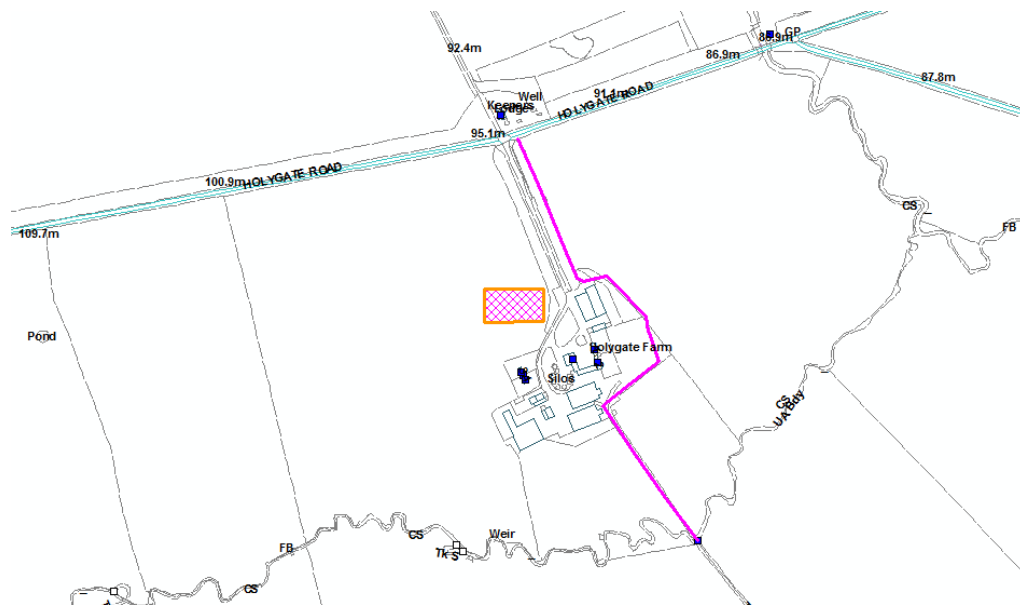


Reference: 14/00591/FUL
Date submitted: 23.07.2014
Applicant: Mr David Matthews
Location: Holygate Farm, Holygate Road, Stapleford LE14 2SG
Proposal: Installation of small scale 150KWP Solar Photovoltaic Generator



Proposal:-

The application is for the installation of a total of 600 solar photovoltaic panels to be arranged in five, 60 metre long arrays standing at a maximum of 3.3 metres high at their highest point.

The application site lies to the south of Holygate Road, adjacent and to the west and north west of a collection of farm buildings known as Holygate farm. The total site area comprises 0.09ha and is located to the west of the access drive, currently forming part of a wider arable field of 14.3 hectares associated with Holygate Farm. Holygate Farm comprises of an 800 hectare arable farm, to the east and west of the application site are further arable fields which are in the same ownership as the application site. To the north of the site the field is bound by Holygate Road, with mature hedges running the length of the road. The farm is access from the south of Holygate Road via a tree lined private drive with mature hedges forming the boundary between the driveway and the adjacent arable fields. To the north of the site is Stapleford Park Conservation Area and Registered Park and Garden.

- **Impact upon the character of the countryside**
- **Impact upon Heritage Assets**
- **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:-

12/00892/FUL – Full planning permission granted for the retention of solar photovoltaic cells on the southern elevation of the grain store, 29.01.13.

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
<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>Whilst the issue of glint and glare is raised within the planning guidance, the panels are designed to absorb rather than reflect light, so it is considered that this should not be an issue.</p>
<p>LCC Highways - Recommendation Approval The bridleway running along the private access road must not be blocked, diverted or closed without the separate consent of Leicestershire County Council.</p>	<p>Noted. It is not considered that the bridleway would be blocked at any point during the construction (or further maintenance) of the scheme. The applicant has advised that the proposal would not require the creation of any new access as the site is close to the existing access road, and there is a field access in the north east corner of the hedge.</p>

	<p>If the scheme is permitted, a note to the applicant could be included on any decision notice to advice regarding the bridleway.</p> <p>It is not considered that the panels would have a detrimental impact to highways users.</p>
<p>LCC Footpaths – No comments</p>	<p>Noted.</p> <p>As discussed above, a bridleway runs along the eastern side of the existing access drive which is not proposed to be affected by the installation or any on-going maintenance of the panels.</p>
<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, 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.</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</p>	<p>Noted.</p> <p>The Officer is satisfied that the introduction of the solar panels at this location would not harm the designated Conservation Area or Historic Park and Garden of Stapleford Park.</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>

<p>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>In terms of landscape character assessment, the panels are proposed in an area considered to be ‘High Leicestershire Hills’ (LCA15), however whilst the site is relatively high is an arable farm with large open fields.</p> <p>Conclusion</p> <p>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.</p> <p>Clearly there must be concerns that the introduction of solar panels within the local landscape will present an ‘alien’ feature in the landscape. However, the Conservation Area and Historic Park and Garden of Stapleford is to the north of the site, well screened from the development, where the acknowledged views towards Stapleford Park are from within the park itself from the southern boundary.</p> <p>On balance, it is considered that the proposal would not cause harm to the landscape or the Conservation Area and Historic Park and Garden of Stapleford Park.</p>	
<p>LCC Ecology – No response</p>	<p>Noted.</p> <p>The applicant has stated that a desktop survey was undertaken within a 500 metre radius, and this revealed no Site of Special Scientific Interest, Local Nature Reserves or National Nature Reserves within the local area. The farm has an onsite apiary in attempt to encourage bee populations, and many hedgerows that support a wide variety of wildlife including plants, invertebrates, birds, reptiles and animals. The applicant proposes to strengthen the hedgerows by planting along the north and west boundaries. The existing hedges will remain intact and good practise will be observed during construction of the panels to protect hedges.</p>

