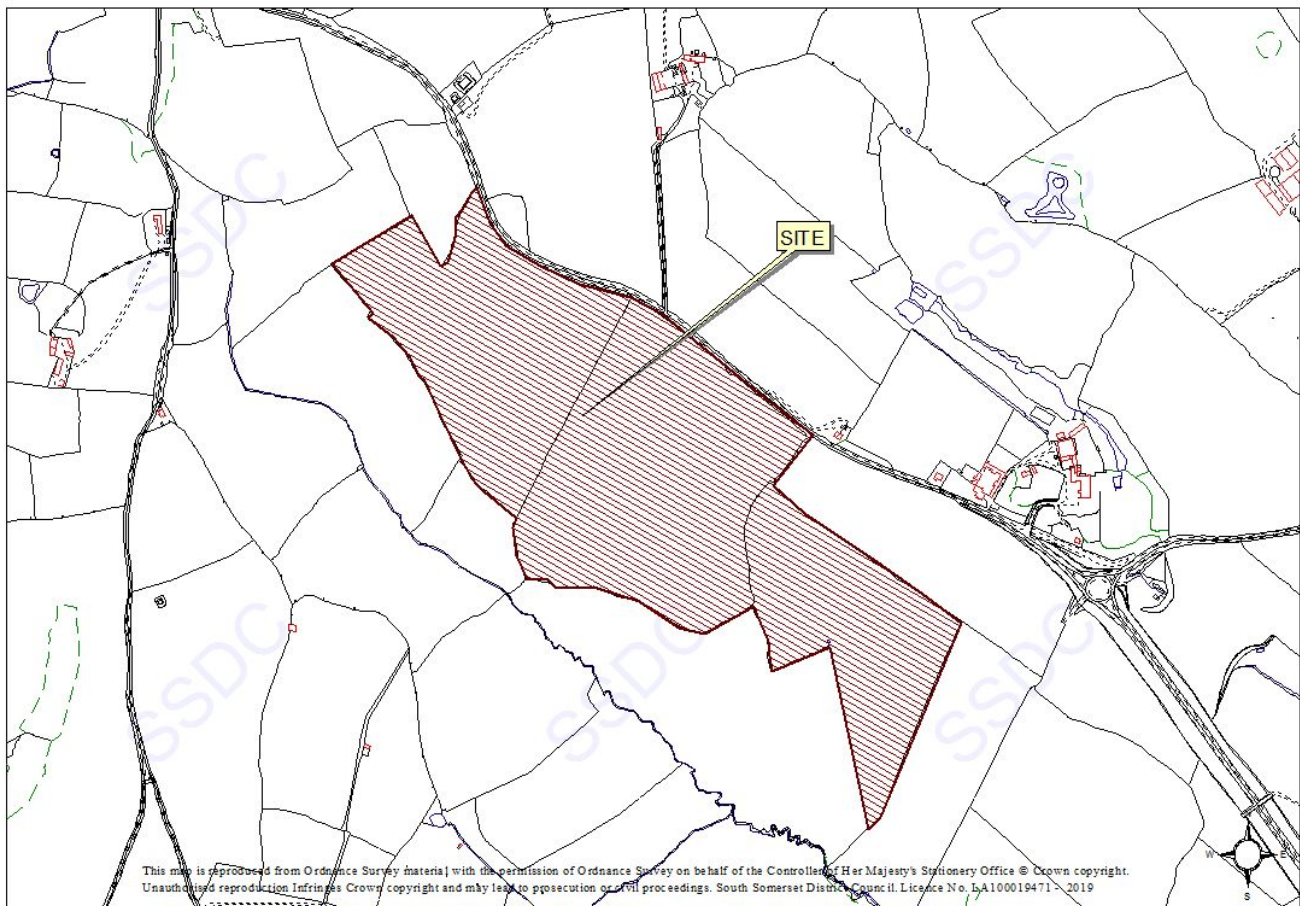


Officer Report On Planning Application: 19/01097/S73

Proposal :	Section 73 application to vary Condition 7 of application ref. 13/05167/S73 to extend operational lifespan of Solar Farm from 25 years to 40 years
Site Address:	Hook Valley Farm Lawrence Hill Holbrook
Parish:	Bratton Seymour
TOWER Ward (SSDC Member)	Cllr Robin Bastable
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	15th July 2019
Applicant :	Hook Valley Farm Solar Park Limited
Agent: (no agent if blank)	Mr Stephen MacLeod Intelligent Alternatives 100 Brand Street Glasgow G511DG
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL

The application is referred to Committee in terms of the Council's Scheme of Delegation as it is a 'Major Major' application.



