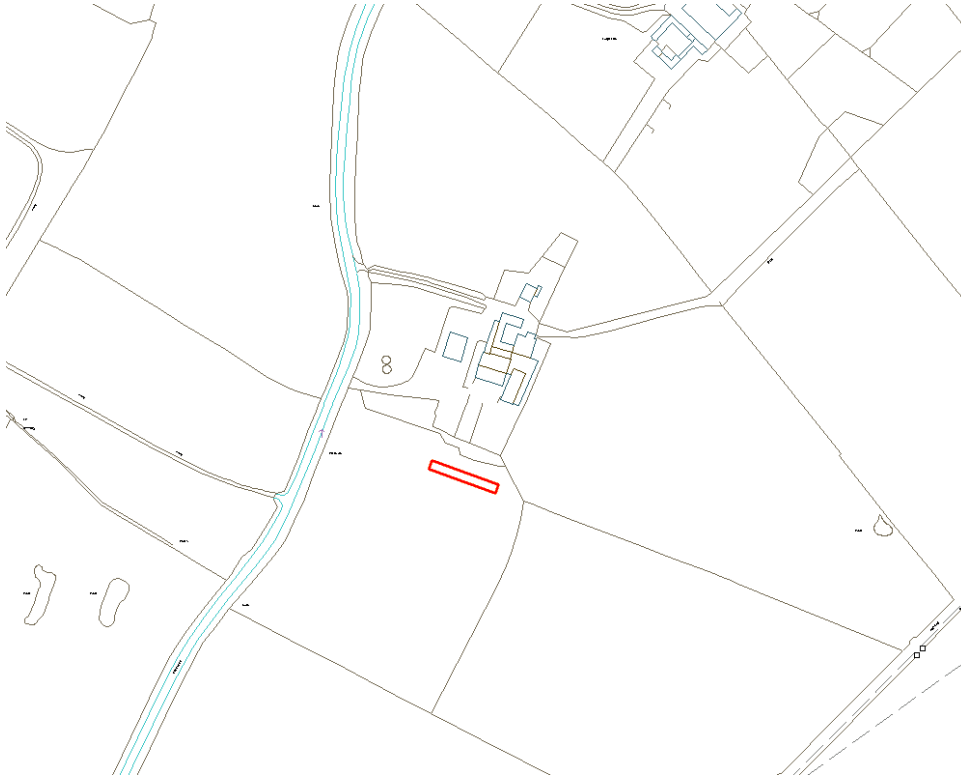


Reference: 11/00624/FUL
Date submitted: 16.08.2011
Applicant: Mr and Mrs Blackburn
Location: Hose Lane Farm Hose Lane Harby LE14 4BJ
Proposal: Installation of 3 ground mounted tracker photovoltaic arrays.



Proposal:-

This application seeks approval for the erection of 3 pole mounted tracker photovoltaic arrays in a field adjacent to existing farm buildings. The photovoltaics are proposed to be part of Hose Lane Farm's business, providing electricity to the farm and as a diversification project, selling electricity to the national grid. The agricultural holding lies within designated open countryside and consists of 72.80 acres of land, the majority being used as arable land with the rest being laid to grass. Within the farm holding is a Farm House, a number of agricultural buildings and a poultry shed. The surrounding land is agriculture, defined by mature hedging separating the parcels of land.

It is considered that the main issues relating to this proposal are:-

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

The application is to be heard by the Development Committee due to the level of public interest.

Relevant History:-

10/00246/FUL – Planning permission granted for the erection of 16,000 bird free range egg production unit, 2nd July 2010.

Planning Policies:-

PPS1: Delivering Sustainable Development and accompanying annex PPS: Planning and Climate Change set out the Government's commitment to delivering renewable energy development as part of the measures to address the causes and potential impacts of climate change.

