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**Temporary change of use of land from agriculture to a solar farm with continued agriculture and associated infrastructure.**

**Report Item No  
A6**

**Site Opposite Ashby Rugby Club Nottingham Road Ashby De La Zouch Leicestershire**

**Application Reference  
14/00862/FULM**

**Applicant:  
Ms Emma Siddons**

**Date Registered  
26 September 2014**

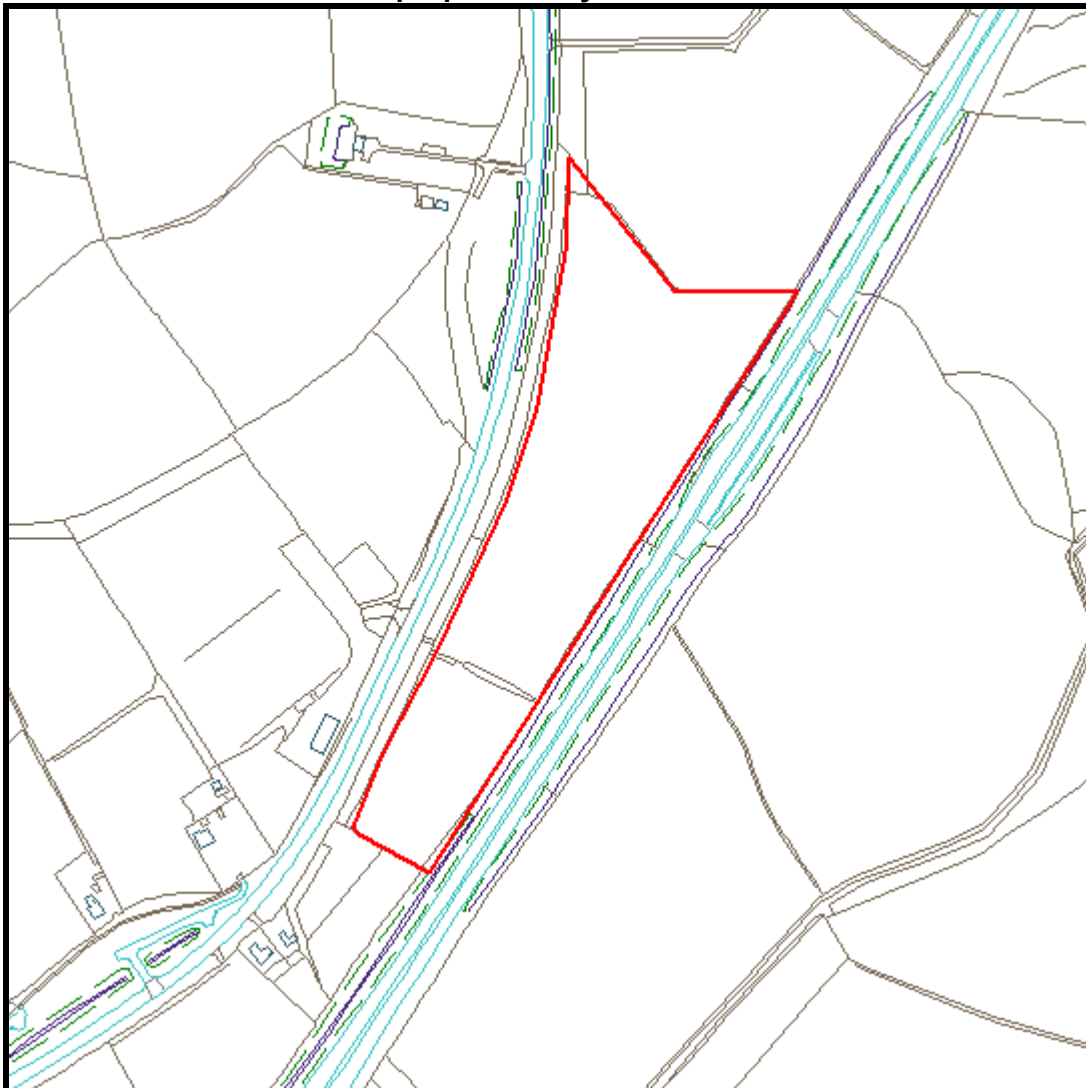
**Case Officer:  
Sarah Worrall**

**Target Decision Date  
26 December 2014**

**Recommendation:  
PERMIT**

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**Site Location - Plan for indicative purposes only**



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

### **Call In**

This application has not been called in but is brought to the Planning Committee for consideration since Councillor Blunt is an agricultural tenant of the site.

