

Installation of a 7.99MWp solar farm and associated infrastructure.

Report Item No  
A6

Land To The West Of Gelscoe House Farm Outbuildings  
Gelscoe Lane Diseworth

Application Reference  
14/00408/FULM

Applicant:  
Mrs J Wall

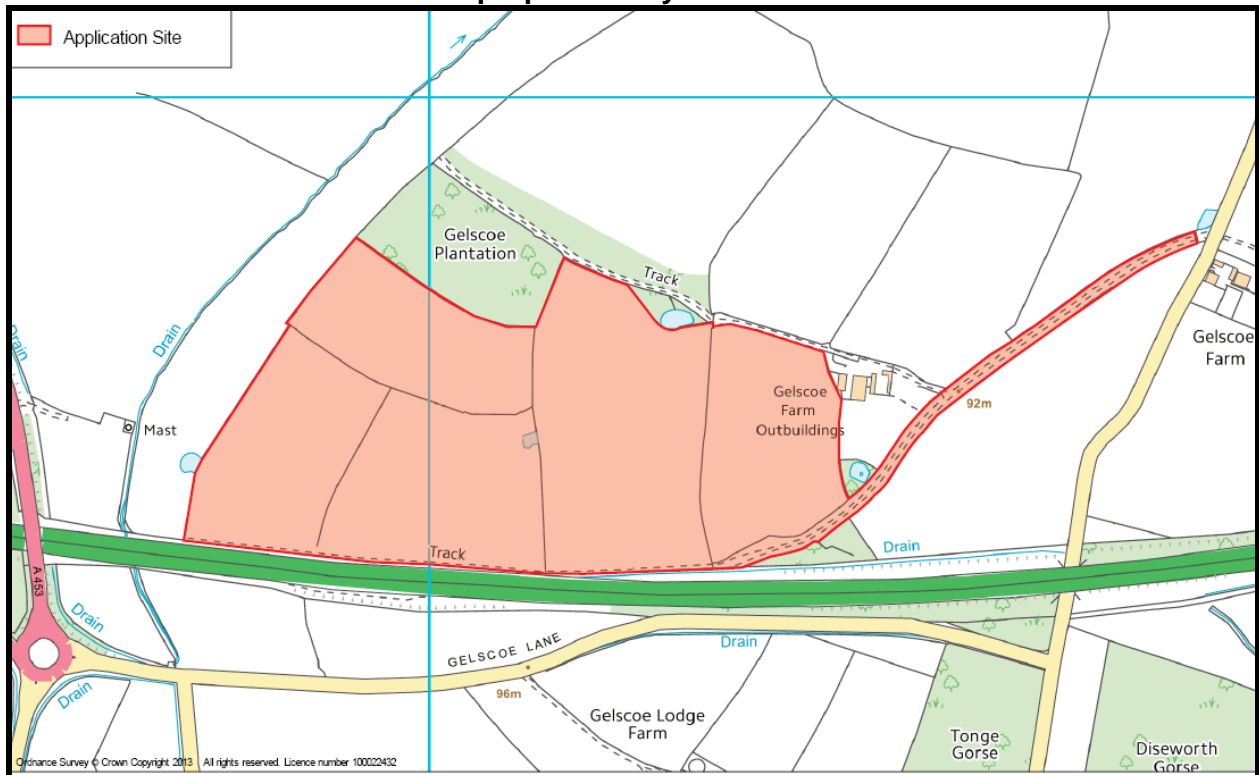
Date Registered  
6 May 2014

Case Officer:  
Sarah Worrall

Target Decision Date  
5 August 2014

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



## **Executive Summary of Proposals and Recommendation**

### **Call In**

This application has not been called in but is brought to the Planning Committee for consideration due to the proposed development being the first of its kind in the district, and therefore of some public interest, and since it also represents a major development in the countryside and a departure from the development plan.

