

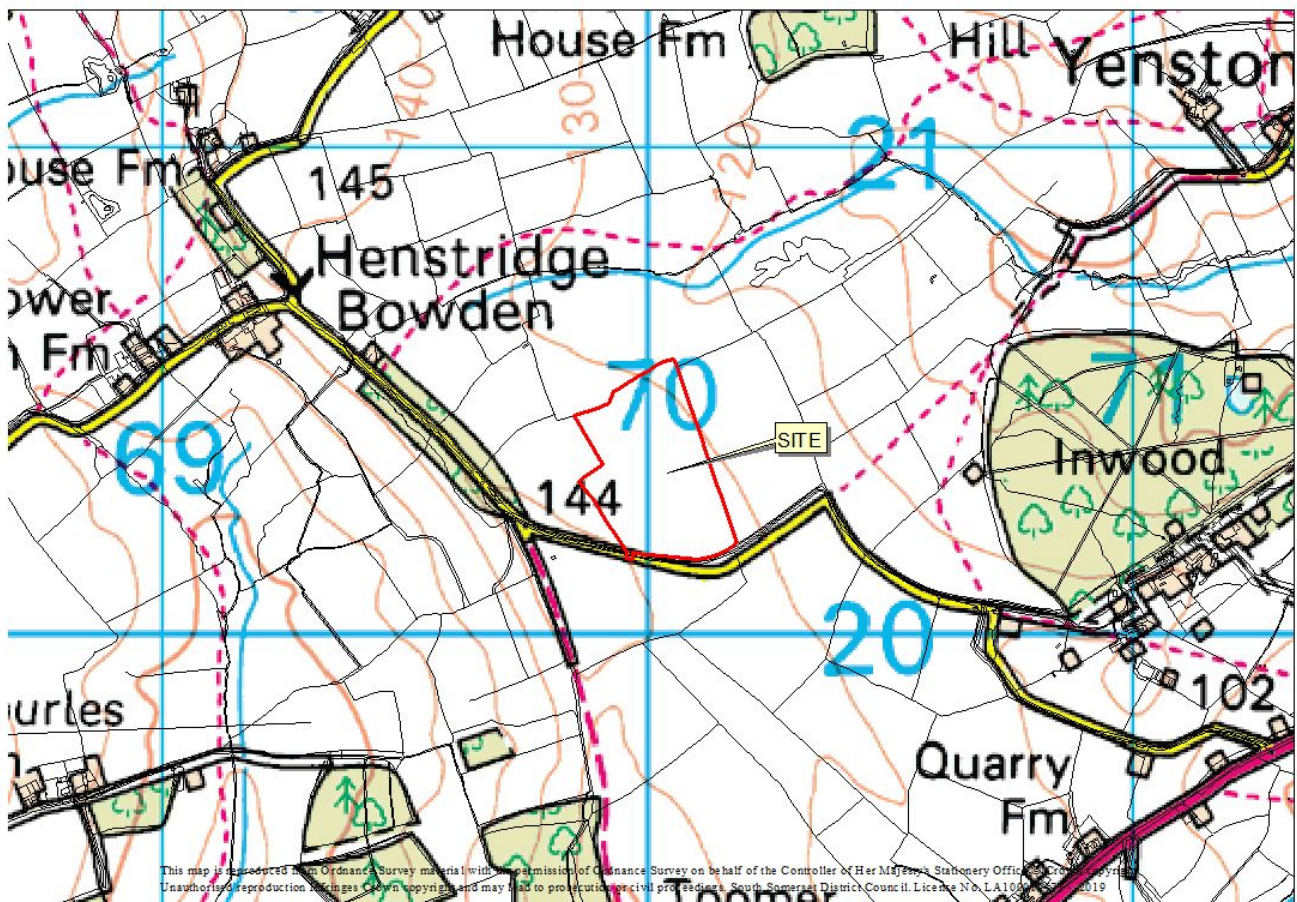
Officer Report On Planning Application: 19/01379/S73A

