Minutes

Meeting name	**Planning Committee**
Date	**Thursday, 31 August 2023** **Tuesday, 5 September 2023 (Reconvened)**
Start time	**6.00 pm**
Venue	**Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH**

Present:

Chair Councillor A. Thwaites (Chair)

Councillors

J. Mason (Vice-Chair)
I. Atherton
P. Cumbers
M. Glancy
D. Pritchett
P. Allnatt
R. Browne
C. Evans (31 August)
M. Gordon
S. Butcher (Substitute)

Officers

Assistant Director for Planning
Senior Solicitor
Planning Development Manager (5 September)
Senior Planning Officer (AC)
Senior Planning Officer (RR) (31 August)
Planning Officer (AC) (31 August)
Senior Democratic Services and Scrutiny Officer
Democratic Services Officer (HA) (31 August)

Minute No.	Minute
PL25	**Apologies for Absence** An apology for absence was received from Councillor Higgins. Councillor Butcher was appointed as his substitute.
PL26	**Declarations of Interest** Cllr Allnatt declared an other interest as a campaigner for solar panels but stated that he would judge the application on its merit.
PL27	**Schedule of Applications**
PL28	**Application 22/00537/FUL** The Senior Planning Officer (AC) addressed the Committee and provided a summary of the application. Two further letters of objection had been received since the publication of the report. The application was recommended for approval subject to the conditions as detailed in section 11 of the report. The following points were raised following the Officer presentation: • It was noted that despite the hedgerow management for the majority of the year the solar panels would be visible. • In response to a query, Members were informed that important view seven is sighted east of the site and therefore was not included in the presentation. • It was noted that the report stated that the Conservation Officer had stated that the impact of the scheme upon the settings of the designated heritage assets would result in less than substantial harm to their significance, although the written advice was not available to the Committee. • It was noted that Historic England stated that the impact of the proposals upon the settings of the designated heritage assets would result in harm to their significance. Members sought clarification on whether further modelling exercises had taken place to acknowledge the comments. The Committee recognised that they needed to be fully satisfied that the damage to the area was outweighed by the benefit of the scheme. Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a three minute presentation: • Bob Bayman, Bottesford Parish Council • Brean Hammond, Objector, Save Our Vale Environment • Conor McAllister, Applicant, JBM Solar During the questioning of the speakers, the following key points were raised: • It was noted that the amount of power produced by the scheme is expected to be at the higher end and that this is because scheme will using tracking powers to track the sun. • It was explained that the proposed site is the best location for the scheme, in terms of energy harvesting, when assessing against the criteria set by JBM Solar. It is expected that the scheme will produce enough power for 19000 homes.

- Following a question of whether the site could be smaller but with the same amount of electricity being produced, as with other similar sites, the applicant stated that the site had to be the size proposed so that the project was economically viable.
- Members were informed that the 2½ acre recreational area within the scheme is a cumulative total and would be spread across the area of the scheme.
- There will be internal tracks laid as part of the scheme. They will be made from crushed stone and single tracks between four and five metres wide.
- It was explained that after the 40 year lease, the landowner has the choice of the internal tracks being returned back to the state it was in when it was first leased.
- The planting will be carried out the first growing season following construction, although the planting of the perimeter hedge could be completed prior to construction of the scheme.

During the debate the following points were raised:

- It was accepted that there was a considerable amount of evidence to consider, and significant support for and against the scheme therefore Members had to carefully consider the mixture of advantages and harm created by the scheme.
- Members noted that one key aspect of the scheme is to tackle the climate crisis and significant weight is apportioned to this element. This is different from an energy crisis and therefore the loss of food production would also have to be considered by the Committee.
- Members did not believe that the cumulative impact of solar farms in the area upon the visual impact in the Vale of Belvoir had been properly considered. In total 10% of the land use within the Borough is solar farms. This, along with the key characteristic of the Vale of Belvoir being low hedging with a maximum height of two metres, would mean that the solar panels would be permanently exposed and would impact on the amenity of the Vale of Belvoir.
- A comment was made that the scheme did benefit from being located next to the A52 and a grid connection point.
- It was noted that the scheme would create 18 new jobs, however there is no guarantee that those jobs would be filled by local residents.
- Members did not consider the loss of 7 hectares of the best and versatile agricultural land represents the best use of land and that it would be more beneficial to have the land full of crops.

Councillor Glancy proposed to suspend Procedure Rule 5.1 of the Meetings General Procedure Rules (Chapter 3, Part 1) in order that the meeting can continue beyond three hours. Councillor Cumbers seconded the motion.