### **Proposal**

This is a full application for the erection of a 7.99MWp solar farm over a 19.54 ha site. The application information submits that the site would be split into five parcels and modules would be fixed to arrays that would be arranged in a linear form across the site in rows. The arrays would be laid out west-east to allow the modules to face south and be angled towards the sun at approximately 30 degrees to optimise photovoltaic capture. The proposal would also include the erection of No.7 inverter cabins and No.7 transformer cabins as well as a new substation towards the south eastern boundary. Security fencing and CCTV cameras on 3.1m poles would also be required as part of the scheme. Wildlife corridors and associated landscaping are also proposed as part of the application.

### **Consultations**

Members will note that representations from local residents have been made. In terms of those issues raised, all statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition.

### **Planning Policy**

The proposed development would form a renewable energy development in the countryside, but would also represent farm diversification of an existing agricultural operation and would, therefore, be in accordance with the requirements of Countryside Policy S3 of the Adopted Local Plan. Technical reports to address agricultural land classification, heritage assets, landscape and visual impact, highway safety, flood risk and ecological matters have been submitted as part of the application and assessment of these in relation to national and development plan policies is set out in detail in the main report.

### **Conclusion**

The proposed development would have no adverse visual or landscape character or heritage asset impact, and there would be no adverse impact on residential amenities, highway safety or the highway network, site drainage or flora and fauna. As such, the proposed solar farm would be in accordance with national and development plan policies and approval is recommended.

## **RECOMMENDATION:- PERMIT SUBJECT TO CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main update report below. Members are advised that this summary should be read in conjunction with the update report below and the original report of October 2013 and the first update report of June 2014 which are attached.**

## MAIN REPORT

### 1. Proposal and Background

This is a full application for the erection of a 7.99MWp solar farm over a 19.54 ha site which is currently used as agricultural land. The site slopes gently down from the north and borders the M42 on the southern boundary. Agricultural land adjoins the site on all other boundaries along with commercial development at Walnut Yard to the east of the application site. Langley Priory, Grade II\* listed building and grounds is situated to the north of the application site.

The solar farm would be comprised of some 27,600 photovoltaic solar panels fixed on poles, and at an angle between 18 and 30 degrees. This angled positioning would form a minimum height of some 0.9m from the ground level to the base of the panels, and a maximum height of 3m at the top of the panel.

The application information submits that the site would be split into five parcels which reflect the existing fields which are separated by trees, hedgerows and other vegetation. Modules would be fixed to arrays that would be arranged in a linear form across the site in rows. The arrays would be laid out west-east to allow the modules to face south and be angled towards the sun between 18 and 30 degrees to optimise photovoltaic capture whilst taking into account changes in land levels. There would be 4m spaces between rows to ensure that when viewed from above, the green spaces between would be more evident than the maximum 3m width of the conjoined solar panels set on the posts.

No.7 inverter units, and No.7 transformer cabins, would be required as part of the proposal and these would be dispersed side by side throughout the site, one each on three parcels of the site, and two each on two larger parcels within the site. The inverter cabins would be some 6m long x some 2.4m wide, with a height of some 3.2m and a flat roof. The transformer stations would be some 5m long x some 3m wide with a pitched roof having a maximum height of some 2.6m dropping to some 2.3m at eaves level.

The transformers would feed into a new substation unit which would be situated to the south east boundary of the site. The substation unit would have the appearance of a small agricultural building with a main section and a subordinate element. The main form of the substation unit would be some 5m long x 5m wide with a roof ridge height of some 4.8m dropping to 2.7m at eaves level. The subordinate element which would be situated to finish flush with the front of the main unit would be some 1.6m long x 1.5m wide and would have a monopitch roof with a ridge height of some 3.5m dropping to 2.3m at eaves level.

Fencing around the site is required for security purposes and 2.25m high mesh fencing is proposed around the 5 sections of the site. Each parcel would have a gated entrance which would be formed from mesh fencing. Eight gates would be required in total of which, three existing accesses would be made use of with the introduction of a further five. In addition, No.46 CCTV cameras on poles at a height of some 3.1m would be required across the site. A construction compound and parking area would be formed within the development site, and the parking area would be retained for future maintenance vehicles.

Access to the site would be gained from the existing shared access with Walnut Yard.