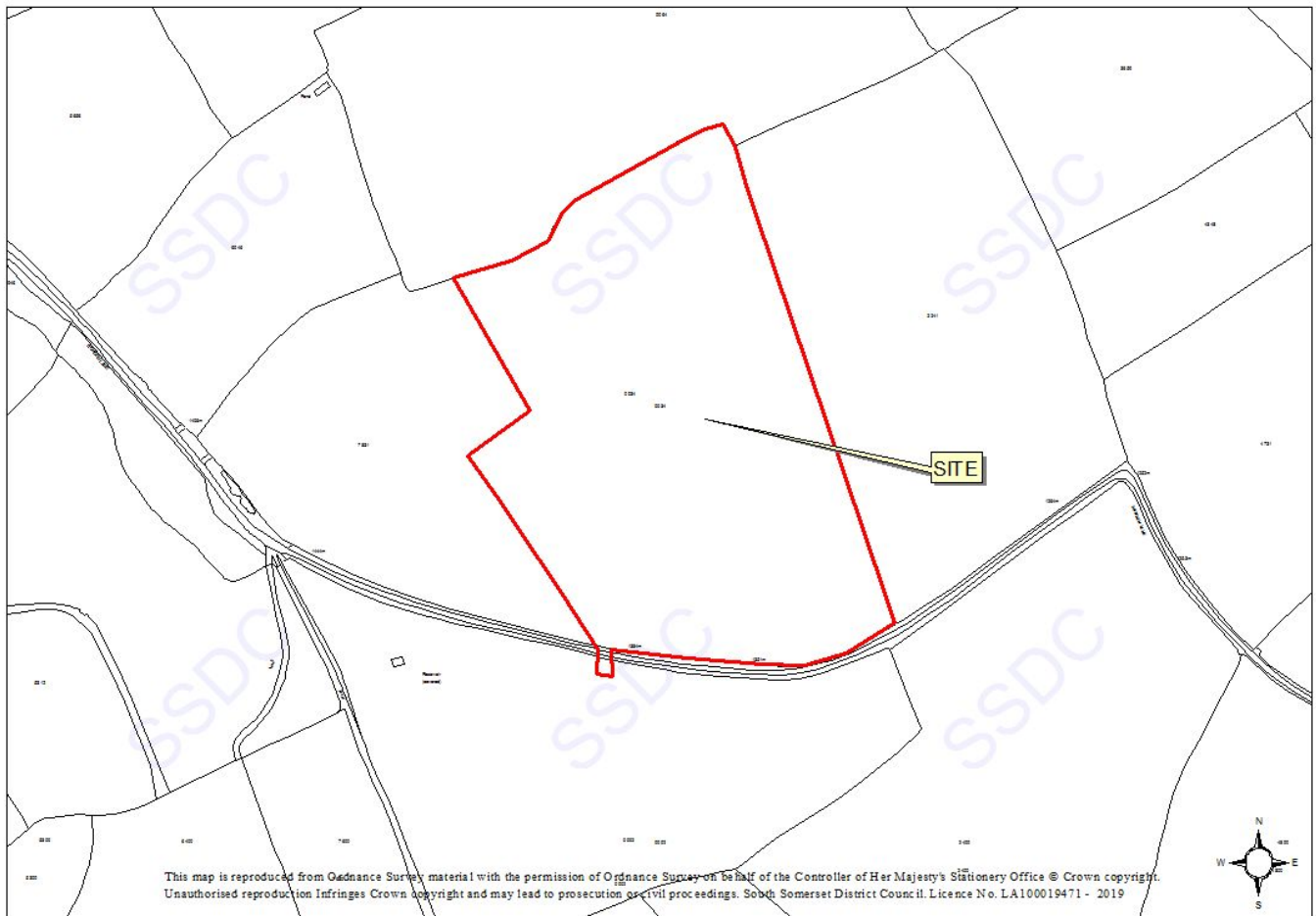
Proposal :	Construction of a Photovoltaic Park with associated equipment including access track and cable route (without complying with Condition 2 of planning permission 17/00242/S73A, to extend the operational time to 40 years)
Site Address:	Solar Site Land OS 0034 Bowden Lane
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr William Wallace Cllr Hayward Burt
Recommending Case Officer:	David Kenyon
Target date :	14th August 2019
Applicant :	Nextenergy Solar Holdings VI Ltd
Agent: (no agent if blank)	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 comprises a large scale major development proposal ('Major Major').

SITE DESCRIPTION AND PROPOSAL





The 9 ha site is located 1.8 km to the south-west of the village of Templecombe, and 1.9 km north-west of Henstridge in open countryside. It comprises a single large field. The nearest dwellings to the north and north-west are more than 500m from the site edges. The land slopes gently northwards from the highway access onto Bowden Lane, which forms the southern boundary. On three sides, the site is bounded by mature hedging.

