

Reference: 14/00973/FUL

Date submitted: 06.01.2015

Applicant: Terrace Hills LLP

Location: Barn Lodge Farm, Saltby Road, Croxton Kerrial, NG32 1QG

Proposal: 400 solar PV modules to cover 62 metres by 21 metres in size totalling an array of 100kWs.



Proposal:-

This application proposes the installation of 400 solar arrays and associated infrastructure on land to the west of Barn Lodge Farm. The proposal would produce up to 100kW of power to reduce the farms environmental impact and will assist with reducing the carbon footprint by approximately 40 tonnes of CO² per annum. The power will be utilised at the farm with any surplus fed to the National Grid.

The arrays will occupy the southwest corner of a parcel of arable land and will occupy an area measuring 21 metres by 62 metres. The panels will have a non- reflective surface and will be laid out in rows. The panels will be mounted on poles angled to capture the sun's rays and would not exceed a height above ground level of 2.5 metres.

The main issues to consider are:

- **Principle of Development and the Contribution to renewable energy supply**
- **Impact upon the character of the countryside**
- **Impact upon residential amenities**
- **Ecology**

Relevant History:-

12/00676/FUL - .Application permitted on the 21st February 2013 for the erection of 4 poultry units, 8 feed silos, formation of private service carriageway and landscaping.

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 BE1 - allow for development providing that the form, character and appearance of the settlement is not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality, the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity and satisfactory access and parking provision can be made available.

Policy C1 - planning permission will not be granted for development that would result in the loss of the best and most versatile agricultural land (grades 1, 2 and 3A) unless there is an overriding need for the development, there are no suitable sites for the development within existing developed areas or where agricultural land is of poorer quality and the proposal is on the lowest practicable grade.

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 should be compatible with its rural location in terms of scale, design and layout, there should be 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 C14 – planning permission for development which may adversely affect the nature conservation of, amongst other things, hedgerows and tree belts, will only be permitted where conditions are used to ensure their protection, replacement or re-instatement.

Policy C15 – planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is available and the development is designed to protect the species or provision is made for the transfer of the species to an alternative site of equal value.

The National Planning Policy Framework 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
LCC Highways – no comments to make	<p>Access to the site will be utilised from the existing access off Saltby Road. The panels will be transported to the site in 2 no. 7.5-18 tonne two axle lorries. The construction phases is said to be two weeks and parking of construction vehicles can be accommodated within the site.</p> <p>It is not considered that the development would have a detrimental impact on highway safety.</p>
LCC Footpaths – no objection.	Noted.

<p>There are no recorded definitive Rights of Way in this vicinity of the proposal.</p>	<p>The application site is within the farm holding, close to the existing buildings. The arrays will be installed on what is considered by the applicant to be wasteland in that it is not part of the area that is ploughed or used.</p> <p>There are no rights of way in the vicinity of the development.</p>
<p>LCC Archaeology – No objections subject to conditions to secure a Written Scheme of Investigation.</p> <p>The Leicestershire and Rutland Historic Environment Record (HER) notes the presence of a probable Romano-British settlement site 65m to the south-west of the proposed development site (HER ref.: MLE8647). Recent investigation of the poultry sheds to the south of the site produced evidence of a linear boundary probably associated with the adjacent settlement. Whilst no evidence exists to show the presence of archaeological remains with the development area, the proximity to the site and the potential for remains associated with the settlement including ‘industrial’ or funerary activity, warrants the need for the applicant to make provision for staged post-determination investigation and targeted recording.</p>	<p>Noted.</p>
<p>LCC Ecology – No comments or recommendation to make.</p> <p>The site is predominantly arable fields it is therefore considered that any ecological impact of the proposed development would be low.</p>	<p>Noted.</p> <p>The proposal would not be close to any areas of ecological interest and now hedgerows or trees will be removed to accommodate the proposal.</p>
<p>Croxtan Parish Council – No comments received.</p>	<p>Noted.</p>
<p>Environment Agency – Due to the size and location of the proposed, we have no comments to make</p>	<p>Noted.</p> <p>The site is not on contaminated land nor is it within a known flood zone.</p>
<p>Severn Trent Water – no comments received.</p>	<p>Noted.</p> <p>The proposal will have no impact upon Severn Trent’s infrastructure.</p>
<p>Ramblers – No objection</p> <p>Having looked at the map happy to confirm that the proposed application will not have any detriment on the nearby Public Rights of Ways.</p>	<p>Noted.</p>

Representations:

A site notice was posted, application advertised and neighbours were consulted. 1 letter of objection has been received from 1 household detailed below.