	No further surveys were required as part of the application process.
Freeby Parish Council – No Comment	Noted.
East Midlands Airport – No Objections The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, the Airport has no safeguarding objection to the proposal.	Noted.
Rutland County Council	No representation received at the time of writing

Representations:

A site notice was posted and four neighbouring dwellings were consulted. As a result, no representations have been received.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Landscape Impact	<p>The proposed PV panels would be located to the west and north west of the buildings associated with Holygate Farm to generate electricity from daylight. The panels would be laid out in 5 arrays, totalling 60 metres in length. The electricity would be used to power the grain dryers on site, and when not in use the electricity would be exported to the national grid.</p> <p>The applicant has advised that the PV panels if approved, when combined with the existing on-site 50kWp array would generate over 166,720kWh of renewable electricity per year, equating to a reduction of 67.5 tons per year of CO2. The bulk of the summer solar generated electricity will be directly used on the farm to run the large 200amp electric dryer.</p> <p>The PV panels would be arranged in 5 arrays of 120 panels, fixed at an angle of 25 degrees and facing due south. They will be constructed of non reflective glass, set back 35 metres from the southern boundary, and there will be a gap of 7 metres between each array.</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 900sqm which is contrary to policy OS2 of the Melton Local Plan which only allows for development outside of the</p>

	<p>village envelopes for limited small scale development for employment, recreation and tourism.</p> <p>With regards to the landscape impact of the proposal, the site is within an area classed as Melton ‘Leicestershire Hills’ described as a classic landscape influenced by the requirements of sporting estates with attractive stone villages amongst rolling pastoral hills and escarpment, and a range of field shapes and sizes enclosed by well-managed often chamfered hedges, woodland, parkland, copses, green lanes, wide grass road verges and some more intensive arable land.</p> <p>The site is considered to be that of more intensive arable land, and the proposal is relatively well screened, benefiting from high hedges. The proposal also includes the planting of a new hedge to the north and the west of the proposed panels to define the part of the field being used for the electricity generation.</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 undulating landscapes. This landscape in this location is fairly flat, well screened with mature hedgerows and trees. It is considered that this would ensure that the proposal would not be widely visible.</p> <p>It is considered that the proposal will not have any adverse impact on the landscape due to its relatively low height, and the available natural screening and additional 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.</p>
<p>Residential Amenity</p>	<p>The application site lies adjacent to a pair of semi-detached residential dwellings that are within the ownership of the farm, occupied by farm staff. The dwellings have a hedge along their northern boundary and the solar arrays are set back from the most northerly part of the hedge by approximately 35 metres. This is to ensure that there is no overshadowing of the panels by the hedge and mature trees.</p> <p>The panels will be a maximum of 3.3 metres high</p>

	<p>(at their highest point), and therefore it is considered that the hedge will screen a significant proportion of the development. The panels are to be constructed from a non-reflective material and therefore it is considered that the residents of these dwellings would receive no glare from the panels.</p> <p>Approximately 220 metres to the north are further residential dwellings, however the applicant has proposed to plant an additional hedge to the north of the proposal which should provide adequate screening to these dwellings, in addition to the trees and hedgerow already in place. Also, the panels will be angled to face to the south which should minimise their impact upon these dwellings to the north.</p> <p>The proposal is considered to meet the objectives of policy BE1 in relation to residential amenity.</p>
<p>Policy</p> <p>The applicant states that the proposal is essential for the purposes of agriculture as Holygate Farm is entirely arable, producing large yields of wheat and oil seed rape. It is essential that the grain be dried effectively once it is brought off the field in order to ensure that it can be successfully stored without any deterioration in the product before sale. Grain dryers provide an essential facility in the functioning, and consequently the profitability of the farming enterprise.</p> <p>The grain dryers have been powered by diesel fuel which is a costly, unreliable and finite fossil fuel resource. The farm has partially converted to solar power for drying and this has proved very successful both commercially and environmentally in providing a reliable energy supply. It is not commercially viable to replace the diesel dryer with an electric / diesel version due to rising costs. It is anticipated that by installing a solar generator would be between £5500-£6500 at current prices (based on the cost of diesel of 70 pence per litre). Should diesel prices continue to rise at the current rate, the enterprise would be unlikely to sustain a profitable crop.</p> <p>The proposal would export electricity to the grid at other times of the year; however, this is during periods of winter and spring when generation is at its lowest levels.</p> <p>The applicant concludes that the provision of a solar PV generator or other renewable technology is therefore essential to its future operation and business security.</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, nor essential for the purposes of agriculture. The proposal would however 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’, and the updated NPPF National Planning Practise Guidance.</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 a total of 600 solar PV panels arranged in five 60 metre long arrays with a maximum height of 3.3 metres to the north and north west of Holygate Farm. The development is considered to have no adverse impact upon the landscape of the area or the residential amenity of the neighbouring residential dwellings. The development is not considered to be supported within the Melton Local Plan policy OS2 as it is not considered to be small in scale nor essential for the purposes of agriculture, 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. 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.

1. **RECOMMENDATION: Approve, subject to conditions:-**The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the approved documents numbered 14/15/003, 14/15/002 and 14/15/001 received at these offices on 23rd July 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.

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

Officer to contact: **Mrs Sarah Legge**

Date: 11th September 2014