

Installation of ground mounted photovoltaic solar arrays to provide 13.88MW generation capacity together with power inverter systems; transformer stations; internal access track; landscaping; deer fencing; CCTV and associated access gate

Report Item No
A1

Land South Of Babelake Street Packington Ashby De La Zouch

Application Reference
14/00535/FULM

Applicant:
Solstice Renewables Ltd

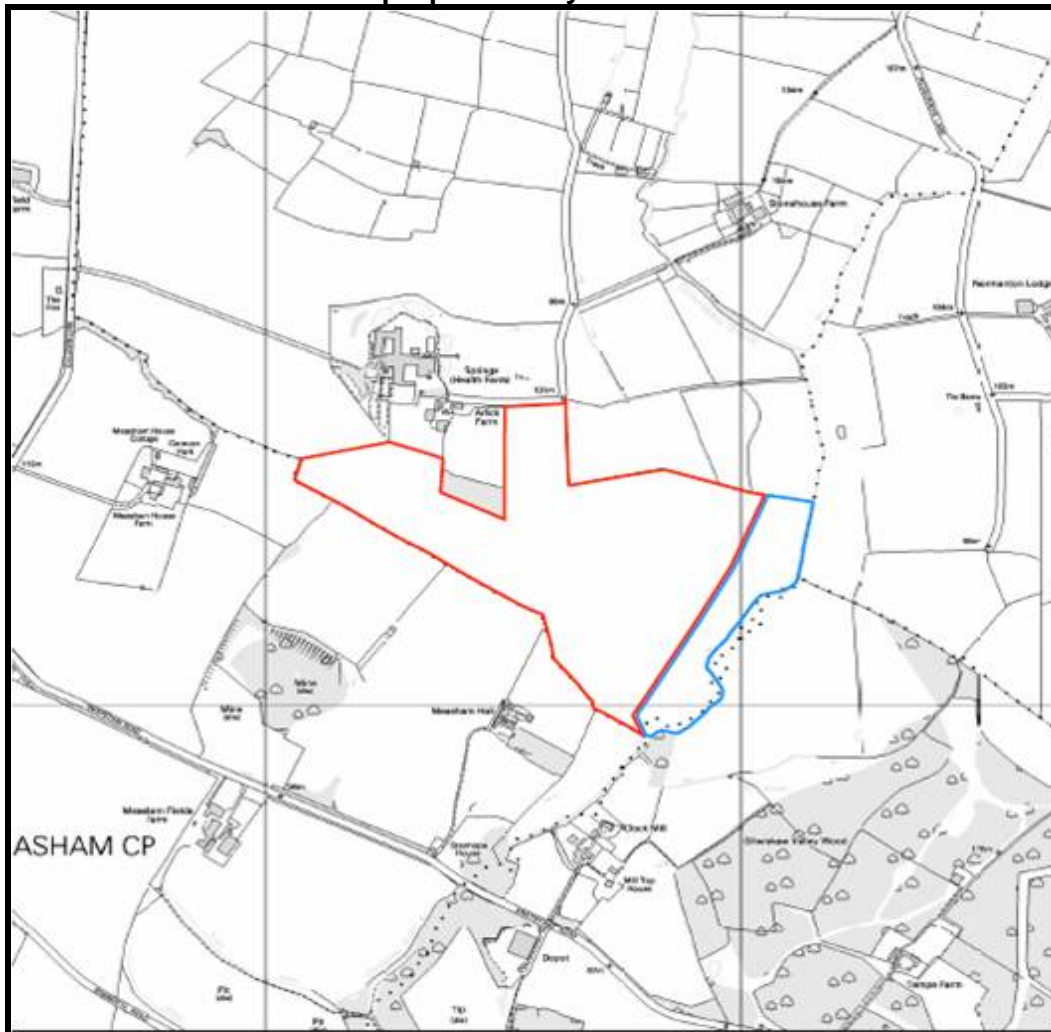
Date Registered
27 June 2014

Case Officer:
Hannah Exley

Target Decision Date
26 September 2014

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Call In

This application has been brought to the Planning Committee at the request of Councillor Nigel Smith due to the concerns of local residents about the access to the site via a single track lane with no passing points when the applicant owns land that would allow access from Gallows Lane which is a fully metalled highway.

Proposal

This is a full application for the erection of a 13.88MW solar farm over a 29.08 hectare site which is currently used as agricultural land and is used for arable farming. The scheme seeks consent for a 25 year time period.

The scheme seeks consent for the erection of 55,520 panels (with a height of 2.5m) and 7 inverter cabins, (the device which converts solar energy to electricity). The associated infrastructure also includes 1 customer substation and 1 Distribution Network Operator (DNO), 1 switchgear cabinet and the point of connection to the grid would be via existing overhead power lines to the south of the site. As the point of connection is on site, no new pylons or poles will be required to accommodate the proposal. A new access track is also proposed through the site to allow for the construction of the development and for maintenance of the panels and associated equipment during the operational phase. The scheme also proposes deer fencing to a height of 2 metres and 29 CCTV cameras to be installed alongside the deer fencing at a height of 3m around the perimeter of the site and along the routes of the public footpaths. No lighting is proposed.

Land levels generally rise across the site in a north westerly direction and vehicular access to the site is via an existing access from Babelake Street. There are two public footpaths which cross the site; footpath O67 which crosses the site from north to south and footpath 059 which cross the site from east to west. The Gilwiskaw brook, a tributary of the River Mease SAC/SSSI lies to the east of the site.

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 North West Leicestershire Local Plan. Technical reports to address agricultural land classification, heritage assets, landscape and visual impact, highway safety, flood risk, coal mining 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 report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a full application for the erection of a 13.88MW solar farm over a 29.08 hectare site which is currently used as agricultural land and is used for arable farming. The scheme seeks consent for a 25 year time period.