Permission was granted (15/02718/FUL) for the installation of a solar array across most of the field, aimed at generating 5 MW of power to be connected to the general electricity grid, together with associated inverter stations, switch housing, access track, security fencing and cameras. The permission was for a temporary period of 25 years from the date of approval, 19 October 2015. Condition 03 attached to that permission stated:

The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within six 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 structures, materials and any associated goods and chattels from the site.

Subsequently, application (17/00242/S73A) was made to vary that condition 03 in order to extend the period of temporary operation to cover a period of 25 years from the date of first generation of electricity from the site. Permission was granted on 10th March 2017 along the lines requested. Condition 02 attached to that permission states:

The development hereby permitted shall be removed and the land restored to its former condition before 31 March 2042, or within six 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 structures, materials and any associated goods and chattels from the site.

This current S73A application seeks to amend condition 02 of the 2017 permission. 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 grid connection, or within six 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 structures, materials and any associated goods and chattels from the site."

HISTORY

15/01771/EIASS. Request for EIA screening opinion in respect of proposed Photovoltaic Park.
EIA not required 01.05.2015.

15/02718/FUL. Construction of a Photovoltaic Park with associated equipment including access track and cable route.
Application permitted with conditions 19.10.2015.

15/05036/DOC. Discharge of conditions 4, 5, 6, 9, 10, 11, 12, 13, 15 and 16 of approved application 15/02718/FUL.
Conditions discharged.

16/04028/NMA. Application for non-material amendment to planning permission 15/02718/FUL for minor alterations: Reduction in number of panels; Panel height and degree; Inverter specification; Inclusion of two satellites; and Minor alteration to the spares container location.
Permitted 21.09.2016.

17/00242/S73A. Application to vary planning condition 3 of approval 15/02718/FUL to allow the developer a 25 year period from the date of first generation of the solar park and not from the date of the planning permission.
Application permitted with conditions 10.03.2017.

17/01645/DOC. Discharge of condition No. 03 (site management plan), 04 (landscaping), 08 (means of connection) and 11 (wildlife) of 17/00242/S73A.
Conditions discharged.

17/01776/NMA. Non-material amendment application to planning permission 15/02718/FUL and 17/00242/S73A relating to minor amendments which have arisen during construction (retrospective).
Permitted 03.05.2017.

19/02463/EIASS. Request for a screening opinion: Construction of a Photovoltaic Park with associated equipment including access track and cable route (without complying with Condition 2 of planning permission 17/00242/S73A, to extend the operational time to 40 years).
EIA not required 05.09.2019.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and paragraphs 2, 11 and 12 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework - February 2019

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

Henstridge Parish Council: No comments received.

Milborne Port Parish Council: No comments received.

North Dorset District Council: No comments received.

West Dorset District Council: No comments received.

Highways Authority: No observations.

SSDC Highway Consultant: No highways issues - no objection.

Environment Agency: No comments received.

Wessex Water: No comments received.

REPRESENTATIONS

Two nearby residential properties have been notified, a site notice displayed and an advertisement has been placed in the local newspaper. No representations have been received.

CONSIDERATIONS

Permission exists for the establishment of a solar array on the site, which has been implemented. The original permission was granted for a temporary period of 25 years (condition 03 of 15/02718/FUL), which has been the general practice with solar farms in the District, and generally throughout the country.

The solar farm was due to commence operating - i.e. generating electricity for feeding into the grid - on 31 March 2017, a period of 17 months into the 25-year permission. For that reason, a S73A application (17/00242/S73A) was submitted in 2017 requesting that the period for operating the solar farm be extended to accommodate the delay between obtaining the permission and commencement of generation. The permission for a temporary period of 25 years, extended to allow for the construction and installation period, was considered acceptable, and would have no material impact on the temporary nature of the permission, or the likely impact on the setting and local environment. For those reasons, permission to vary the temporary operating period was granted during March 2017 and condition 02 attached accordingly.

This current application seeks variation of the temporary time limits imposed both by condition 03 of the original permission 15/02718/FUL and by condition 02 of the subsequent permission 17/00242/S73A to extend 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 would be no change in the nature of the impacts, while it is noted that these remain temporary and would 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.