A planning and sustainability statement, Transport Statement, construction management statement, flood risk assessment, agricultural land classification, heritage/archaeology assessment, glint and glare assessment, Extended Phase 1 Habitat Survey, Tree and

Hedgerow Survey, Landscape and Visual Impact Assessment and statement of community involvement have been submitted as part of the application. A Great Crested Newt Survey was required as part of the application and this was submitted on 10 July 2014.

**Relevant Planning History:-**

No relevant planning history found.

**2. Publicity**

3 NO. Neighbours have been notified (Date of last notification 23 June 2014)

Site Notices posted 28 May 2014

Press Notice published 21 May 2014

**3. Consultations**

Isley cum Langley Parish Meeting consulted 15 May 2014

County Highway Authority consulted 20 May 2014

Environment Agency consulted 20 May 2014

Head of Environmental Protection consulted 20 May 2014

Natural England consulted 20 May 2014

NWLDC Tree Officer consulted 20 May 2014

County Archaeologist consulted 20 May 2014

LCC ecology consulted 20 May 2014

Airport Safeguarding consulted 20 May 2014

Development Plans consulted 20 May 2014

LCC/Footpaths consulted 20 May 2014

NWLDC Footpaths Officer consulted 29 May 2014

Airport Safeguarding consulted 16 July 2014

**4. Summary of Representations Received**

**Isley cum Langley Parish Meeting** - no comments received

**Natural England** - no objection

**Environment Agency** - no objection subject to condition

**East Midlands Airport** - no objection

**Leicestershire County Council - Highways** - no objection subject to condition

**Leicestershire County Council - Archaeology** - no comments received

**Leicestershire County Council - Ecology** - no objection subject to condition

**NWLDC Environmental Protection Officer** - no objection

**NWLDC Footpaths Officer** - no objection as no footpaths affected

**NWLDC Tree Officer** - no comments received

The application submits that wide consultation took place with surrounding Parish Councils and local residents. No representations have been made from residents or other third parties in relation to the scheme.

## 5. Relevant Planning Policy

### National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date 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 (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking which include:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities (LPAs) should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It says LPA's should:-

- have a positive strategy to promote energy from renewable and low carbon sources
- design their policies to maximise renewable and low carbon energy development while

- ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
  - support community-led initiatives for renewable and low carbon energy, including development outside such areas being taken forwards through neighbourhood planning; and
  - identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 within the NPPF states that when determining planning applications, local planning authorities should:-

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. (Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas).

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

Paragraph 119 states that 'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined;

Paragraph 123 indicates that planning policies and decisions should aim to:

- avoid noise from giving rise to the significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put them on because of changes in nearby land uses since they were established;

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional; Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional;

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;

Paragraph 188 outlines that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community;

Paragraph 189 states that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

**North West Leicestershire Local Plan:**

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T20 seeks to prevent development that would adversely affect the operational integrity or safety of East Midlands Airport.

### **Submission Version Core Strategy**

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

### **Other Guidance:**

#### **The Habitat Regulations**

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species;

#### **Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)**

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

#### **Planning Practice Guidance- 2014**

The PPG provides guidance on renewable and local carbon energy the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. The information and advice can be given some weight and used as a reference guide when considering applications relating to renewable energy.

### **6. Assessment**

The main considerations in respect of this application are the principle of development, environmental value of the land, impact upon the visual landscape, impact upon residential amenity, impact upon the historic landscape, drainage and flood risk, protected species and ecology, aviation, highway issues and de-commissioning.

#### **Principle of Development**

The application site is located outside the limits to development where permission for new development would not normally be granted unless it is for certain uses as set out under Saved Policy S3 of the Local Plan.

The supporting information states that the proposal is a diversification opportunity for the agricultural operation which is based at Langley Priory. As such, the proposal can be considered to be a farm diversification scheme and would fall within category (b) of Policy S3.



The overarching principle of the NPPF is to protect the countryside, but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development: - economic; social; and environmental. There is support and encouragement for sustainable development and the sensitive exploitation of renewable energy sources within the NPPF.

Paragraph 97 of the NPPF outlines that Local Planning Authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" in order to help increase the use and supply of renewable energy, and one of the core planning principles at Paragraph 17 of the NPPF is that decisions should "support the transition to a low carbon future and encourage the use of renewable resources (for example by the development of renewable energy)."