The scheme seeks consent for the erection of 55,520 panels (with a height of 2.5m) and 7 inverter cabins, (the device which converts solar energy to electricity). The associated infrastructure also includes 1 customer substation and 1 Distribution Network Operator (DNO), 1 switchgear cabinet and the point of connection to the grid would be via existing overhead power lines to the south of the site. As the point of connection is on site, no new pylons or poles will be required to accommodate the proposal. A new access track is also proposed through the site to allow for the construction of the development and for maintenance of the panels and associated equipment during the operational phase. The scheme also proposes deer fencing to a height of 2 metres and 29 CCTV cameras to be installed alongside the deer fencing at a height of 3m around the perimeter of the site and along the routes of the public footpaths. No lighting is proposed.

The development would consist of rows of solar panels (known as 'strings'). Each string of panels would be mounted on a rack supported by pile driven foundations, without the need for concrete foundations. The distance between the rows of panels will vary slightly (depending on the slope angles across the site) but there would generally be a distance of 6m between the rows. The height of the panels will respond to the site's topography (although would be no higher than 2.5m). The panels will be installed at a gradient of approximately 25 degrees from the horizontal and would be aligned to face south in order to maximise exposure to solar radiation. The panels will cover approximately 30% of the total site area. Land levels generally rise across the site in a north westerly direction and the Gilwiskaw brook, a tributary of the River Mease SAC/SSSI lies to the east of the site.

The application also includes landscape proposals, which includes native hedgerow and tree planting around the perimeter, an earth bund (1m high by 5m wide) to the north-western boundary of the site where there is currently no landscaping and new native hedgerow planting alongside the two public footpaths which are routed through the site. An area dedicated for biodiversity enhancements (including a wildflower meadow) is proposed to the east of the site between the edge of the development and the brook, on land within the ownership of the applicant.

Vehicular access to the site is via an existing access from Babelake Street. There are two public footpaths which cross the site; footpath O67 which crosses the site from north to south and footpath 059 which cross the site from east to west.

The site is located approximately 1km to the south of Packington and is connected to the village by Babelake Street. Measham is located approximately 3km to the west of the site. The remainder of the surrounding landscape is characterised as either agricultural or is in use for open cast mining operations associated with the Minorca open cast mine.

The site is located outside limits to development, as defined by the North West Leicestershire District Council Proposals Map, 2002.

The application submission was accompanied by the following supporting documents; Planning Statement, Design and Access Statement, Ecological Assessment, Flood Risk Assessment, Statement of Community Involvement, Landscape and Visual Impact Assessment, Heritage Desk Based Assessment, Archaeological Geophysical Survey Report, Agricultural Assessment, Tree Survey, Waste Audit, Construction Management Plan. A Landscape and Ecological Management Plan, Coal Mining Risk Assessment, Construction Environmental Management Plan and Agricultural Land Classification Report were provided during the course of the application.

Amended plans have been received during the course of the application following officer concerns about the original landscape proposals and the design of gates. Amendments to the details of the cabinets/substations proposed on the site have also been submitted by the applicant.

Relevant Planning History:-

No relevant planning history found.

2. Publicity

38 No. neighbours have been notified (Date of last notification 15 September 2014)

Site Notice displayed 30 July 2014

Press Notice published 23 July 2014

3. Consultations

Packington Parish Council Victoria Roe consulted 16 July 2014

Measham Parish Council consulted 16 July 2014

Normanton le Heath Parish Meeting consulted 16 July 2014

Nicola Land Swepstone Parish Council consulted 16 July 2014

County Highway Authority consulted 16 July 2014

Environment Agency consulted 16 July 2014

Severn Trent Water Limited consulted 16 July 2014

Head of Environmental Protection consulted 16 July 2014

Natural England consulted 16 July 2014

NWLDC Tree Officer consulted 16 July 2014

County Archaeologist consulted 16 July 2014

LCC ecology consulted 16 July 2014

Airport Safeguarding consulted 16 July 2014

NWLDC Conservation Officer consulted 16 July 2014

County Planning Authority consulted 16 July 2014

Development Plans consulted 16 July 2014

LCC/Footpaths consulted 16 July 2014

NWLDC Footpaths Officer consulted 16 July 2014

Coal Authority consulted 16 July 2014

National Forest Company consulted 15 September 2014

Coal Authority consulted 15 September 2014

4. Summary of Representations Received

Consultations:

Packington Parish Council has no objections.

Measham Parish Council has no objections.

Natural England has no objections subject to conditions.

Environment Agency has no objections subject to conditions.

National Forest Company Revised comments are awaited following the submission of amended plans.

The Coal Authority has no objections subject to conditions.

East Midlands Airport has no safeguarding objections to the proposal.

County Highways Authority has no objections to conditions and subject to a routing agreement for construction traffic being secured through a legal agreement.

County Ecologist has no objections subject to conditions.

Environmental Protection Officer has no environmental observations.

County Footpaths Officer raises no objections to the proposal.

Conservation Officer has no objections to the proposal.

No comments have been received from NWLDC Footpaths Officer, the County Archaeologist, Normanton le Heath Parish Council or Swepstone Parish Council. Any additional comments received will be reported to Members via the Update Sheet.