PPS22: Renewable Energy outlines the key principles to which regional planning bodies and local planning authorities should adhere in their approach to planning for renewable energy. More specific and detailed guidance on renewable energy is contained in the accompanying Companion Guide to PPS22 issued in August 2004. The Government's energy policy is set out in the Energy White Paper and which aims to reduce the UK's carbon dioxide emissions by some 60% by 2050 with real progress by 2020. A target has been set by Government to generate 10% of UK electricity from renewable energy sources by 2010.

The Government's Energy Review (July 2006) announced the intention to give greater clarity to strategic issues relating to renewables. Annex D of the Energy Review seeks to renew the commitment of the Government to renewables and clarifies the role of the planning system in realising renewable projects. Annex D makes it clear that:

“New renewable projects may not always appear to convey any particular local benefit, but they provide crucial national benefits. Individual renewable projects are part of a growing proportion of low carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps the reliability of our supplies. This factor is a material consideration to which all participants in the planning system should give significant weight when considering renewable proposals.”

Paragraph 15 states that local landscape and local nature conservation designations should not be in themselves reasons to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents, including any criteria that are specific to the type of area concerned.

PPS4: Sustainable Economic Growth states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. All planning applications for economic development considerations as to whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.

PPS7: Sustainable Development in Rural Areas emphasises national policy in terms of protecting the countryside. It pays particular attention to designated areas (e.g. AONB's) and advocates the use of Landscape Character Assessments to guide development needs and establishes 4 objectives of :

- Raising the quality of life and the environment
- Promoting more sustainable patterns of development
- Promoting the economic performance of the English regions
- Supporting the agricultural sector.

PPS9: Biodiversity & Geological Conservation sets out the policies for the protection of biodiversity and geological conservation through the planning system. It states that should a

development pose potentially harmful aspects to the biodiversity or geology of the area ‘local authorities should use conditions and/or planning obligations to mitigate’.

East Midlands Regional Plan

Policy 1 – Regional Core Objectives – to secure the delivery of sustainable development within the East Midlands which includes a core objective to increase the regions biodiversity through the management and extension of existing habitats and to reduce the causes of climate change by minimising emissions of CO₂ by encouraging sustainable development and design.

Policy 40 – Regional Priorities for low carbon energy generation -In order to help meet national targets low carbon energy proposals in locations where environmental, economic and social impacts can be addressed satisfactorily should be supported.

The East Midlands Regional Plan (2009) requires that Micro-generation PV should increase capacity from 59MW to 1162 MW) by 2020.

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; e 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’

Melton Core Strategy (preferred Options) DPD is supportive of renewable energy development, accepting that it has a place in locations which support the resource.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Clawson, Hose and Harby Parish Council -The Parish Council objects to this application as:</p> <ul style="list-style-type: none"> • It is difficult for the Parish Council to make any judgements on individual cases when Melton Borough Council has no policies on this new technology for guidance; 	<p>In the absence of any local plan policy the policy lead is provided by regional and national policy, for renewable energy proposals. PPS22 specifically relates to renewable energy proposals and outlines a number of considerations which Local Planning Authorities should take into account when determining applications for renewable energy schemes. These considerations include potential</p>

