

Minutes

Meeting name	Special Planning Committee
Date	Thursday, 11 August 2022
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor P. Posnett MBE (Chair)

Councillors

T. Webster (Vice-Chair)	R. Browne
P. Chandler	C. Evans
C. Fisher	E. Holmes
J. Illingworth	D. Pritchett
R. Smith	P. Wood

Officers

- Planning Development Manager
- Solicitor (TP)
- Senior Planning Officer (AC)
- Senior Planning Officer (RR)
- Democratic Services Officer (HA)
- Democratic Services Officer (SE)

Minute No.	Minute						
PL27	<p>Apologies for Absence There were no apologies for absence.</p>						
PL28	<p>Declarations of Interest Councillor Posnett held a standing personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p>Councillor Chandler declared a prejudicial interest due to the ownership of the site in question being part of the Belvoir Estate and her family farm rented land from the Belvoir Estate. Also her son occupied land on Castle View Road.</p>						
PL29	<p>Schedule of Applications</p>						
PL30	<p>Application 20/01182/FUL</p> <table border="1" data-bbox="288 842 1441 1057"> <tr> <td data-bbox="288 842 504 887">Application:</td> <td data-bbox="504 842 1441 887">20/01182/FUL</td> </tr> <tr> <td data-bbox="288 887 504 931">Location:</td> <td data-bbox="504 887 1441 931">Land East of Jericho Covert, Jericho Lane, Barkestone Le Vale</td> </tr> <tr> <td data-bbox="288 931 504 1057">Proposal:</td> <td data-bbox="504 931 1441 1057">Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 49.9MW and associated infrastructure</td> </tr> </table> <p>(Councillor Chandler here left the meeting and moved into the public gallery due to the interest declared at minute PL28.)</p> <p>The Senior Planning Officer (AC) addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions.</p> <p>The Senior Planning Officer responded to Member queries as follows:</p> <ul data-bbox="288 1485 1473 2085" style="list-style-type: none"> • Spacing between the rows of solar panels was 4-5 metres • The site comprised 183 acres • Electricity generated from the solar farm would transfer to the national grid and benefit 15,000 homes • The electricity generated could be used anywhere in the UK • The land would be repurposed as a solar farm for 40 years and after then the land would be reverted to agricultural use • Some of the visuals displayed at the meeting were taken from one of the highest points, being Belvoir Castle • The panoramic view shown from Belvoir Castle was approximately 8 per cent of a 30 degree arc • The land in question had been classified as grade 3b which was not high quality land and was available for alternative usage in accordance with policy EN10 • Fire risk would be considered along with health and safety, maintenance and repair and these were separate requirements to the planning process • Access for emergency vehicles would be along Jericho Lane 	Application:	20/01182/FUL	Location:	Land East of Jericho Covert, Jericho Lane, Barkestone Le Vale	Proposal:	Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 49.9MW and associated infrastructure
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- The Solicitor advised that emergency access was not part of the planning application process
- There were ecological gains in terms of a wildflower meadow and other landscaping initiatives and the ecological plan would include conditions to protect wildlife
- Access would be by a new road across existing farmland and there would be screening adjacent to the public right of way
- Solar panels would be reused and recycled and this was referenced in the report
- There would be CCTV to monitor the site and take account of the flightpath for which an assessment had been completed
- EN10 advised that category 3b land was not the best agricultural quality
- In response to mention of a Cabinet Minister advising against the use of category 3b land for solar farms, the Solicitor advised that he was not aware of this information and this was not a current planning policy consideration

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 3 minute presentation:

- Councillor Tom Parry, Barkestone, Plungar and Redmile Parish Council
Councillor Parry responded to Member queries as follows:
 - There were other options to help meet the climate emergency, individuals and business may wish to take up solar panels on public buildings and houses, but this solar farm would take up all grid capacity and others that may wish to feed into the grid would not be able to if the solar farm was installed
 - The Parish Council had recently taken up a licence for a circular path to connect the Grantham Canal and the 3 villages in the parish for equestrian and pedestrian use. However part of the path would run alongside the solar farm site boundary and there were also concerns that the intention was to lay cables under the pathway which could be damaged due to the potential risk of flooding as well as other issues
 - There had been no public meetings at which the agent nor the developer were present. The application was consulted on during the pandemic and a brochure was mistakenly sent to residents in Barkestone for a solar farm in Sussex. The Parish Council had asked for a public meeting and there had been a display in the village hub that was arranged by the Parish Council. The Parish Council had liaised with the agent and requested a smaller development and construction access. The six month access road had been negotiated but a smaller overall concern had not been accepted
- Chris Noakes, Objector
Mr Noakes responded to Member queries as follows:
 - The proposed access road on Flawborough Lane was a rutted track and in his view could not accommodate a 2 metre wide fire engine in the case of an emergency
- Nick Beddoe, Agent, Lighthouse Development Consulting
Mr Beddoe responded to Member queries as follows:
 - The landscaping scheme could include a higher hedgerow for screening the view for Barkestone village
 - The discharge of conditions process would include precise guidance and

- best practice for solar farms on biodiversity and ecological matters
- Health and safety matters were part of secondary legislation and they would have to comply with these requirements
- With regard to fire risk of the individual solar units, each unit would be controlled remotely and could be isolated if required
- The company had significant experience in setting up and running solar farms
- There had been a reduction in scale due to an increase in wildflower planting and the public footpath had been remodelled
- The scheme had started in lockdown, site notices had been displayed and there had been consultation with the Parish Council as the representative and conduit of the views of the community. There had been online representations received as well as a village hall event and all of this had been under the pressures of the pandemic
- The scheme was policy compliant in terms of construction and maintenance of the site
- Sheep would be able to graze under the solar panels and this would be a secondary source of revenue for the farmer
- Grass was able to grow under the solar panels and a drainage scheme would ensure the site did not become waterlogged

The Senior Planning Officer (AC) advised that the site was not in a floodzone and the drainage scheme had been accepted by the Environment Agency and Flood Authority. The Highway Authority had approved the transport arrangements based on worse case scenario. Additional viewpoints had been circulated to Members at the meeting and these included views from the Grantham Canal towpath.