At Paragraph 98 it also states that "applicants should not be required to demonstrate the overall need for renewable energy and that planning applications should be approved if their impacts are or can be made acceptable." Notwithstanding Paragraph 98, since the introduction of the Planning Practice Guidance, this now confirms that the local planning authority would need to consider the energy generating potential. The scheme proposes a 7.99MWp solar farm and the first phase of this would generate around 1.5-1.8MW of energy for the local distribution network via Western Power.

In the circumstances that the NPPF supports proposals which provide energy from renewable energy, as well as the fact that Policy S3 of the Local Plan would support renewable energy projects in the countryside, it is considered that the overall principle of the solar farm scheme would be acceptable.

In summary, there is specific planning policy support for the development of renewable energy projects both at national, and local level and it is considered that the proposed installation of the solar farm would provide a valuable contribution to the overall output of renewable energy within the area and thus will be consistent with the intentions of national and local planning policy. As such, whilst the proposed development is in principle acceptable when considered against relevant countryside policies, this must be carefully balanced against all other material planning considerations.

### **Environmental Value of the Land**

The Planning Practice Guidance states that the local planning authority will need to consider encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land, whether

- i. the proposed use of any agricultural land has been shown to be 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."

In addition, paragraph 112 of the NPPF suggests that where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality.

Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

The application has been accompanied by an Agricultural Land Classification Survey Report which confirms that the whole site can be considered to be classified as Grade 3a ALC. Whilst this would mean that the development would take place on BMV agricultural land, this can also be considered against the threshold for the magnitude of change to the land resource when having regard to the Town and Country Planning (Development Management Procedure) Order 2010.

A large magnitude of change would result from schemes over 50ha on BMV agricultural land, a medium change for schemes between 20ha and 50ha, a small change for schemes less than 20ha and negligible change where a less than 1ha of agricultural land would be affected. The application site is less than 20ha in size which would mean that the magnitude of change would be small. In addition 3a ALC can be considered to be of medium value (where Grade 1 is highest value) and taking that into account along with the small magnitude of change, the development would not have any significant adverse impact on the agricultural land.

Furthermore, the nature of the development means that it would cause minimum disruption since posts are inserted into the ground with panels mounted on top so there would be no significant development impact on the majority of the site. In addition, the use would be temporary for a maximum of thirty years so the agricultural land would not be lost since the scheme would be reversible.

In a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013, he said:- *"Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation."*

In this case, the use of the fields are arable and not used for grazing, however, the submitted details confirm that the solar farm will enable the farmer to diversify activities whilst maintaining the site as grassland, with potential for grazing and wild flower seeding, as well as improvements in soil quality and biodiversity. Wildlife corridors would be welcomed due to the presence of Great Crested Newts at the site. The agent also submitted additional information in August to indicate where alternative sites had been sought. The ALC is essentially similar, or higher, in other nearby sites.

Whilst it is unlikely that grazing will be undertaken in this case, given the existing arable use, the grassland will be maintained and after the temporary lifetime of the solar farm, the agricultural land can be restored to its present use.

Overall it has been demonstrated that the land is not of high environmental value, and that the proposal could allow for continued agricultural use or biodiversity planting. The scheme encourages biodiversity improvements, in conformity with the advice within the Planning Practice Guidance. As such, on balance, it is not considered necessary in this particular case to require any further justification for the proposal in respect of alternative brownfield sites.

### **Impact upon the Visual Landscape**

The site lies in the countryside outside the Limits to Development of Diseworth. Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes.

Paragraph 97 of the NPPF supports this, stating that cumulative landscape and visual impacts of renewable energy sources should be addressed.

For clarity, Landscape Impacts and Visual Impacts will be considered separately below.

### **Landscape Impacts**

Landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape and is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

The Planning Practice Guidance states that:-

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

The site lies within Group 5b Wooded Village Farmlands character type in the East Midlands Regional Landscape Character Assessment (2010). This is a general assessment without any detail but the 2001 Leicester, Leicestershire and Rutland Landscape and Woodland Strategy sets out more detailed local landscape characteristics. The application site falls within the Langley Lowlands character area and this character area extends around the site by some 5km and 6.5km.