<ul style="list-style-type: none"> • The villages were of Hose and Harby as well as Long Clawson were designated, "Area of Attractive Countryside" together with the Belvoir escarpment, in the Local Plan. The countryside has not changed and this designation should now be included in the MDLF; • It would be intrusive in open countryside; 	<p>effects on internationally and nationally designated sites, landscape character, local designations, noise and odour.</p> <p>The site lies within the Vale of Belvoir and is featured in the Local Plan as an Area of Particular Attractive Countryside (APAC). The policies relating to APAC sites have not been ‘saved’ as such this designation has lapsed. The Melton Local Development Framework will not be taking this approach forward but instead will promote an individual assessment for planning proposals in relation to an areas characteristics which is more specific to a particular area.</p> <p>The landscape assessment for the borough of Melton has identified The Vale as “a neat, intensively farmed domesticated and well-managed farmland area where the landscape is gentle and subtle, and the dominant and most attractive”. The application site is a working farm with arable field around existing farm buildings, the farm house and a poultry shed. The proposal relates to the installation of 3 Photovoltaic units, each unit having dimensions of 8.53 metre (depth) x 13.20 metres (width) comprising of 64 panels totalling 104.67 metre square in surface area. The overall height of unit above ground level is 4.26 metres. The panels are mounted on a single axis allowing the panels to rotate and follow the transit of the sun across the sky which maximises energy production.</p> <p>PPS22 clearly states in paragraph 15 that “Local landscape and local nature conservation should not be used in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents, including any criteria that are specific to the type of area concerned. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents”. Guidance in PPS 22 (paras 9 –15) clearly put the emphasis on protecting international and nationally designated sited such as SSSI’s and AONB’s.PPS 7 states in the key principles that the Government’s aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.</p> <p>The parcel of land has a gentle slope from north to south with the boundaries denoted by dense mature hedging. Views into the site from Hose Lane will</p>
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<ul style="list-style-type: none"> • Would set a precedent for other similar schemes and damage the rural escarpment; • Would be an eyesore from the village of Hose as it is out of keeping with the surrounding countryside 	<p>be very limited given the topography and the boundary hedge. Views from Waltham Lane would be very distant and impacts mitigated because the panels absorb the sunlight and will not produce glare. The units are to be sited close to an existing range of buildings and will form part of the farm complex and will not be read as stand alone development.</p> <p>Every application is required to be assessed on its own merits. National planning policies seek to promote sustainable development and this is a theme that has been carried through in the consultation for the draft National Planning Policy Framework. PPS22 encourages Local Planning Authorities to consider renewable energy proposals in a positive light given the wider benefits that they produce. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents, including any criteria that are specific to the type of area concerned.</p> <p>It is considered that given the nature of the development sited within an existing farming complex, along with the screening of the site that the proposal would not have a detrimental impact upon the countryside. The proposal is considered to accord with national policy PPS22 and will reduce the CO² emissions produced from the farm and will aid to the diversification of the farm business providing another source of income as supported within PPS4 ‘Sustainable Economic Growth’ Furthermore the siting of the photovoltaic arrays are contained within an exiting group of farm buildings ensure that the objectives of PPS7 are met.</p>
<p>LCC Highways - No objection.</p>	<p>Noted. There will be no increase in traffic to the site</p>

Representations:

A site notice was posted at the site entrance along with a notice published in the local press. There were no neighbouring properties identified within the consultation zone for the site that were required to be consulted separately. As a result 12 letters of objection from 11 separate households have been received to date. The letters are summarised below;

Representation	Assessment of Head of Regulatory Services
<p>Visual Impact on Character of the Countryside</p> <ul style="list-style-type: none"> • The panels will be a blot on the beautiful landscape of the Vale of Belvoir • Will affect views from many tourist 	<p>The issues raised through the consultation relating to loss of view are not planning matters.</p> <p>PPS22 clearly states in paragraph 15 that “Local landscape and local nature conservation should not be used in themselves to refuse planning permission</p>