The agent has suggested varying the wording of the new condition to read:

"The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of grid connection, or within six 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 structures, materials and any associated goods and chattels from the site."

However, to avoid any ambiguity as to when the "date of grid connection" commenced, it is considered that the suggested wording is amended so that an actual end date is clearly stated in any amended condition, namely 31st March 2057, being the 15 additional years being requested over and above the 25 years already permitted. The wording would therefore read:

"The development hereby permitted shall be removed and the land restored to its former condition before 31 March 2057, or within six 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 structures, materials and any associated goods and

chattels from the site."

In addition to the amendment of the above mentioned conditions, 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.

Conclusion

The proposal to vary the operational lifespan of the solar farm for a temporary period of 40 years is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the application is recommended for approval.

RECOMMENDATION

That application reference 19/01379/S73A be approved for the following reason:

01. The proposal to vary the operational lifespan of the solar farm for a temporary period of 40 years is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 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 which form parts of the planning permissions dated 19th October 2015 (ref 15/02718/FUL) and 10th March 2017 (ref 17/00242/S73A):

- Planning Layout Drg. No. 1253-0201-01 Issue 04;
- Site Location Plan Drg. No. 1253-0200-05 Issue 01;
- Construction Access and Cable Route Drg. No 1253-0201-05;
- Proposed Compound Area Drg. No. 1253-0201-20 Issue 01;
- CCTV Detail Drg. No. 1253-0204-00 Issue 01;
- Steel and Timber Fencing Detail 22 degrees Panel Angle - Drg. No. 1253-0205-03 Issue 01;
- Mounting System Detail Drg. No. 1253-0206-09 Issue 01;
- Bowden Lane Inverter Station Detail SMA SC Drg. No. 1253-0207-14 Issue 01
- Bowden Lane Satellite Mounting System Drg. No. 1253-0207-20 Issue 01
- Spares Container Detail Drg. No. 1253-0207-40 Issue 01;
- SSE DNO Access Road Section - Drg. No. 1253-0208-10 Issue 01;
- Private Switchgear - Drg. No. 1253-0208-54 Issue 01;
- DNO Switchgear Drg. No. 1253-0208-71 Issue 01;
- Water main easement - Drg. No. 1253-0200-50 Issue 01;
- Drg. No. 1510728 4 Module Quer ES120 1/ 2; and
- Drg. No.1510728 4 Module Quer ES120 2 /2.

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

02. The development hereby permitted shall be removed and the land restored to its former condition before 31 March 2057, or within six 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 structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with the aims of the NPPF and Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan.

03. The site management plan for tree, hedge and grass maintenance of the site approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL) shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

04. The scheme of landscaping and planting approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), having been completely carried out within the first available planting season from the date of commencement of the development, shall, for the duration of this permission, 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 visual amenity and landscape character in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

05. No means of external illumination/lighting, other than those approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL) shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

06. No CCTV equipment or other cameras shall be installed on the site other than that shown on the submitted layout plan ref. 1253-0201-01, in accordance with the CCTV design details submitted with the application.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

07. 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 amenity and to safeguard the rural character of the setting in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

08. The means of connection to the electricity grid from the site shall be in accordance with the details approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), unless otherwise agreed in the writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

09. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means having been installed prior to the granting of this permission, shall thereafter be maintained and employed for cleaning the wheels of all lorries leaving the site, in accordance with details approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL).

Reason: In the interest of highway safety to accord with TA5 of the South Somerset Local Plan.

10. The details of measures for the benefit of wildlife (e.g. bat and bird boxes, wildflower sowing and management) approved by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), having been fully implemented prior to the granting of this permission, shall thereafter be maintained unless otherwise approved in writing by the Local Planning Authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

11. The details of the finished colour of the security fencing and the finished colour and position of the CCTV equipment agreed by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), having been carried out prior to the granting of this permission, shall thereafter be retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

12. The supporting posts to the solar array shall not be concreted into the ground.

Reason: In the interest of sustainable construction and to accord with part 10 of the National Planning Policy Framework.

13. The details of the access to the site agreed by the Local Planning Authority under application 15/05036/DOC (Discharge of Conditions for application 15/02718/FUL), including visibility splays, layout and surfacing materials, having been fully implemented prior to the granting of this permission, shall thereafter be retained and maintained for the lifetime of the permission, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety, and to accord with the NPPF and Policy TA5 of the South Somerset Local Plan.