Langley Lowlands character features include rolling landform, well wooded appearance influenced by woodland within and beyond the character area, quarries at Breedon Hill and Breedon Cloud, many hedgerow trees and parkland influences. The site has a gentle slope from north to south towards the A42. It has a block of ancient woodland to the north within the agricultural landscape and includes trees and hedgerows which would be retained as part of the proposal.

The solar farm proposal would be formed within five parcels of land in order to retain the existing field layout, and associated boundaries. In addition, the lie of the land provides for some natural screening since the land slopes down towards the A42 which is set at a higher level than the lower sections of the fields. Existing trees and hedgerows would be retained and would also provide additional screening. As such, there would be some change to the landscape character of the development site but this would not be significant, and would also be temporary so there would be no adverse impact on the landscape character of the site or its surroundings.

### **Visual Impacts**

Visual Impacts concern the degree to which proposed renewable energy development will become a feature in particular views and the impact this has upon the people experiencing those views.

A scoping area was discussed with the District Council prior to submission of the planning application and a 5km zone was agreed in order to include Grace Dieu Priory to the south. Seven key viewpoints have been considered in the Landscape and Visual Impact Assessment as follows:

- Public footpath east of A453;
- Public footpath north of Gelscoe Farm;
- Top Merrill Grange;
- Breedon Priory Church, Breedon Hill;
- Public footpath east of Woodhouse Farm, Langley Priory;
- Grace Dieu Priory; and,
- The A42.

The site is relatively small in wider panoramic views from afar, and the proposed development would have minimal impact on the views to and from the site. The lie of the land and natural vegetation as screening would also ensure views at a more close proximity, e.g. from the

nearby footpaths and A42, would not be unduly affected as a result of the proposal. The Planning Practice Guidance also goes on to state that local planning authorities should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. The additional landscaping proposals would ensure that actual screening would be enhanced and improved upon, thereby mitigating any adverse impact on views into the site from users of the A42. It is recommended that a landscaping scheme be secured by condition to ensure a full comprehensive landscaping scheme, and that the approved scheme landscaping scheme is maintained for a period of five years from the date of planting.

### **Cumulative Landscape and Visual Impacts**

The Planning Practice Guidance states that the approach to assessing cumulative landscape and visual impact of large scale solar farms should be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of zone of visual influence could be zero. Further applications for solar farms are being considered at land south of Sawley Marina 14/00488/FULM, a site on land south of Babelake Street, Packington 14/00535/FULM and a site at The Paddocks, Bowleys Lane, Appleby Magna 14/00583/FUL.

When having regard to the relatively low level nature of solar farms in general, combined with the distances between this site, and the nearest other proposed solar farms it is not considered that the proposals would contribute to an overall impression of a landscape with solar farms. Therefore, the overall impact in terms of sequential cumulative effects would be less than significant and no further consideration on this matter is therefore required.

### **Impact upon Residential Amenity (Noise)**

The nearest dwellings are Rookery Cottage to the north of the site, Gelscoe Farm to the east of the site across the main road, and Gelscoe Lodge Farm on the other side of the A42. All these dwellings are a substantial distance away from the solar farm development. In addition, the inverter and transformer cabins, which may emanate some noise when operating, would be set towards the middle of the solar panel arrays. Furthermore, inverters do not operate outside of daylight hours so would not be in operation during the night when the majority of people are asleep. Any alarm system for security purposes could be silent, and it is recommended that a condition be attached to this aspect should the application be approved.

As such, there would be no adverse impact on residential amenities and the proposal would comply with Policy E3 of the Adopted Local Plan.

### **Impact upon the Historic Environment**

The Planning Practice Guidance states that 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.

A heritage statement has been submitted as part of the application and this, along with the conclusions of the landscape and visual impact assessment demonstrate that there would be no adverse impact on heritage assets. In particular, Langley Priory to the north of the site is a Grade II\* listed building with associated grounds and is most likely to be impact upon by the proposal. However, due to the landscape setting, the site is located towards the bottom of a

slope, and Langley Priory lies to the north beyond the highest point of the land so views to and from the Priory are unaffected as its setting and appearance.