SITE DESCRIPTION AND PROPOSAL

The application seeks to vary condition 7 of planning permission 13/05167/S73, itself and amendment to original permission 12/04445/FUL, for the construction of a 15MW solar park. It is proposed to increase the operational lifespan of the solar farm 25 years to 40 years

The site is located approximately 1 mile to the west of Wincanton, and occupies 31 Ha of land to the south-west of the A371. It is on the opposite side of the A371 and to the north-west of the Holbrook House Hotel, just north of the roundabout linking West Hill to the A371. The site comprises three fields, measuring a total of 31.6 Ha. There are access points along the northern part of the site onto the A371; and a separate access off the roundabout linking the A371 to West Hill, this access taken across a field track.

Condition 7 reads:

"The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of the date 31 March 2014 or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site."

It is requested that this Condition is amended to read as follows:

"The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of 31 March 2014 or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site."

HISTORY

19/00971/FUL - Installation of a secure storage container. Pending consideration.

16/05078/NMA - Application for a non material amendment to planning permission 12/04445/FUL (allowed on appeal) minor changes to Private switchgear and DNO switchgear elevation, incorporating external emergency light and hard standing. Permitted.

15/03270/S73A - Section 73A application to vary conditions 3 and 4 on planning approval 14/00328/S73A dated 18/03/2014 to amend the approved landscaping/planting scheme. Permitted with conditions.

15/02780/NMA - Substitution of plans for 13/05167/S73. Permitted.

14/02489/NMA - Application for a non material amendment to planning permission 12/04445/FUL (allowed on appeal) for minor changes to fence line and panel locations on approved planning layout drawing. Permitted.

14/00328/S73A - Application to amend condition 12 of 12/04445/FUL to allow access to the site via the existing farm access into the middle field during the construction period. Permitted with conditions.

13/05167/S73 - Application to vary condition 7 of planning permission 12/04445/FUL to provide a time-frame of 25 years from the connection date rather than the date of permission was granted so that electricity production will be for a period of 25 years. Permitted with conditions.

12/04445/FUL - Construction of a 15MW photovoltaic park with associated PV equipment. Refused, but Appeal allowed 26 September 2013.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
TA5 - Transport Impact of New Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 4 - Decision Making
Chapter 8 - Promoting Healthy and Safe Communities
Chapter 11 - Making Effective Use of Land
Chapter 12 - Achieving Well-designed Places
Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 15 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Wincanton Town Council: Recommend approval.

North Vale Parish Council: No objections.

County Highways: Standing Advice applies.

SSDC Highway Consultant; No highway issues - no objection.

REPRESENTATIONS

None

CONSIDERATIONS

The application seeks variation of condition 7 of planning permission 13/05167/S73 to increase the operational lifespan of the approved solar farm from 25 years to 40 years.

In giving this consideration, this is a relatively sizeable increase in time, however there are no obvious concerns raised. While it is acknowledged that approval would result in the effects of the development being longer in duration, there will be no change in the nature of the impacts, while it is noted that these remain temporary and will be fully reversible in time. The benefits of the proposal include the opportunity to continue generating renewable energy, supporting national and local objectives relating to the installation and continuation of renewable energy sources.

Overall, there are considered to be no long-term adverse impacts resulting from the proposal to extend the operational lifespan of the solar park from 25 years to 40 years.

In addition to the amendment of condition 7, there are other conditions such as the time limit for commencement, and conditions referring to older, now superseded plans, that should be removed or varied in order to issue a new decision.