Comments	Assessment of the Head of Regulatory Services
<p>Strongly object to this development on the grounds of detrimental effects to wild birds. Proven adverse effects from American data include the frying of passing birds due to reflected heat., The death of birds from impact due to the bird thinking the reflection is of water and thus when diving in for a drink they meet their death. Another crack pot 'green ' development that will only add to the consumers electric bill costs, but not to the loss to Barn lodge farm</p>	<p>The County Ecologist has advised that the frying of passing birds is reported from a solar farm in America, where birds wings appear to have been singed. However, the reports relate to a very different type of solar farm to those seen in this country. They work with a series of mirrors reflecting the light onto a central source, which heats up. Solar panels in this country work more on the absorption of light and do not reflect heat.</p> <p>The County Ecologist has advised that there has been no evidence of an impact on birds in this way from solar farms within this country and considers there to be no risk of harm to passing birds.</p>

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Principle of Development</p>	<p>The application is considered to be contrary to Local Plan Policy OS2 as it is not small scale development or essential for the purposes of agriculture. The proposal would however comply with the thrust of Policy C2 which seeks 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>As such the principle of suitable renewable energy sources is supported. It is also considered that although the proposal does not comply with the criteria contained within Policy OS2 the land use proposed would not conflict with the overall intentions of the policy to resist inappropriate development in the countryside. The impacts of the proposal are considered to be acceptable for this rural location and as the agricultural land is classed as 3b the proposal complies with Policy C1.</p> <p>The proposal would generate sufficient energy to support the farming practise and assist with reducing the carbon footprint. Should there be any surplus energy created it would be exported into the grid and would contribute to the overall</p>

	<p>provision of renewable energy generation in the borough.</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 but in this case it is considered that the overall aims of the NPPF should outweigh the objectives of policy OS2.</p>
<p>Landscape Impact</p>	<p>The proposed solar farm comprises of mounted panels laid out in ten rows of forty panels. Each row will span over a distance of 20.28 metres and will be no higher than 2.5 metres in height above ground level with the lower end 0.8 metres above the ground. The glass panels have a non-reflective coating to minimise glare potential. The panels would be attached in mounting poles which would be pile driven into the ground. There is no requirement to have ancillary buildings on the site as the 5 x Fronius Symo 20kW inverters will be stored in the existing buildings on the site.</p> <p>A post and rail timber fence would be installed around the solar farm for safety reasons.</p> <p>Although the site has a flat landscape views of the panels will be restricted due to the location being close to the existing structures on site. As a result clear views of the site from the adjacent highway are not possible.</p> <p>Due to its relatively low height, and the available screening the proposal is considered to be visually acceptable and would not have a detrimental impact on the surrounding countryside</p>
<p>Residential Amenity</p>	<p>The site occupies a relatively isolated location with the nearest residential dwelling of Heath Farm being sited to the north east at a distance of 348 metres away from the location for the solar panels. The north boundary consists of mature trees which offers dense screening of the site. The agricultural buildings of Heath Farm are visible but not the farm house itself.</p> <p>The proposal is considered to meet the objectives of policy BE1 in relation to residential amenity.</p>

Conclusion

The application seeks approval for the erection of a solar farm including solar panel arrays and associated equipment. The development is considered to have no undue adverse impact upon the landscape of the area or the residential amenity of the neighbouring buildings, would not adversely affect highway safety, or have a negative impact on ecology or archaeology. 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.

RECOMMENDATION: Approve, subject to conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed development shall be carried out strictly in accordance with plan drawing numbers S3 SP GA 2P20 30-01, S3 SP GA 2P20 30-01, S3 SP GA 2P20 30-01, SP GA 2P20 30-02, S3 SP GA 2P20 30-02 and site location plan all received by the Local Planning Authority on 2nd December 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. 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.

5. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - The programme for post-investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
6. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (5).
7. The development shall not be occupied until the site investigation and post investigation

assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (5) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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 redundant PV Panels are removed from site in order to protect the visual qualities of the environment.
- 5/6/7 To ensure satisfactory archaeological investigation and recording

Officer to contact: **Mrs Denise Knipe**

Date: 5th February 2015