The proposed solar farm is not considered to result in substantial harm to the significance of the identified heritage assets and as such is considered to be determined in accordance with the aims of Paragraph 134 of the NPPF which concludes that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." It is considered that the provision of the solar farm would provide some public benefits given that the proposal would generate energy from a renewable source assist the wider public interest of tackling climate change by reducing carbon emissions. Furthermore, the proposal would represent farm diversification and help reduce the farming costs for the landowner. Overall, taking all the above matters into account, it is considered that the proposal would not conflict with the principles of Paragraphs 131, 132 and 134 of the NPPF.

### **Drainage and Flood Risk**

The application has been accompanied by a Flood Risk Assessment due to the size of the application site. The Environment Agency has confirmed it has no objection to the proposal subject to condition. Subject to the imposition of a planning condition it is considered that the proposed works would be in accordance with the overarching intentions of the NPPF.

### **Protected Species and Ecology**

The application has been accompanied by a Great Crested Newt Survey and Extended Phase I Habitat Survey.

The application has accompanied by an Ecology and Biodiversity report which has been considered by the County Ecologist who has no objections to the scheme, which is currently in arable use and of low wildlife value. The County Ecologist is satisfied that the layout protects boundary features and adjacent habitat of ecological value through buffer zones and biodiversity enhancements. The Ecologist recommends that the landscape management plan and layout plan are conditioned to ensure the development is carried out in accordance with the submitted details, and that if implementation is not undertaken within two years an updated survey in respect of badgers is undertaken.

In summary, the County Ecologist has been consulted on the application and is satisfied with the conclusions and recommendations reached within the submitted reports and subject to the imposition of conditions the County Ecologist raises no objections to the proposal. Overall, it is considered that the proposal would accord with the aims of Paragraphs 118 and 119 of the NPPF, the Habitats Regulations and Circular 06/05.

### **Aviation**

The Planning Practice Guidance states that authorities needs to consider the proposal's visual impact of glint and glare in respect of aircraft safety. A glint and glare report has been submitted as part of the application.

The scheme has been considered by East Midlands Airport which confirms it has no objection to the proposed development.

## Highways Issues

The existing access to the site would be utilised for construction vehicles and subsequently for maintenance vehicles. The existing access is also used by agricultural vehicles accessing other fields adjacent to the site, and by vehicles using the business units at Walnut Yard.

An area of hard standing for access and parking would be formed for use during the construction phase and subsequent maintenance activity. This would be included within one of the parcels, near to its main access. A construction traffic management plan has been submitted as part of the application and the Highway Authority have requested a condition be attached to any permission granted to ensure that construction traffic can be routed appropriately.

The County Highways Officer had originally requested that the Highway Authority would recommend that a requirement for details of the routeing of construction traffic HGVs, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA. Further discussion with the District Council took place and the County Highways Officer has verbally agreed that the matter can be dealt with via condition rather than through a legal agreement. As such, subject to the imposition of a highways condition, the proposal would be acceptable in highways terms and would comply with the provisions of Policy T3 of the Local Plan and the NPPF.

## Decommissioning

The Planning Practice Guidance advises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

It is considered that a de-commissioning condition be attached which would secure the full details of the method undertaken to remove the modules once they are at the end of their life (in addition to restoration works) and should any module which should become damaged or need to be replaced in the meantime should be carried out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. In addition, conditions relating to the installation and maintenance, including a log book to be kept, are also suggested.

## Conclusion

In conclusion, the NPPF clearly states that the purpose of planning is to help achieve sustainable development and that development that is sustainable should go ahead without delay - a presumption in favour of sustainable development should be the basis of every decision.

There is specific planning policy support for renewable energy projects at both nation and local level. In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan, as well as the fact that the NPPF does not explicitly prevent renewable energy

proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is, however, considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the potential harmful impacts.

The scheme has been assessed and is not considered to give rise to any adverse impacts upon the landscape and visual amenity of the area, drainage and flooding, areas of historical and designated landscapes, protected species, residential amenity, or aviation and nor is the scheme considered to result in any other material impacts, that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

**RECOMMENDATION: PERMIT:- subject to the following conditions:-**

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

*Reason- To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*

- 2 The relevant approved plans will be itemised on the update sheet.