Third Party Representations:

A total of 38 letters of neighbour representation have been received, which can be summarised as follows:

Responses to the original submission:

4 letters of objection, raising the following concerns:

- Concern about the size and limited life of the proposed development;
- Loss of agricultural land;
- Concern about the impact on local wildlife;
- Objection to the proposed access route to the site both during the construction phase and operational phase of the development;
- Babelake Street is a quiet residential street and therefore, concerned about the impact of additional traffic, particularly large vehicles during the construction phase which would be intrusive, dirty and potentially dangerous on stretches of Babelake Street where there is no pedestrian footway;
- Beyond the built up area of Babelake Street, the road becomes narrow and concern is raised about whether it is large enough or constructed sufficiently to accommodate HGV traffic or the additional car traffic during the construction and operation phases;
- Babelake Street already serves a number of equine facilities and is used by many pedestrians, runners, horse riders and cyclists and the proposal would create dangers for these vulnerable road users, particularly along narrow sections of the road and where visibility is limited;
- Concern about pedestrians along the route into the site along the B4116 which passes

- Packington Recreation Ground used by pedestrians, particularly children and where there are only narrow footways at this point;
- Concern about how electricity will be transferred from the site as overhead wires would be visually intrusive and underground wires would incur upheaval along the route;
 - The proposal would have an adverse impact on the appearance of the countryside;
 - Given land that appears to be in the ownership of the applicant, an alternative access could be gained off Gallows Lane that would be suitable for construction vehicles, or from Swepstone Road (with the agreement of an adjoining landowner)
 - Potato lorries are rarely seen on Babelake Street and appear to use an alternative access;
 - Babelake Street is unsuitable for use in connection with the proposal due to being of single track width, its distance from its junction with Measham Road where there is a school crossing point a dangerous bridge which limits visibility;
 - The request for whether an Environmental Impact Assessment is required by the applicant and the screening opinion offered by the Council was flawed as it failed to consider the impact of Champneys Springs Health Resort;
 - No assessment of Champneys has been provided in the Landscape and Visual Impact Assessment accompanying the application submission despite a comment in the Planning Statement that existing hedges and mature trees provide visual screening;
 - No assessment of noise impact during the construction and operational phase has been carried out to Champneys as a sensitive receptor;
 - The design and layout of the solar farm does not take account the impact on Champneys and no reasoning is provided for the proposed layout;
 - No details have been provided about why this site was selected and therefore, whether there are more suitable sites available;
 - The proposal is contrary to the Development Plan as it lies within open countryside and therefore, the applicant has not demonstrated that material considerations exist to warrant planning permission being granted;
 - The proposal requires justification about site selection and why the level of energy generation is required to justify the use of the size of site proposed;
 - The sloping nature of the site will make the solar farm more visible than a flat site as normally sites with more than 5% gradient are considered unsuitable for solar farms;
 - There are no landscape proposals to screen Champneys from the proposed development;
 - The proposal is not supported by the NPPF or NPPG as the proposal would adversely impact upon Champneys and fails to provide an appropriate assessment of the impact on visual amenities;
 - If the Council is minded to approve the development in principle, changes would be required to protect Champneys Health Resort, including the shifting of the western boundary (which does not follow a field boundary) further eastwards away from Champneys and a combination of bunding (noise attenuation) and tree planting should be provided prior to the development commencing in order to protect Champneys from construction and operational nuisance;
 - The application would cause demonstrable harm to Champneys and the countryside and should be refused.

1 letter states neither objection nor support but offering the following comments:

- The site includes footpaths which should be converted to bridleways provide cycle routes between Ashby, Packington and Measham;
- Safe cycle routes between communities should be a Council priority;

29 letters of support have been received from occupiers of nearby settlements and beyond

stating support for the following reasons:

- The application is well thought out and well screened due to land topography and hedgerows and will have a minimal visual impact;
- It is a good use of low grade agricultural land which can be used for sheep grazing in winter;
- The improvements to biodiversity and wildlife habitats proposed will enhance the local ecology;
- The proposal would make contribution to local and national energy targets;
- The package of community benefits over the lifetime of the solar farm is welcomed;
- The community will have an opportunity to directly invest in the solar farm when complete;
- The development is temporary and the agricultural land can be completely restored and the agricultural land improved;
- Positive contribution to addressing climate change and global warming - the proposal will supply clean energy to 3,900 homes and save approximately 7,000 tonnes of greenhouse gas, CO2 from polluting the atmosphere every year;
- Agreement of restricted access should deal with worries about local lorry movements;
- The proposal will provide an additional source of income for the farmer;
- The soil is grade 4 and suited to grain/grass, the proposal would result in limited loss of food production;
- Wildlife and the River Mease will benefit from the low input requirements of the proposed use;
- The development will enhance local footpaths;
- The proposal will raise the profile of renewable energy in the local community and may encourage domestic solar schemes;
- The site is ideally located and should not conflict with the amenities of local residents;
- The issue of electricity storage needs to be resolved to make such developments more effective;

Within those letters of support 18 were identical (including 5 without address details) and 11 were bespoke responses. One letter received was from Packington and the remainder were from the occupiers of nearby settlements and beyond.

One letter of support has also been received from Green Fox Community Energy which is a non-profit social enterprise founded in 2012, which supports community ownership and governance of projects to generate renewable energy, reduce carbon emissions and mitigate future climate change, diversify energy supply and reduce the impact of escalating energy prices.

Responses to the amended/additional information:

Four letters of objection have been received from the owners and employees of the nearby Health Resort raising the following additional objections:

- The proposed landscaped earth bund would not address concern about the impact of the development the nearby Health Resort;
- The western most section of the application site is Grade 3a and should not be developed for a solar farm. The remainder of the site is Grade 3b, which is not poor but medium quality and therefore, the whole of the site should not be developed.
- The assertion that the development of the site is not significant development of agricultural land is incorrect.
- There is no evidence submitted with the application to support the choice of location and all relevant brownfield/non-agricultural land should have been considered first (including smaller sites as the size of solar farms is not fixed);

- Any community/financial contributions should be subject to a legal agreement and meet the CIL tests;
- The solar farm is the same size as the settlement of Packington;
- No assessment of solar glare has been undertaken;
- The Council's Planning Committee should visit the nearby Health Resort as part of its Committee site visit to appreciate the adverse impacts on the neighbouring site;
- A request has been made for the application to be called-in to be considered by the Secretary of State;
- The development is contrary to the Development Plan and in the absence of any material considerations, permission should not be granted;
- The development would put jobs at risk at the nearby Health Resort due to the adverse impact on the business arising from the unsuitable nature of the development in a rural location which will adversely affect the business and the experience it creates for its customers.