RESOLVED

The Planning Committee AGREED to suspend Procedure Rule 5.1 of the Meetings General Procedure Rules (Chapter 3, Part 1) so that the meeting could continue beyond the three-hour time limit.

(Unanimous)

Councillor Allnatt proposed that the application be deferred because a number of points had been raised which require further consideration. Councillor Evans seconded the motion.

The Committee voted against the motion and therefore it fell.

(For 1, Against 7, Abstentions 3)

Councillor Mason proposed that the application be refused contrary to Officer recommendations. Councillor Allnatt seconded the motion. Immediately prior to the vote, the Committee were advised by Officers that, in their professional opinion, the reasons for refusal would be unlikely to withstand the scrutiny of appeal. The Committee were also advised that should an appeal be lost the Council could incur significant costs.

RESOLVED

The Planning Committee REFUSED the application.

(For 7, Against 2, Abstentions 1)

(Councillors Cumbers and Glancy requested that their votes against the motion were recorded. Councillor Butcher requested that her vote to abstain was recorded. Councillor Evans was absent for the vote.)

REASONS

Reason 1 – Best & Most Versatile Agricultural Land
The proposal seeks to remove Grade 2 and 3a 'Best and Most Versatile' land from food production which in the opinion of the local planning authority has not been adequately substantiated. The harm caused by the loss of best and most versatile land does outweigh the climate change benefits of the proposal, contrary to the overall aims and objectives of policies SS1 and E10 (part 10) of the Melton Local Plan, the NPPF paragraph 174 and Policy 3 (part 4) and Policy 9 (part 4 (d)) of the adopted Bottesford Neighbourhood Plan.

Reason 2 – Cumulative
This proposal when considered cumulatively with other permitted and operational schemes within 30 square kilometres (49.9MW land east of Jericho Covert; 12.4MW Lodge Farm, Longhedge Lane; 49.9MW Land South of the A1 Foston Bypass; 10MW Land South of The Railway Line & East of Station Road, Elton) would result in an unacceptable cumulative impact on the landscape where swathes of panels would be visible within a vista which could not be adequately mitigated. There would be a disproportionate effect of several sites within a small area, with solar panels covering approximately 10% of the identified area. The proposal is therefore considered to have an unacceptable adverse impact on the Vale of Belvoir's sense of place and local distinctiveness, contrary to policies SS1, EN1 and D1 of the Melton Local Plan, paragraph 174 of the NPPF and Bottesford Neighbourhood Plan Policy

Reason 3 – Public Rights Of Way
In the opinion of the local planning authority, the amenity of the public utilising the many rights of way which run through and adjacent to the site would be harmed by the substantial impact and effect of a large-scale solar installation. The ability of residents and visitors to the area using the footpaths to appreciate and enjoy the landscape character would be diminished and adversely impacted by the proposed development creating corridor effects limiting appreciation of the wider landscape, which also impacts upon key views as defined within the Bottesford Neighbourhood

	Plan. The quality of the natural environment is highly valued by residents and visitors to the area, particularly for the long views and openness. The proposal is therefore contrary to Melton Local Plan Policy EN1, Bottesford Neighbourhood Plan Policy 2 (parts 1 & 5) and Policy 9 (4.(a)). Reason 4 – Heritage In the opinion of the local planning authority, the proposal would result in an unacceptable impact on the setting of the heritage assets in the vicinity of the proposal (including, but not limited to, Grade I Listed Belvoir Castle and its Registered Park & Garden, two grade II* listed buildings and three scheduled monuments) which cannot be adequately mitigated. The proposal is considered to damage the setting and the appreciation of the heritage assets and their appreciation in the landscape which should be considered as a wider vista in the context of Belvoir Castle and the Vale of Belvoir. The benefits in reducing carbon emissions are therefore not considered to outweigh the harm to the heritage assets. The proposal is therefore considered to be contrary to policies SS1, EN1, EN10, EN13 and D1 of the Melton Local Plan, and Bottesford Neighbourhood Plan Policy 9. (At 6:43pm, the meeting was adjourned. The meeting was reconvened at 6:45pm.) (At 8:12pm, the meeting was adjourned. The meeting was reconvened at 8:20pm.) (At 9:18pm, the meeting was adjourned. The meeting was reconvened at 9:27pm.) (At 9:46pm, the meeting was adjourned. The meeting was reconvened at 9:53pm.) (Due to a medical emergency, the meeting was adjourned at 9:54pm and was reconvened at 6:00pm on Tuesday 5 September 2023 without Councillor Evans being present.)

The meeting closed at: 6:28pm on 5 September 2023

Chair