*Reason- For the avoidance of doubt and in the interests of proper planning.*

- 3 The solar panels hereby approved shall not be sited higher than 3.1 metres above ground level.

*Reason- For the avoidance of doubt and in the interests of visual amenity.*

- 4 The alarm system shall be silent at all times.

*Reason- In the interests of residential amenities.*

- 5 All cables within the development site shall be set underground.

*Reason- In the interests of visual amenity.*

- 6 Notwithstanding the approved details, no development shall commence until details, including colour finishes, of the PV panels, brackets, substation, transformer units and inverter units, CCTV cameras and mounting poles, and security fencing and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained as such for the life of the development.

*Reason- In the absence of full details and in the interests of visual amenity.*

- 7 Notwithstanding the submission of amended plans no development shall commence until full comprehensive soft landscape works have first been submitted to and approved

in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) Proposed species rich grassland across the whole site;
- b) Proposed native hedgerow planting;
- c) Schedules of all planting, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate; and,
- d) Implementation and management programme.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

*Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.*

- 8 Removal and management of all hedges shall be undertaken outside the bird-nesting season March-September.

*Reason- In the interests of protected species on the site.*

- 9 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

*Reason- To prevent flooding by ensuring the satisfactory storage of, and disposal of, surface water from the site.*

- 10 No development shall commence until a method statement/mitigation plan to protect the Great Crested Newt population on site has been submitted to and agreed in writing by the Local Planning Authority, and this shall be undertaken for each phase of installation. Update surveys should be carried out should two years elapse before the start of any phase of installation.

*Reason- In the interests of protected species on the site.*

- 11 Should development not start for three years since the last survey (late 2013) an updated badger survey will be required to be submitted.

*Reason- In the interests of protected species on the site.*

- 12 Written confirmation of the date of the first export of electricity to the grid shall be provided to the Local Planning Authority within one month of the date of this taking place.



*Reason- To ensure that a record can be kept of all operational PV panels.*

- 13 The solar panels hereby permitted shall be maintained twice yearly. A log book should be kept of the maintenance of the solar panels and should be available for inspection at any time by the Local Planning Authority.

*Reason- To ensure the panels are checked and maintained in the interests of visual amenity and to ensure that that best practices are maintained.*

- 14 No development shall commence until a Removal Method Statement shall be submitted to and approved in writing by the Local Planning Authority in the event any PV module needs to be removed or replaced before the expiry of this planning permission, other than in accordance with condition 16 (decommissioning). The removal or replacement of any module shall be carried out in compliance with the approved Removal Method Statement

*Reason- To ensure best practices throughout the removal phase of the development.*

- 15 The planning permission hereby granted is for a period of 30 years from the date of the first export of electricity to the national grid. After that time the use shall cease and the PV panels and associated equipment and infrastructure shall be removed from the site in accordance with condition 16 (decommissioning).

*Reason- The planning application has only been made for a 'life span' of 30 operational years to prevent unnecessary clutter.*

- 16 No later than one year before the expiration of the planning permission, or not more than 6 months from permanent cessation of the exporting of electricity to the national grid if earlier, a Decommissioning Method Statement shall be submitted for the written approval of the Local Planning Authority. This shall include details of:-

- a) decommissioning and works for the removal of the PV panels
- b) decommissioning and works for the removal of all other ancillary equipment and structures
- c) the depth to which the PV panels and ancillary equipment would be dismantled and removed from site
- d) method of removal
- e) works for the restoration of the site
- f) timetable of works.

The Decommissioning Method Statement shall be carried out as approved.

*Reason- The planning application has only been made for a 'life span' of 30 operational years to prevent unnecessary clutter.*

- 17 No development shall commence on site until details for the routing of construction traffic HGV's have been submitted to and agreed in writing by the Local Planning Authority in conjunction with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.

*Reason- In the interests of highway safety.*

- 18 No development shall commence on site until the full details of the temporary site and construction traffic parking and manoeuvring compound and permanent maintenance vehicle parking area have been submitted to and agreed in writing by the Local Planning Authority.

*Reason- In the interests of visual amenity and protected species.*