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:

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- o 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
- o 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:

- o always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- o 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;
- o 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);
- o 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;

- o 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:-

- o have a positive strategy to promote energy from renewable and low carbon sources
- o 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
- o consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
- o support community-led initiatives for renewable and low carbon energy, including development outside such areas being taken forwards through neighbourhood planning; and
- o 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:-

- o 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
- o 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:

- o 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;
- o 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:

- o avoid noise from giving rise to the significant adverse impacts on health and quality of life as a result of new development;
- o 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;
- o 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 S1 sets out 13 criteria which form the strategy for the adopted 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 F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

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;

River Mease Water Quality Management Plan - 2011

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition;

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, impact upon the visual landscape, impact upon residential amenity, impact on the historic environment, drainage and flood risk, impact upon the River Mease SAC/SSSI, impact upon protected species, archaeology, highway safety, footpaths, aviation, coal 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 Policy S3 of the Local Plan.

The proposal represents a diversification opportunity for an existing arable agricultural operation. 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 solar farm is estimated to generated 13.88 megawatts of renewable energy, to power approximately 3,900 homes.

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 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. Accordingly whilst there is no in-principle objection to the use of the panels, this must be carefully balanced against all other planning matters being adequately addressed.

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, poor quality land should be used in preference to that of a higher quality.

The application has been accompanied by an Agricultural Land Classification Survey Report which confirms that 6.51 hectares (22.38%) is classified as Grade 3a, 22.33 hectares (76.78%) is classified as Grade 3b with the remaining 0.24 hectares (0.82%) being non-agricultural.

Accordingly the majority of the site is land which is not of the highest quality, with just over one fifth being Grade 3a and, therefore, the preference has been to predominantly use the lower quality land. It is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of Best and Most Versatile (BMV) would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). In this case, the development would result in the temporary and reversible loss of 6.51 hectares of BWV land. It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process, which in this case would be small in scale, temporary and 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 are not used for grazing, however, the submitted details confirm that the solar farm will enable the farmer to diversity activities whilst maintaining the site as grassland (with potential for sheep grazing and wild flower seeding, as well as improvements in soil quality and biodiversity). An additional area of land adjacent to the development site is also proposed for biodiversity improvements.

Whether or not the grazing of sheep takes place 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.

Whilst the comments of the neighbouring Health Spa in respect of consideration of alternatives site are noted, overall it has been demonstrated that the land is not of high environmental value, and that the proposal could allow for continued agricultural use. Furthermore the scheme encourages biodiversity improvements, in conformity with the advice within the Planning Practice Guidance.

Impact upon the Visual Landscape

As discussed earlier in this report the application site in policy terms lies outside the limits to development, and is therefore within an area designated as countryside.

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. Paragraph 98 of the NPPF also states that when determining wind turbine planning applications, local planning authorities should "approve the application if its impacts are (or can be made) acceptable."

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 Natural England's Landscape Character Area of the Leicestershire and South Derbyshire Coalfield (National Character Area (NCA) 71) and some of its key characteristics include mixed and arable pasture, gently undulating landform of shallow valleys and ridges and localised areas of small fields and dense hedgerows. NCA71 provides the overriding landscape features and characteristics of the site within a wider landscape context, a more localised assessment of character can be found within the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy of 2001 by Leicestershire County Council.

The site would lie within 'The Coalfield' Character Area identified in the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy and within the 'Enclosed Farmlands' Character Area identified in the National Forest Strategy. The Coalfield is distinguished by a denser settlement patterns than almost any other part of Leicestershire. Whilst it is recognised that there is a distinctive landscape character found to the very north east of 'The Coalfield' area towards Coleorton, most of the area is characterised by a gently undulating landform. The area is characterised as having relatively dense settlement patterns, mixed farmland with low woodland cover and effects of past and present coal and clay working.

It is also considered that the lack of any statutory landscape designations on or around the site is significant in assessing the level of harm arising from the proposal, although it is noted that the site lies within the National Forest. As such, although it is acknowledged that the land in question is current undeveloped and there would be some change to the landscape character of the site, this is not considered to be significant or permanent and that the landscape could accommodate the solar farm proposed without its overall character being significantly harmed.

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. The application has been accompanied by a Landscape and Visual Impact Assessment including a Zone of Theoretical Visibility Map.

The Zone of Theoretical Visibility Map identifies that the site would be potentially visible from areas beyond the immediate site area - predominantly to the north up to Packington and to the east up to Normanton le Heath and to a lesser extent to the south and west of the site where theoretical views would be more sporadic from Measham, Snarestone and Swepstone.

The submitted documentation identifies three residential properties as being the nearest residential properties with a potential views of the solar farm. These are Measham Hall to the south, Arlick Farm to the north and Stonehouse Farm to the north-east. A Spa Health Resort also exists to the north of the site and there are other residential properties further south (Clock Mill and associated dwellings) and to the west of the site (Measham House Farm and associated dwellings).

The site forms part of one larger field and following the proposed introduction of hedgerows alongside the existing footpath routes which cross the site, the solar farm proposal would divide the site into four parcels of land. It was originally proposed to plant new hedgerows along both sides of the public footpaths but these were removed from one side of the footpaths following concerns raised by officers that the narrow hedgerow enclosures created would not be characteristic of the locality and would also restrict views from the footpaths of the open countryside. The single hedgerows are now proposed in locations where it would not be unusual to find a field boundary. The site forms part of a larger field and the existing boundary to the north-west of the site is currently open. A new earth bund topped with hedgerow planting is proposed along this boundary where land levels are at their highest to assist the assimilation of the development into the rural landscape.

