the northern side of Thorpe Satchville and the B6047.	The photos within the design and access statement form part of the planning application, and is not relied upon to make a planning decision based upon the individual merits of the development. It is the developer's interpretation of the scheme and context, not the Council's.
Legal Issues If this application is approved, the previous application also approved at the site should not be able to proceed – this should be legally binding.	It would be necessary to impose a condition on any permission to prevent the co-existence of both permissions if this is considered necessary.
The planning permission for the turbine at the site has been quashed therefore this application needs to be considered as if the turbine does not exist, the design and access statement is inaccurate in this respect. The wind turbine is being operated illegally and immoral earnings are being made. It should be taken down in the same way as other illegal developments	The planning permission for the turbine was subject to a Judicial Review, and has subsequently been quashed at the High Court. The application is now back with the Planning Inspectorate to determine in due course. It is therefore not expedient to serve an enforcement notice in these circumstances, which when appealed would be determined by the Planning Inspectorate.

The applicant contends that the condition placed on the previous approval for the PV panels was unreasonable, this is not the case.	Because there is no permission for the turbine at present, no account needs to be taken of what conditions it may be speculated that may be imposed in the event that permission is forthcoming. This particular application is now 'ahead' of the turbine and that decision would have to have regard to this one.
Consultation The local population and Parish Council have been denied an opportunity to consider and object as an incomplete plan was submitted The process is unsatisfactory as the application was not finalised prior to being registered.	The developer submitted the application prior to having consulted the local population on a screening plan. The application was accompanied with sufficient information at validation for determination, and the initial consultation period of 21 days followed the placement of two site notices and a press notice, in accordance withthe legislation. A further consultation period of 14 days was initiated upon receipt of the planting scheme to allow time for further comment. This approach complies with the level of consultation required by the local planning authority as part of the adopted Consultation Strategy. Applicants have a right during the application process to submit amendments to their plans as they see fit,..
Access to the site The applicant should not be allowed to use the existing access track for this application. Once the wind turbine permission was quashed the legality to use the tracks also expired. New planning permission must be sought for access; the Council is condoning unauthorised development.	The access has been provided for the turbine which no longer has the benefit of planning permission. Should the turbine be refused planning permission, the land will have to be returned to its original state as it was prior to the development. However, whilst the track is in situ, it is possible for it to be used to access the site. The developer has advised that the panels can be installed at the site without using the track, and should the track be removed prior to the installation of any panels at the site, they will not require the construction of a new track. It would therefore be disproportionate for the Council to refuse to allow the use of the track in the meantime whilst the turbine is being determined by the Planning Inspectorate.
Electricity Generation It is misleading that the power generated will go directly to local people as it will be fed into the national grid. The assertions concerning CO2 emissions fail to take into consideration the carbon required for the manufacture, transport and installation, and the removal at the end of their useful lives	The NPPF states at paragraph 97 that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. At paragraph 98 the NPPF states that local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that small scale projects provide a valuable contribution to cutting greenhouse emissions. Applications should be approved (unless material

	considerations indicate otherwise) if its impact are, or can, be made acceptable. This proposal would produce renewable energy which would help to meet the Governments renewable energy targets that aim to reduce the UK's carbon dioxide emissions by some 60% by 2050 with real progress by 2020.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Landscape Impact	The proposed PV panels would be located to the South of the buildings associated with Hall Farm to generate electricity from daylight. The panels would be laid out in 5 arrays and the electricity generated from the scheme would be exported to the national grid. The applicant has advised that the PV panels would produce an estimated 250,500kWh of electricity per annum, and expects that this would be sufficient to generate electricity to power 56 homes. The PV panels would be arranged in 5 arrays, each individual panel measuring 1.64m by 0.994m and would be arranged in 2 panels high in portrait format. Arrays 1 & 2 consist of 102 panels, 2 panels high (408 in total); arrays 3, 4 and 5 consist of 99 panels, 2 panels high (594 in total). The front edge of each array would stand 1m above ground level; the arrays would have a separation distance of 8m to prevent shadows. Considering the 30 degree angle they would be fixed at, the top edge of each array would stand at 2.64m above ground level. The proposed panels are relatively low in height, but the area which they cover is considered to be fairly large scale at approximately 1425.75sqm 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. 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. The Planning Practise Guidance for Renewable Energy states that the local topography is an important factor when determining this type of development, particularly in undulating landscapes. This landscape is considered to be a 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 less than 3 metres, significantly lower than most trees and 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. 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, along with the additional screening proposed by the applicant. Users of the footpath which runs close to the site would at the closest be approximately 80 metres from the panels, and would be well screened from the panels due to the trees to the east of the development. **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 'National Planning Practise Guidance for Renewable and Low Carbon Energy', and the updated guidance within the NPPF National Planning Practice Guidance in relation to solar PV farms.**
Residential Amenity	The closest residential dwelling is to the South of the site, approximately 550 metres from the proposed PV panels. The dwellings are well screened by a number of mature trees, bushes, and a lower hedgerow. The houses are lower than the application site, and cannot be seen easily from the site due to the topography and the screening provided by the mature planting to the South. There is a further dwelling to the East of the site, approximately 650m 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. **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.
Policy	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. 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', and the updated NPPF National Planning Practise Guidance. **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**.

Conclusion

The application seeks approval for the erection of 1002 ground mounted solar photovoltaic panels arranged in five 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 550m from the site. The development is not supported within the Melton Local Plan policy OS2 as it is not considered to be small in scale, 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', and the updated guidance in the NPPF National Planning Practice Guidance dated 6th March 2012. 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 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: 15/02/14 Block Plan/CH; 15/02/14 Comparison Drawing/CH; 15/02/14 Profile View/CH; 15/02/14 Location Plan/CH and 15/02/14 Site Plan/CH received at these offices on 17th February 2014 and 26/03/14 Planting Scheme/CH received at these offices on 27th March 2014.

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. Should the scheme hereby permitted be installed, the previously approved scheme for 1090 solar photovoltaic panels at the site (planning ref 13/00741/FUL) permitted on 24th December 2013 shall not be installed.

7. No trees shall be planted within 3 metres of the public footpath known as D60.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt.

3. To ensure a satisfactory standard of external appearance.

4. To ensure that, on decommissioning, the site is reinstated in order to protect the environment.

5. To ensure that redundant PV Panels are removed from site in order to protect the visual qualities of the environment

6. To prevent the existence of both schemes which in the opinion of the local planning authority would be detrimental to the character and appearance of the countryside.7. To prevent trees overhanging the public footpath and causing danger to pedestrians.

Officer to contact: **Mrs Sarah Legge** **Date: 8th April 2014**