It was noted that there had been a consultation process which included a site notice, press notice, Parish Council liaison and Rushcliffe Borough Council been consulted too.

During discussion the following points were noted:

- Condition 13 stated that the site must be accessed by the appointed access route which would protect Jericho Lane from construction traffic
- With regard to decommissioning of the units, the underground cable would be removed at the same time as the dismantling of the site
- Members felt the report was good and gave the positives and negatives of the site and it was for the Members to weigh these up in order to make a decision
- There was concern at the impact on the natural beauty of the area, tourism and on local businesses
- There was concern that there were no details on emergency arrangements
- There was concern as to whether the existing road network could accommodate the construction traffic
- The impact on the historic building of Belvoir Castle and the views of the vale was a concern
- There was disappointment that homes in the Borough would not directly benefit from the electricity generated from the solar farm
- There was support for the application which considered that the impact on a historic building should not come before a forward-thinking project that would help people and the environment with the global economic energy crisis
- It was explained that there was evidence to show that solar farms did not

increase flood risk

- Although homes in Melton may not directly benefit from the electricity generated, the farm would benefit the electricity grid nationally and ultimately everyone would gain and it was considered that Members had to consider the wider picture and not just the local impact
- A Member considered that there needed to be consistency in the decision-making and felt that a cross-check with each policy in the Local Plan was needed

There was a comfort break adjournment at 7.40 pm to 7.48 pm.

- It was felt to be a historically important area in a remote location with nothing modern around it
- When considering a windfarm application, there had to be public support and it was felt that this application had not been properly consulted on
- The solar farm would be there for 40 years and it was felt by a Member that the benefits did not outweigh the harm to the open countryside and would set a precedent
- The Solicitor referred to case law connected to a windfarm appeal and read out that it was a balance for Members to consider all the evidence for and against when decision-making
- There was strong support that views and tourism should not be compared to the positive impact the solar farm would have on climate change and the world's environmental future
- It was considered that windfarms and solar farms should be welcomed as part of a modern landscape as well as ensure the future for generations to come and help to reverse the damage that had already been done
- The application fulfilled green obligations and could set a positive precedent
- The landscape was constantly changing and the existing location was not a natural one and had previously been open fields
- There was concern that once the construction was complete, a better access was needed for the site
- It was felt that should this application be approved, it would set a precedent to approve smaller solar farms
- There was uncertainty as to the damage to the ground after a solar farm had been on the site
- The Solicitor advised that there were no issues raised by the Highway Authority relating to access
- It was noted that that there was high hedge screening already agreed as well as a willingness by the developer to provide more screening as requested
- There was a preference for deferment by a Member to enable queries raised to be resolved

Councillor Smith proposed that the application be approved. Councillor Wood seconded the motion.

RESOLVED

That the application be APPROVED subject to conditions set out in Appendix C.

(4 for, 4 against, 1 abstention.)

Due to a tie in the vote, in accordance with the procedure rules set out in the Constitution, the Chair exercised her casting vote to approve the application.)

(Councillor Browne left the meeting at 7.17 pm and return at 7.18 pm.)

(Councillor Fisher left the meeting at 7.18 pm and returned at 7.19 pm.)

(Councillor Evans left the meeting at 7.35 pm and returned at 7.37 pm.)

REASONS

Planning law requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would result in a solar farm with a 49.9 MW output for a temporary period of 40 years, including battery storage units, associated infrastructure, permanent grid connection hub and ecological enhancements.

The expected site energy generation would provide the energy equivalent of the demand from 15,000 houses, equating to an annual reduction in carbon emissions of 21,500 tonnes of carbon. The development would provide a significant environmental benefit, especially given significant and growing climate change pressures.

In addition, it should be noted that In July 2019 MBC formally declared a climate emergency. A Climate Change Policy Development Group was established to 'develop an action plan for how the Council will work towards ensuring its operations become carbon neutral by 2030 and further promote cutting of emissions within the wider Borough of Melton. The Council will explore a number of areas including how to improve the energy efficiency of local homes and increasing renewable energy'.

The climate emergency is a material consideration in planning decisions.

Although there would inevitably be some impacts upon the landscape, particularly visual, associated with a development of this scale, it is considered that these can be suitably mitigated through an appropriate landscaping scheme and this development proposal would result in slight / negligible visual harm. Further, any minor conflicts that have been identified with the development plan policies, including those of heritage are significantly outweighed by the benefits of the proposal. In carrying out that balance, the Council has had regard to the great weight that should be given to the conservation of heritage assets (NPPF, section 16), and having regard to the statutory duties set out in sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

It is not considered that the proposal would result in adverse impacts upon other material planning considerations including highway safety, flood risk, residential amenities, and noise. Indeed, there would be an overall net gain in biodiversity across the site arising from the development.

The proposal accords with the requirements of Policies SS1, SS2 and specifically Policy EN10 which strongly emphasise that Renewable proposals, including solar, will be supported and considered in the context of sustainable development and climate change. In addition, Bottesford Neighbourhood Plan Policy 9 supports development that delivers renewable energy.

The meeting closed at: 8:09 pm