Although, the proposed development would divide an existing field and the site would be divided into four parcels of land, it would respect existing hedgerow boundaries and any new parcels created as a result of new hedgerow planting would be sympathetic to the character of field systems in the locality.

The panels would mirror the undulating topography of the site which slopes upward gently to the north-west. The development is also considered to be low level in height, in comparison to the existing hedgerow boundaries and existing, established woodland planting to the north of the site. New hedgerow planting and an earth bund are proposed to address areas where there are gaps in existing landscaping or where landscaping does not exist. Overall it is considered that the topography of the land, combined with the existing and proposed planting proposals would provide natural screening to large parts of the site.

Taking into account the zone of theoretical visibility, photomontages and the topography of the land, it is considered that the greatest visual impact from the solar farm is from the public

footpaths routed through the site, from the north of the site, when travelling along Babelake Street and Redburrow Lane and from the nearest residential dwellings with the most immediate visual impact being from Arlick Farm, Stonehouse Farm and Measham Hall. There would be some more limited views of the site from other residential properties and from the nearby Spa Health Resort. It is noted that the panels would be clearly visible from the public footpaths which are routed through the site but this would short-term as users of the footpath pass approach/ pass through the site, and would not be significantly detrimental to the overall experience of the wider countryside.

During the course of the application, plans have been submitted to show improvements to the existing hedgerow around the perimeter of the site and an earth bund is now proposed along the north western boundary of the site where there is currently no planting. The additional landscaping proposals would ensure that actual screening would be enhanced and improved upon, thereby helping to mitigate any adverse impact on views into the site. On this basis it is considered that the landscape and visual impacts can be mitigated through the proposed planting proposals, in accordance with the Planning Practice Guidance.

Objections have been raised from a neighbouring commercial use (Spa Health Resort) regarding the visual impact of the solar farm upon the commercial site. The Health Resort site is generally separated from the site by agricultural land, neighbouring land uses and existing/proposed hedgerows, although the southern tip of the Health Resort site does meet the site boundary. Glimpses of the site would be visible from gaps in vegetation along the southern boundary of the health resort site (which is in use as a car park) and the objector also advises that views of the site are available from first floor windows at the Resort. However, it is considered that the presence of intervening land uses and existing/proposed landscaping would help mitigate any significant adverse impact on views into the site from the Health Resort.

Landscaping and Impact upon Trees

The scheme proposes the retention of existing trees along existing hedgerow boundaries and an isolated tree within the site adjacent to the eastern boundary of the site. There is sufficient separation distance between the trees and the panels to ensure that there are no adverse impacts upon the existing trees.

The proposed landscaping scheme has been considered by the National Forest and the County Ecologist who are generally satisfied with the information submitted. It is recommended that the precise details of landscaping be secured by condition to ensure it is implemented as envisaged and maintained for a period of five years from the date of planting.

Summary: Impact upon the Visual Landscape

Given the relatively low level of the panels, combined with existing and proposed landscaping, it is considered that the panels would not be visually prominent within the landscape and there are not considered to be any adverse impacts arising from the siting of the development on either the character of the surrounding countryside or landscape.

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, within this area of the District are currently being considered

on land at Land between School Lane, Normanton le Heath and Ashby Road, Ravenstone (14/00786/FULM), Prestop Park Farm, Burton Road, Ashby de la Zouch (14/00635/FULM) and a site at The Paddocks, Bowleys Lane, Appleby Magna (14/00583/FUL).

When having regard to the relatively low level nature of the solar farms and intervening topography, combined with the distances between this site, and the nearest other proposed solar farm, 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

To the south of the site, there are 13 residential properties off Swebstone Road, the closest being Measham Hall (135m from the site) and Clock Mill (180m from the site). To the north is Arlick Farm (separated from the site by existing farm buildings and farmland) and Oakwood Bungalow (with its garden being 65m from the site). Further afield to the north/north-east are Stonehouse Farm and Normanton Lodge Farm. To the west is Meahsam House Farm, along with Measham House Cottage and The Cottage (205m from the site). Although not a residential dwelling, a Spa Health Resort is also located to the north-west of Arlick Farm and Oakwood Bungalow.

All of the neighbouring properties are separated from the site by intervening agricultural land, and it is considered that the dwellings and Spa are located at sufficient distance away from the site in order to prevent any significant impacts arising from the development.

In respect of noise, the substation and inverters would generate some additional noise but any additional noise would be mitigated through insulation within the equipment. Furthermore, the inverters do not operate outside of daylight hours, therefore at the most sensitive times i.e. night time when people are trying to sleep, the inverters would not be in operation. Furthermore, any alarm system for security purposes could be silent, and it is recommended that a condition to this affect be imposed.

With respect to concerns raised about noise and disturbance associated with vehicular movements during the operational phase of the development, when having regard to the limited number of vehicular movements that will be required (one visit per week), it is not considered that any significant adverse impacts would arise.

Whilst concern has been raised about noise and disturbance during the construction phase, this would be subject to Environmental Health legislation and, therefore, is not a planning matter to be considered in the determination of the application.

As such, it is not considered that there would be any significant adverse impact on neighbouring 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.

There are five Grade II listed buildings within a kilometre of the site but none within the site. The closest listed buildings are Stonehouse Farm and its stables and outbuildings to the north of the site off Babelake Street, Tempe Farm to the south east of the site, and Measham House

Farm and Field Farm to the west of the site. Consideration of the potential impact on the setting of these heritage assets must therefore be considered.

