

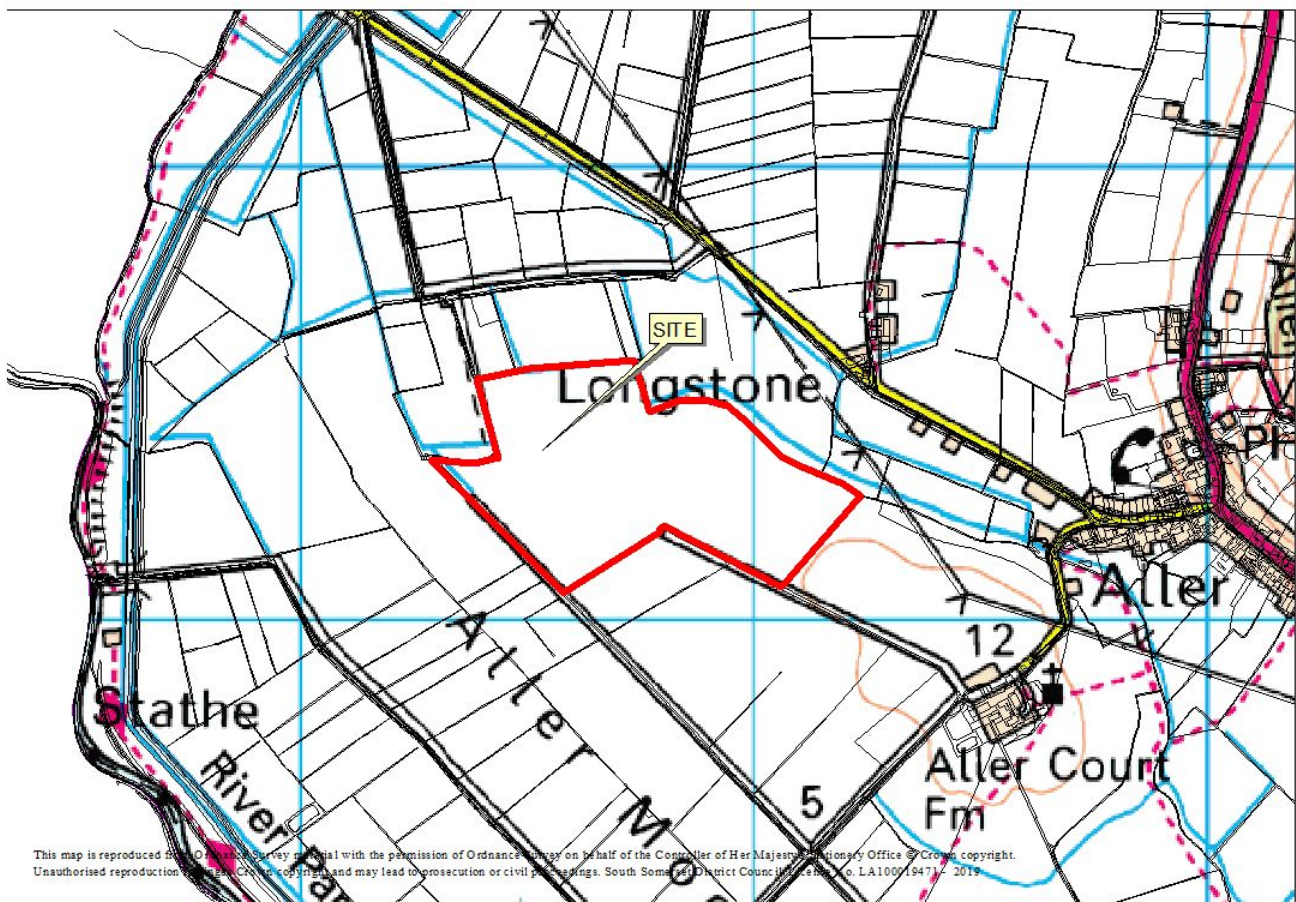
Officer Report On Planning Application: 19/01587/S73A