### **Proposal**

This is a full application for the erection of a 2.8 MW solar farm over a 5ha site. The application information submits that the site would essentially be split into two parcels with the access way separating the parcels. Modules would be fixed to arrays that would be arranged in a linear form down 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.2 inverter cabins and No.1 transformer cabin towards the western boundary. Security fencing would be required in addition to CCTV cameras as part of the scheme. Revised information of surface water drainage plans was submitted on 14 November 2014 and comments from the Environment Agency on the plans are awaited.

### **Consultations**

Members will note that no representations from local residents have been received. All statutory consultees, with the exception of the Environment Agency at the time of writing this report, 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, or flora and fauna. The impact on surface water drainage will be assessed by the Environment Agency and reported on the Update Sheet. 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, revised Environment Agency comments, and subject to no objections being received prior to the expiry of the site notice on 7 December 2014**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **Main Report**

### **1.Proposal and Background**

This is a full application for the erection of a 2.8MW solar farm over a 5ha site which is currently used as agricultural land. The site slopes down from east to west and borders the A42 on the eastern boundary. A small parcel of agricultural land adjoins the site to the south and Lount Meadow woodland is situated to the north of the site. Nottingham Road borders the western boundary of the site. The land is rough pasture ground

The solar farm would be comprised of 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 2.5m at the top of the panel.

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.

No.2 inverter units, and No.1 transformer cabin, would be required as part of the proposal and these would be dispersed along the western boundary of the site with one inverter to serve each parcel and the switchgear unit to serve the site. No details of the cabins have been submitted but these are typically some 6m long x 3m wide with a height of some 3m. The submitted plans show that these would be situated towards the western boundary which is well screened with mature hedgerow and trees.

Fencing around the site is required for security purposes and deer fencing is proposed around the site. The site would have a gated access, and the vehicular access to the site would be from Nottingham Road. A construction compound and parking area would be formed within the development site, and the parking area would be retained for future maintenance vehicles.

A planning statement including a design and access statement and statement of community involvement, a landscape and visual appraisal, an ecological appraisal and protected species surveys including a Phase 1 habitats survey and a Phase 2 Great Crested Newt survey, an archaeological assessment, a geophysical survey, a flood risk assessment and River Mease SAC statement and coal mining risk assessment have been submitted as part of the application.

Revised information was submitted on 11 November 2014 requesting consideration of the removal of the boundary trees and vegetation. Following discussions with the District Council this information was retracted on 18 November 2014 and is not for consideration as part of the current application.

### **Planning History**

There is no relevant planning history for the site

### **2. Publicity**

8 no. neighbours have been notified.

Site Notice displayed 13 October 2014

Press Notice published 22 October 2014

### 3. Consultations

Ashby De La Zouch Town Council consulted 113 October 2014  
Head of Environmental Protection  
County Highway Authority  
Environment Agency  
Severn Trent Water Limited  
Natural England  
NWLDC Tree Officer  
County Archaeologist  
LCC ecology  
Airport Safeguarding  
South Derbyshire District Council

### 4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

**Ashby de la Zouch Town Council** - supports the application.

**East Midlands Airport** - no comments received.

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

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

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

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

**Natural England** - no objection.

**NWLDC Environmental Protection Officer** - no comments received.

**NWLDC Tree Officer** - no objection subject to the existing boundary trees and vegetation being retained.

**Severn Trent Water Limited** - no comments received.

**South Derbyshire District Council** - no objection to the proposal.

**South Derbyshire District Council** -

### Third Party Representations

The Statement of Community Involvement advises that a public exhibition was held at Ashby Town Council on 11 September 2014. 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**

**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 an 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 scheme proposes a 2.8MW solar farm which would provide enough electricity for an average consumption for 500 dwellings.



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 site is identified on the Natural England ALC maps as being Grade 4 land which is poor. As such, the site does not comprise BMV agricultural land. Notwithstanding this aspect, the application includes information relating to alternative brownfield site options and provides justification as to why those are not feasible alternatives.

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 twenty five years so the agricultural land would not be lost since the scheme would be reversible. It is proposed that the land could still be used for grazing purposes with the solar panels in place. Wildlife friendly meadow planting is proposed around the edges of the site too.

In a speech by the Minister for Energy and Climate Change to the solar PV industry on 25 April 2013, it was stated that:- *"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.*

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 that there would be an adverse impact on the environmental value of the site.