RECOMMENDATION

Approve

01. The proposal to vary operational lifespan of the solar farm, results in a temporary permission that continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety in accordance with the aims and objectives of the NPPF and policies SD1, TA5, EQ1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings ref. 1024-0505-00 Issue 01, dated 24 January 2013; 1024-0000-00 Issue 01, dated 10 September 2012; 1024-0000-00 Issue 01, dated 4 September 2012; LCS-ECG-002, dated 17 May 2011; 9999-0206-05 Issue 01, dated 25 November 2013; 1024-0000-00 Issue 01, dated 3 September 2012; 2437_300, dated 10 September 2012; and 2437_201, dated 22 January 2013; 2437_100_RevE and 2437_200_RevC received 13 July 2015; 1024-0201-01 Issue 10 dated 25 November 2013; and 1024-0208-71 Issue 02, received 22nd November 2016.

Reason: To avoid any ambiguity as to what is approved.

02. The landscaping/planting scheme shown on Drawing No. 2437_100_RevE, together with details, ref. 2437_200_RevC, 2437_300, and 2437_201 shall be completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape character and visual amenity further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

03. The Landscape Management Plan shall be undertaken in accordance with the details of the application for discharge of conditions (ref: 13/05162/DOC) dated 20 December 2013 and revised details of 2 January 2014 as confirmed by the Local Planning Authority's letter dated 20 January 2014. Such approved management plan, shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing by the local planning authority.

Reason: In the interests of character and appearance further to the NPPF and policy EQ2 of the South Somerset Local Plan.

04. Hedge details to be removed shall accord with those given in the application ref: 13/05166/DOC to discharge conditions validated 20 December 2013 and confirmed by the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of landscape character and visual amenity further to the NPPF and policy EQ2 of the South Somerset Local Plan.

05. The supporting posts to the solar array shall be anchored into the ground as shown in drawing no. 9999-0206-05 Issue 01 received 25 November 2013.

Reason: To avoid any ambiguity as to what is approved.

06. The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of 31 March 2014 or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.

Reason: To avoid any ambiguity as to what is approved.

07. No means of external illumination/lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interests of landscape character and visual amenity further to the NPPF and policy TA5 and EQ2 of the South Somerset Local Plan.

08. No CCTV equipment shall be installed on the site other than that shown on the submitted layout plan ref. 1024-0201-01 Issue 10, in accordance with the CCTV design details submitted with the application.

Reason: In the interests of landscape character and visual amenity further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

09. No form of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

Reason: In the interests of landscape character further to the NPPF and policy EQ2 of the South Somerset Local Plan.

10. Details of the surface water run-off limitation scheme shall accord with those submitted as part of the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted by the Local Planning Authority's letter dated 24 January 2014. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To enable the Local Planning Authority to retain control over surface water flood risk further to the NPPF and policies EQ1 and EQ7 of the South Somerset Local Plan.

11. The temporary use of the middle field access, hereby permitted, shall cease on or before 31 March 2014. Thereafter this access shall be stopped up and this part of the site made good in accordance

with details to be submitted to and approved by the Local Planning Authority by 31 May 2014 and any landscape planting comprised in the approved details shall be implemented in the next available planting season. After the 31 March 2014 all construction and maintenance vehicular access shall be solely via the track at the southern access point off the roundabout on the A371.

Reason: In the interests of highway safety and landscape character further to policies TA5 and EQ2 of the South Somerset Local Plan.

12. The access track shall be constructed in accordance with the survey details submitted as part of the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted in the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of visual amenity and highway safety further to policies TA5 and EQ2 of the South Somerset Local Plan.

13. Details of the means of connection to the electricity grid from the site shall accord with those given in the application for the discharge of conditions ref: 13/05163/DOC validated 20 December 2013 including the applicant's letter dated 15 January 2014 and agreed by the Local Planning Authority's letter dated 20 January 2014. The grid connection shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity further to policy EQ2 of the South Somerset Local Plan.

14. The means of construction, surfacing and materials of the access track at the southern end of the site shall accord with those given in the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted by the Local Planning Authority in its letter of 24 January 2014. Such details shall be fully implemented as approved.

In the interests of landscape character and visual amenity further to policy EQ2 of the South Somerset Local Plan.

15. The Site Construction Management Plan shall be fully implemented as detailed in the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted by the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of neighbour amenity and highway safety further to the NPPF and policies TA5 and EQ2 of the South Somerset Local Plan.