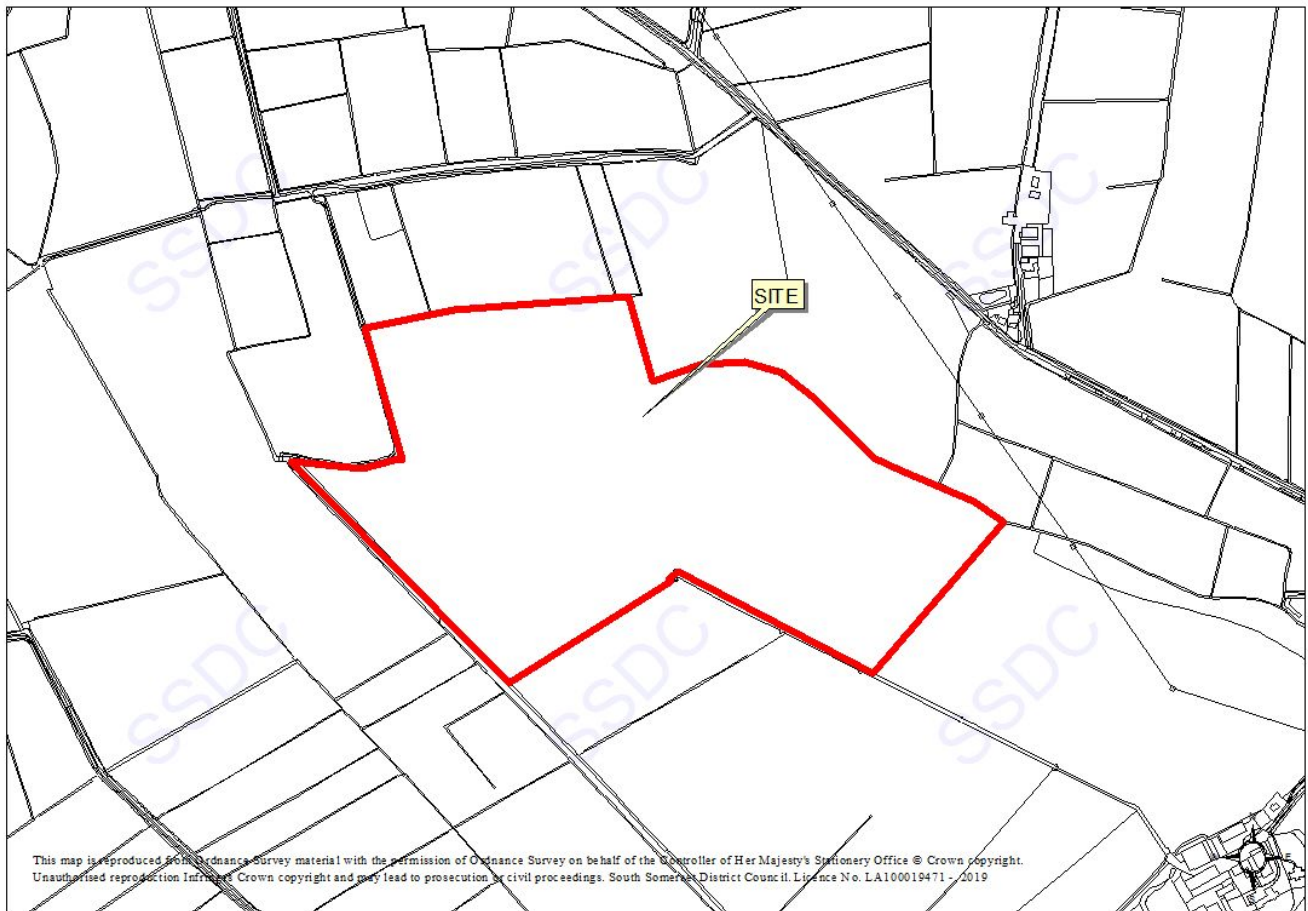
Proposal :	Application to amend planning condition 3 of approval 14/04300/FUL to allow lifetime of solar park from 25 years to 40 years.
Site Address:	Land At Aller Court Church Path Aller, TA10 0QR
Parish:	Aller
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Alex Skidmore
Target date :	4th September 2019
Applicant :	Aller Court Solar Park Limited And Andrew Maltby
Agent: (no agent if blank)	Planning Developments Limited, 1 Naish Farm, Broadway, Chilcompton, Radstock BA3 4ST
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee in accordance with the terms of the Council's Scheme of Delegation which requires all 'Major Major' applications, such as this, to be referred to Committee for determination.