The application has been accompanied by a Heritage Desk Based Assessment which considers heritage assets within 1km of the site, which includes the above-mentioned listed buildings. With the exception of Stonehouse Farm, when having regard to views to and from the site and these buildings, and when considering from where the listed buildings are best experienced, the report concludes that the site does not form part of the setting, which contributes positively to the significance of these listed buildings. With respect to Stone Farmhouse, the report considers that the setting contributes to the significance of Stonehouse Farmhouse through its sense of privacy as well as its prominence on high ground and the long range views it has across the lower rural landscape to the south east, a landscape that has remained a constant feature to the asset since its construction. The development may have a small impact upon the key long range views from the asset to the south-east as the north-eastern corner of the site will be visible. However, this impact is limited by the small part of the site that will be seen compared to the wide range views as well as the long distance and hedgerow/trees located between the site and the farmhouse.

The report also includes consideration of the Grade II* Church of St. Peter at Swepstone which is located 1.6km from the site and is visible from the site but due to the lack of visibility of the site from ground level at the church site, it was concluded that the site does not form part of the setting of the listed building. Furthermore, it was considered that the site would not impact upon the experience of the listed building, which is best appreciated from the churchyard and the village of Swepstone.

The nearest Conservation Areas are at Packington and Measham which are located some distance from the site and given the distance, topography and intervening land uses, it is not considered that the site would form part of their setting.

The Council's Conservation Officer has been consulted on the application and is satisfied that the proposals would have no impact on the setting of nearby heritage assets, and therefore, has no objection to the proposals. In the circumstances that the Council's Conservation Officer raises no objection to the conclusions of the submitted heritage assessment, it is considered that its findings can be supported and are an accurate assessment of the potential effects.

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 equivalent to that required to provide 3,900 homes per year with electricity and 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 site itself is located within Flood Zone 1, which is in an area recognised as being at low risk of flooding. A piece of land to the east of the site that is within the ownership of the applicant and proposed for biodiversity enhancements lies within Flood Zones 2 and 3 but this does not

form part of the application site. A minor watercourse (the Gilwiskaw Brook) lies to the east of the site.

The application has been accompanied by a Flood Risk Assessment (FRA) which has been considered by the Environment Agency.

The Environment Agency originally objected to the scheme on the grounds that the FRA did not provide a suitable basis for assessment to be made of the flood risk arising from the development. During the course of the application the applicant has produced additional information and re-consultation has been undertaken with the Environment Agency. The Environment Agency have considered the additional information and have removed their objection from the scheme and have recommended a condition requiring further details of the management of surface-water run-off to be agreed prior to the commencement of development.

In summary, 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.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI):

The Gilwiskaw brook, a tributary of the River Mease SAC/SSSI lies to the east of the site.

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The application has been accompanied with a River Mease SAC Impact Assessment Report. The scheme has been considered by the Environment Agency who raise no objection subject to the imposition of a note to applicant concerning pollution prevention measures during construction and subsequent to the development.

Natural England has also been consulted on the application, and has no objections subject to a condition concerning the recommendations in the submitted Construction and Management Plan concerning a buffer zone between the site and the Gilwiskaw Brook and pollution prevention measures being implemented. On this basis, Natural England are satisfied that the River Mease SAC/SSSI can be protected during the construction of the solar farm.

Given these circumstances it can therefore be ascertained that the proposal will not alone or in combination with other developments, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Protected Species and Ecology

The application has been accompanied by an Ecology Survey which has been considered by the County Ecologist who is satisfied with the submitted survey and has no objections to the scheme. The County Ecologist advises that the land is currently in arable use and the proposed development is likely to increase the biodiversity value of the site. It is noted that no habitats of

note or species requiring conservation measures or mitigation were identified, apart from boundary features. Some of the boundary hedge species are species rich, and designated as candidate Local Wildlife Sites but if buffer zones of natural habitat of at least 5m are retained between the hedges and the installation, the hedgerows will not be impacted upon by the development. The proposal for a strip of species rich wildflower grassland adjacent to the Gilwiskaw Brook is also welcomed by the County Ecologist.

The County Ecologist is satisfied that the layout protects boundary features and adjacent habitat of ecological value through buffer zones and biodiversity enhancements. The County Ecologist requests that the recommendations in the Ecology Survey and layout plan are conditioned to ensure the development is carried out in accordance with the submitted details.

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.

Archaeology

The application has been accompanied by a Heritage Desk Based Assessment. The County Archaeologist has been consulted on the application but at the time of writing this report, comments were awaited. Therefore, Members will be informed of any comments received via the Update Sheet.

Aviation

The Planning Practice Guidance states that authorities need to consider the proposal's visual impact of glint and glare in respect of aircraft safety. East Midlands Airport has considered the scheme and have no safeguarding objection to the proposal.

Highway Safety

A number of local concerns have been raised about the suitability of Babelake Street to accommodate the vehicles required both during the construction and operational phases of the development and potential conflict between vehicles and other road users. These are summarised in the representations section of the report.

The application was accompanied by a Construction Traffic Management Plan and this has been considered by the County Highway Authority (CHA). The supporting information confirms that given the proximity of the site to the B4116 and the A42, construction vehicles and deliveries will be carried out outside of peak hours. A maximum of 50 construction workers are anticipated to be on site during peak times during the construction period, and a temporary compound will be provided within the site to provide on-site parking during the construction phase. The construction period will include the use of HGV's to bring the equipment onto the site but abnormal load vehicles will not be required. It is anticipated that five deliveries a day (Monday to Saturday) would be required by large vehicles over a 2 month build period. In addition to the HGV movements, there would also be a small number of vehicle movements by smaller vehicles, such as for the collection of skips for waste management and the transporting of workers and sub-contractors. During the operational phase, one visit to the site per week would be required for equipment maintenance and monitoring and these would typically be made using a small van.