<p>accommodation/attractions</p> <ul style="list-style-type: none"> • Will blight the landscape and have a serious visual impact • Will spoil the view from adjacent holiday cottages and result in loss to the economy • Will be alien to the countryside • The proposal will contribute nothing to the local community and could possibly put established local business at risk by removing part of the rural attraction that the area currently enjoys from its many visitors • The area is well used by the Equestrian, ramblers and cyclist the panels will spoil this leisure/tourist pastime • Could set a precedent for similar schemes in highly visible locations throughout the Vale. 	<p>for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents”.</p> <p>.</p> <p>Photovoltaic will be visual but the degree of harm needs to be assessed. In assessing the impact on the landscape it is considered that the proposal would not significantly detrimental to the appearance and rural character of the open countryside. Crucially, it will not impact upon any designated landscapes and as such the impact falls short of that which PPS22 advises against.</p>
<p>Road Safety:-</p> <ul style="list-style-type: none"> • The solar panels are to be sited in a roadside field close to an ‘S’ bend and will distract drivers 	<p>The panels will be sited a considerable distance from the highway boundary which is denoted by a dense mature hedgerow. The panels do not produce glare as they are designed to absorb the sun to maximise the production of energy. The panels will also follow the sun and will move position throughout the day. The field slopes down from north to south and the panels will be sited on lower ground than the highway. The maximum height of the panels is proposed at 4.26 metres from the ground level. The existing hedge will screen the panels from the roadside.</p> <p>The Highway Authority have been consulted and raised no objection to the siting of the panels within the field. It is not considered that the development would have a detrimental impact on highway safety.</p>
<p>Other Matters:-</p> <ul style="list-style-type: none"> • Consultation - residents of Hose have not been notified of the proposal. 	<p>The site is situated outside of any village centre and in that regards there were no immediate neighbours to consult by letter. In circumstances such as this site notices are placed at the entrance of the site in order to alert the wider community. Parish Councils are also consulted in the interest of the wider community and notices are published in the local newspaper.</p> <p>In this instance a site notice was placed at the entrance of the site on the gate post on the 19th September to advertise the proposal.</p> <p>The consultation undertaken accords to the adopted Melton Statement of Community Involvement and the Consultation Strategy</p>

<ul style="list-style-type: none"> • Will devalue property. • This sort of thing should be based on a wider strategy for the borough and not on the whim of an individual seeking to make personal gain – until such time projects of this nature should be refused. 	<p>This is not a planning matter. Planning is not intended to protect a residents own private interests.</p> <p>The proposal is stated within the application to provide 50% of the energy required for the existing farm reducing the CO2 emissions produced. There is an intention to transport the remainder electricity produced back to the network as a farm diversification project allowing an alternative income. PPS22 sets out national policy for renewable energy sources and emphasises the scale of the demand. It requires the production of targets for renewable contributions and for them to be specified by type of source at regional and sub regional level. PPS22 also recognises that the combined effect of smaller scale projects will make a significant contribution to these targets and specifically states that relatively low yields should not be grounds for refusal. It follows this up by stating that all areas should be capable of accommodating renewable energy proposals, but repeats the need for them to satisfactorily meet socio economic and environmental concerns.</p> <p>PPS1 makes clear that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.</p>
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Conclusion

The proposal is considered to be supported in terms of principle by national policy as contributing to the wider aims of encouraging renewable energy. It is also considered that the proposal will not adversely affect the character and appearance of the area to an extent that it is regarded as unacceptable within national guidance. In terms of the landscape, guidance in PPS22 puts the emphasis on protecting international and nationally designated sites such as SSSI’s and AONB’s and also requires harmful effects of installations to be balanced against their positive contribution to renewable energy production and CO² reduction.

It is considered that whilst there is the need for a balance between the interests of renewable forms of energy and landscape issues, in this instance the impact would be limited in extent on the landscape, although the landscape is unspoilt it is not one that attracts protection through its designation, in the manner explained in PPS22. Accordingly, the balance of these issues is considered to favour the installation. The proposal is not considered to impact on the amenities of residential dwellings and there is adequate access arrangements. Having considered all the issues, in this instance, the proposal is considered acceptable and is therefore recommended for approval.

RECOMMENDATION: Permit, subject to the following conditions:-

- 1 The development shall be begun before the expiration of three years from the date of this permission.

- 2 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
- 3 By the end of 25 years after the first generation of electricity from the site, or should the generating of electricity cease all photovoltaic arrays and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition in accordance with a scheme to be submitted to the local planning authority for written approval not later than 12 months before the expiry of the 25 year period., or 12 months after the generation of electricity ceases. The scheme to be submitted shall include the dismantling and removal of all turbines, equipment and buildings above existing ground levels and the removal of turbine base.

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure a satisfactory standard of external appearance.
3. To allow the Local Planning Authority to review the installation.

Contact: Mrs Denise Knipe

Date: 10th October 2011