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

The site lies in the countryside outside the Limits to Development of Ashby de la Zouch or Lount. 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 sets out 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 solar farm proposal is medium-scale and would be formed within two 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 from the A42 which is set at a higher level than the lower sections of the site to the west and adjacent to Nottingham Road. Existing boundary 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.

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 existing landscaping would ensure that screening would be maintained, thereby mitigating any adverse impact on views into the site from users of the A42 or Nottingham Road. 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 by the District Council and schemes at land south of Babelake Street, Packington, Prestop Farm and land west of Walnut Yard at Diseworth have been approved.

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 off Nottingham Road to the west of the site and all dwellings are a substantial distance away from the solar farm development. As such, there would be no adverse impact on residential amenities as a result of any noise emanating from the inverter and transformer cabins when operational. 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 at Coleorton Hall, Staunton Hall, Breedon on the Hill, listed buildings at Eastern and Western Old Parks on Nottingham road, or any nearby scheduled monuments.

The proposed solar farm is not considered to result in substantial harm to the significance of 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 raised objection to the proposal on the grounds that further information regarding surface water drainage would be required. This information was received on 14 November 2014 and revised comments from the Environment Agency confirm it has no objection subject to condition.

### **Protected Species and Ecology**

The application has been accompanied by a Great Crested Newt Survey and Extended Phase I Habitat Survey which have been considered by the County Ecologist who has no objections to the scheme. The County Ecologist is satisfied that the layout protects boundary features and adjacent habitat of ecological value through buffer zones and biodiversity enhancements. A condition relating to a badger survey is recommended on the basis that badgers use the site and whilst they have no setts there at present they may excavate in the future. It is also recommended that a landscape management plan 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.

### **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. 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 improved and utilised for construction vehicles and subsequently for maintenance vehicles.

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 the site 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.

As such, subject to the imposition of highways conditions, 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 CONDITIONS, revised Environment Agency comments, and subject to no objections being received prior to the expiry of the site notice on 7 December 2014**

- 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 development shall be undertaken in accordance with the approved plans as follows:

Drawing Number 3830\_004 - Site location plan; and,  
Drawing Number 3830\_005 - Site layout plan.

*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 2.5 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 full dimensions and 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 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 badger survey has been undertaken and submitted to and agreed in writing by the Local Planning Authority.

*Reason- In the interest of protected species.*

- 10 No development shall take place until a surface water management 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 management scheme should demonstrate the surface water run-off generated up to and including the 100 plus 20% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Limiting the discharge rate and managing the surface water run-off generated by all

rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. (As outlined within the approved Flood Risk Assessment (FRA) Issue 4, dated 14 November 2014, Ref: R/C14679/001.04, undertaken by Hydrock).

- Detailed design (plans, cross, long sections and calculations) in support of any surface water management scheme, including details on any attenuation system/s, and the outfall arrangements.

- Details of how the on-site surface water management systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

*Reason- To prevent the increased risk of flooding, both on and off site.*

- 11 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.*

- 12 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.*

- 13 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.*

- 14 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.*

- 15 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.*

- 16 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 16 (decommissioning).

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

- 17 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 25 operational years to prevent unnecessary clutter.*

- 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.*

- 19 Details of satisfactory access arrangements shall be submitted to the LPA for approval in writing; before the development commences, the approved means of access shall be provided.

*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.*

- 20 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking and turning facilities, and a timetable for their provision, has 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 timetable.

*Reason- 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.*



- 21 Before the development commences, visibility splays of 2.4 metres by 215 metres shall be provided at the junction of the access with Nottingham Road. These shall be in accordance with the standards contained in the current County Council design guide. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

*Reason- To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.*

- 22 Before the development commences, the access drive and any turning space shall be 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.)*

- 23 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.*

- 24 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.*

### **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 at the pre-application stage and 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 On the basis of the submitted plans, the details of access width and gates set back distance do not comply with the above conditions or will not be acceptable. Before development commences, an amended plan and details of vehicle tracking should be submitted to and approved by the Local Planning Authority. 2 vehicles must be able to pass one another at the access.

- 3 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 the Infrastructure Planning Team. For further information you are advised to visit the County Council website ([www.leics.gov.uk/6CSDG](http://www.leics.gov.uk/6CSDG)), or email [roadoptions@leics.gov.uk](mailto:roadoptions@leics.gov.uk)
- 4 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).
- 5 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.