The County Highways Authority has been consulted on the application and advises that they would normally seek to resist a proposal that could lead to an increase in traffic using Babelake

Street, which is unsuitable in its width and design to cater for such an increase. However, on the basis that following the construction phase, the proposal is unlikely to lead to a significant increase in traffic above the existing level, the County Highways Authority considers the development to be acceptable. Therefore, subject to the imposition of conditions including the agreement of a route for construction traffic, the County Highways Authority raises no objection to the proposal.

It has been suggested by local residents that there may be alternative ways to provide access to the site within land in the ownership of the applicant. In the absence of any objection from the County Highways Authority, it is not considered that a request for an alternative means of access to the site could be justified.

The proposal is considered acceptable from a highway safety viewpoint and would comply with the provisions of policies T3 and T8 of the Local Plan.

Footpaths

There are two public footpaths which cross the site; footpath O67 which crosses the site from north to south and footpath O59 which cross the site from east to west. The scheme has been considered by the County Footpaths Officer who advises that the footpaths as shown on the amended plan are consistent with those shown on the Definitive Map. Subject to a note to applicant, the County Footpaths Officer has no objection.

Coal

At the request of the Coal Authority, a Coal Authority Risk Assessment was provided during the course of the application and this has been considered by the Coal Authority. The Coal Authority raise no objection subject to a condition requiring that site investigation works are undertaken prior to the commencement of the development.

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 become damaged or need to be replaced in the meantime, it 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.

Letters of Representation

In respect of other objections received which have not already been addressed within the report above:-

It is acknowledged that the owners of the adjacent Health Resort consider that the proposed development would adversely affect their business by virtue of a perceived impact on the experience of customers using the Resort and the surrounding countryside. However, when having regard to the scale, nature and relationship of the proposals with the neighbouring land use, and that the proposal would not raise any significant adverse impacts with respect to noise or highway safety (except for a limited during the construction phase) or adversely affect the visual amenities of the site or its surroundings, it is the view of Officers that the proposal would not have any significant adverse impact on the business. Notwithstanding this, any impacts

would also need to be balanced against the environmental benefits of the scheme.

A number of comments have been made by supporters and objectors of the proposal about a package of financial benefits that would be available over the lifetime of the solar farm for local schools and the local community generally. Members are advised that no such financial benefits are proposed as part of this development and therefore, these are not a material consideration in the determination of this application.

In respect of concerns about a lack of assessment of solar glare (reflected sunlight), the finish of the solar panels are specifically designed to absorb the energy from the sun and not reflect it and, therefore, it is not considered to be likely result in significant reflected light. This matter is covered in the Planning Statement accompanying the application submission.

An objector to the application considers the screening opinion provided by the Authority to be flawed. However, Officers remain of the view that an Environmental Impact Assessment is not required for the proposed development.

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 national 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 the 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 significant adverse impacts upon the landscape and visual amenity of the area, drainage and flooding, effect on the internationally important interest features of the River Mease SAC, and features of special scientific interest of the River Mease SSSI, 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 proposed development shall be carried out strictly in accordance with the following

- schedule of plans, unless otherwise required by a condition of this permission:
- Drawing no. BRS.5081_05-1 (Site Location Plan) received by the Authority on 27 June 2014;
 - Drawing no. CASF440AA_02 (Substation detail) received by the Authority on 27 June 2014;
 - Plan No.10 (Park Farm Deer Fence Elevations) received by the Authority on 27 June 2014;
 - Plan No. 8.0 (Park Farm Pre Cast Switch Substation (Transformer) received by the Authority on 27 June 2014;
 - Plan No, 6.0 (Park Farm Deer Fence Elevations as shown on Fig 2 only) received by the Authority on 27 June 2014;
 - Plan No. 5.0 (Park Farm Table Elevations) received by the Authority on 27 June 2014;
 - Drawing no. REV#1 06-02-2014 (50m Static IR Camera Past Equipment Mounting) received by the Authority on 27 June 2014;
 - Plan No. 9.0 (Park Farm Footpath Plan) received by the Authority on 27 June 2014;
 - Drawing no. BRS.5081_04-A (Tree Retention/Removal Plan and Tree Protection Plan) received by the Authority on 27 June 2014;
 - Drawing no. I005(01)-29-01-0 (WPD 33kv GRP Substation - Switchroom Details) received by the Authority on 28 July 2014;
 - Drawing no. I009(01)-29-01-0 (Client Substation) received by the Authority on 28 July 2014;
 - Drawing no. BRS.5081_11-C (Site Layout and Planting Proposals) received by the Authority on 08 September 2014;
 - Drawing no. GM-200 Rev C (Access Track Section Details) received by the Authority on 08 September 2014;
 - Drawing no. ALL-002 (Proposed Gate Detail) received by the Authority on 08 September 2014;
 - Drawing entitled Customer Substation (CSS) (Revision 5) received by the Authority on 08 September 2014;
 - Plan no. 1.0 (Park Farm Site Layout Plan) received by the Authority on 08 September 2014;
 - Drawing no. BRS.5081_14-A (Landscape and Ecological Management Plan) received by the Authority on 08 September 2014;

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

- 3 No development shall commence on site until the further research and site investigation works as outlined in the submitted Coal Mining Risk Assessment has been carried out. In the event that the site investigations confirm the need for remedial works or any other mitigation measures to ensure the safety and stability of the proposed development and/or special foundations, the works shall be carried out in full prior to the first export to the grid, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the stability of the development, having regard to the comments of the Coal Authority and good engineering practice.

- 4 The development shall be carried out in accordance with landscaping proposals set out on drawing no. BRS.5081_11-C (Site Layout and Planting Proposals) supported by the details provided in the Landscape and Ecological Management Plan both received by the Authority on 08 September 2014, and be carried out within the first planting season following the first export. No development shall commence until details of the proposed landscaped earth bund (including landscaping) along the north-western boundary of the

site have been submitted to and agreed in writing by the Local Planning Authority., and the development shall be carried out in accordance with the agreed scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees, shrubs, hedgerow or grass which die or are damaged, removed, or seriously diseased shall be replaced by trees, shrubs, hedgerow or grass 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.

- 5 No work shall commence on site until the existing trees and hedgerows on the site have been securely fenced off with protective barriers to form a construction exclusion zone in line or at a distance greater than the Root Protection Areas as shown on drawing number BRS.5081_03_A and in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.

Reason- To ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 6 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.

- 7 The solar panels hereby approved shall not be sited higher than 2.5 metres above ground level.

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

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

Reason- In the interests of residential amenities.

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

Reason- In the interests of visual amenity.

- 10 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.

- 11 No development shall commence until a Removal Method Statement has been 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 25 (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.

- 12 Notwithstanding the approved details, no development shall commence until details of the 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.

- 13 No development shall commence on site until details for the routing of construction traffic (HGV's) has 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.

- 14 No development shall commence on site until the full details of the temporary site and construction traffic parking and manoeuvring compound, along with wheel cleansing facilities and permanent maintenance vehicle parking area, along with a timetable for their provision has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason- In the interests of visual amenity and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 15 No development shall commence on site until details of access arrangements have been submitted to and agreed in writing by the Local Planning Authority. The agreed access details shall have been provided on site prior to works commencing on the installation of the solar panels and associated equipment.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 16 No development shall commence on the development hereby permitted until the access drive and any turning space has been surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary.

Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 17 Before the development commences, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 18 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as to open inwards only.

Reason - To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 19 The development shall be carried out in accordance with the Ecological Enhancements set out in section 6.5 of the Ecological Survey by MWA Ecological Consultants (dated May 2014), unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of protected species and enhancing biodiversity on the site.

- 20 A distance of at least 5m shall be provided between the proposed security fencing and existing boundary features.

Reason - In the interests of protecting existing features of ecological importance on the site.

- 21 The development hereby permitted shall be carried out in strict accordance with the Landscape and Ecological Management Plan by MWA Ecological Consultants (dated August 2014) and the Construction Environmental Management Plan by Pegasus dated August 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the River Mease SAC/SSSI during the development phase of the solar farm.

- 22 No development shall commence until such time as a scheme to manage any potential effects and provide betterment for surface water runoff and mitigate against sediment mobilisation from the development has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reasons - Solar farms have the potential to change the run-off characteristics of Greenfield sites. As such, the development should incorporate best practice measures to ensure that any potential implications on surface water runoff and sediment mobilisation are reduced as far as possible.

- 23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To protect and improve the quality of 'Controlled Waters' receptors on and in the vicinity of the site.

- 24 The planning permission hereby granted is for a period of 25 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 25 (decommissioning).

Reason- The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter.

- 25 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.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

- 2 The applicant's attention is drawn to the following comments of the County Highways Authority:

This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -

- For 'major' accesses - see Part 6 of the "6Cs Design Guide" at www.leics.gov.uk/6csdg
- For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.

If you intend to provide temporary directional signing to your proposed development, you

must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign in the Highway. It is likely that any sign erected in the Highway without prior approval will be removed.

Before you draw up a scheme, the Area Managers' staff (contacts as below) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work (telephone 0116 3050001).

Public footpaths cross the site and must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

With respect to condition 13, the applicant will be required to meet with a representative of the Highways Manager of Leicestershire Highways to carry out an inspection of the roads within the routing agreement, including a video survey, in order to agree the condition of the highway. Prior to completion of the development, the Applicant will be required to meet with a representative of the Highways Manager of Leicestershire Highways and shall repeat the inspection and video survey of the roads within the routing agreement in order to agree what highway works are required as a consequence of the proposed vehicle movements. Within 28 days of the completion of the development, the Developer will be required to provide the agreed works to the highway to a specification provided by and to the satisfaction of the Leicestershire County Council.

- 3 The applicant's attention is drawn to the following notes of the County Footpaths Officer:

The applicant will be responsible for ensuring that footpaths O59 and O67 which cross the application site remain usable at all times and that free access can be exercised safely by pedestrians, while works associated with the development are being undertaken. In view of the close proximity of the proposed development to the rights of way, particular attention should be given to ensuring that no materials are stored on the lines of them and that no Contractors' vehicles are parked either along or across them. Any damage that may be caused to the surface of the footpaths which is directly attributable to works associated with the development, will be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority.

No additional structures including stiles, gates or other barriers either of a temporary or a permanent nature, should be placed across the routes of any of the public rights of way without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

- 4 The applicant's attention is drawn to the comments of the Environment Agency as detailed in their response dated 08 September 2014.

In addition and with respect to condition 22, the applicant's attention is drawn to the following comments of the Environment Agency:

In seeking to discharge any surface water drainage condition, the following should be considered:

- The introduction of impermeable areas within the development should be minimized wherever possible. All access tracks should be permeable.
- Any surface water attenuation volume provided (e.g. swales and cut off ditches)

should take into account the site specific circumstances.

- Management of the land, including grass seeding, planting, grazing and restricted vehicle movements (in line with proposals set out in the Flood Risk Assessment) should be considered and confirmed. Vehicle movements in particular can increase soil compaction leading to reduced infiltration/ increased surface water runoff.
- Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.

- 5 With respect to condition 4, it is noted that there is a conflict between the approved site layout and planting proposals plan and the LEMP due to proposed hedgerows being removed from one side of the footpaths routed through the site during the course of the application. For clarification, the content of the LEMP with respect to the two hedgerows should apply to the single hedgerows shown on the site layout and planting proposals plan.