SITE DESCRIPTION AND PROPOSAL





This application seeks to vary condition 3 (temporary time limit) of planning permission 14/04300/FUL, which permitted the construction of a 17 MW solar park on land at Aller Court Farm, Aller. At present condition 3 allows the temporary retention of the solar park for a maximum of 25 years, the current application is seeking to extend this time period to 40 years after which time the solar park will need to be removed and the site reinstated in accordance with a land restoration plan.

Currently Condition 3 reads:

- *"The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority. 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 park 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 shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event."*

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

- *"The permission hereby granted is for the proposed development to be retained for a period of not more than 40 years from the date that electricity from the development is first supplied to the*

grid, this date to be notified in writing to the Local Planning Authority. The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of this permission (8th June 2056) or within six months of the cessation of the use of the solar park 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 shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event".

The site is located approximately 400 metres to the west of the village of Aller and comprises 26.7 hectares of agricultural land that forms part of the holding associated with Aller Court Farm. Access to the site is via Aller village, along Church Path to the east and through Aller Court Farm.

HISTORY

19/01588/FUL: Siting of a welfare container, spares container and private switchgear to the west of the constructed solar park. Pending consideration.

17/03209/FUL: Revised siting and increase in height of the private substation, DNO substation, spares container, welfare unit and composting toilet (Retrospective). Permitted.

17/02988/NMA: Application for a non-material amendment to planning approval 14/04300/FUL for reduction in the number of panels and panel spacing and a change in inverter technology and orientation. Permitted.

16/03938/NMA: Application for a non-material amendment to planning permission 14/04300/FUL for a reduction in the number of panels and panel spacing, alterations to inverter station and private switchgear specification. Permitted.

15/00047/REF (Appeal against refusal of 14/04300/FUL): Proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measures. Allowed.

14/04300/FUL: Proposed solar park comprising erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measures. Refused.

14/02923/ELS: Installation of overhead electricity line. Permitted.

13/02177/EIASS: Request for screening opinion for a 65 acre solar farm. EIA not required.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are 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

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Part 2 - Achieving Sustainable Development

Part 4 - Decision Making

Part 6 - Building a strong, competitive economy

Part 8 - Promoting Healthy and Safe Communities

Part 11 - Making Effective Use of Land

Part 12 - Achieving Well-designed Places

Part 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Part 15 - Conserving and Enhancing the Natural Environment

Part 16 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Policy-related Material Considerations

South Somerset Environment Strategy (adopted October 2019)

CONSULTATIONS

Aller Parish Council: Whilst still of the opinion that the site is too large and in the wrong place the Parish Council see little point in objecting to this proposed extension of time. However, we would like to see the previously imposed conditions fully adhered to or enforced in a timely manner.

Huish Parish Council (adjoining parish): No comments received.

Curry Rivel Parish Council (adjoining parish): No comments received.

High Ham Parish Council (adjoining parish): No comments received.

County Highways: Standing Advice applies.

SSDC Highway Consultant; No highway issues - no objection.

REPRESENTATIONS

None.

CONSIDERATIONS

Permission exists for the establishment of a solar array on this site, which has been implemented through the building out of the eastern portion of the site. The original permission was granted for a

temporary period of 25 years (condition 03 of 14/04300/FUL), which has been the general practice with solar farms in the District, and generally throughout the country.

This current application seeks to vary the temporary time limit imposed by condition 03 of the original permission 14/04300/FUL to extend the operational lifespan of the approved solar farm from 25 years to 40 years.

In giving this consideration, it is acknowledged that this is a relatively sizeable increase in time, however no material planning concerns have been raised in respect of this amendment. 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. Furthermore, the increased operational longevity of the solar park will positively contribute towards the Council's aim of reducing carbon emissions in the interests of combating climate change, in accordance with LP policy EQ1 and the recently adopted South Somerset Environment Strategy (Oct 2019).

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

"The permission hereby granted is for the proposed development to be retained for a period of not more than 40 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority. The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of this permission (8th June 2056) or within six months of the cessation of the use of the solar park 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 shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event".

This suggested wording however is slightly ambiguous in terms of the end date in that it references when a connection was first made, which is unknown by this Council. In the interests of clarity as to when the development should cease it is considered that the following wording, which states a clear end date, namely 8 June 2056, is more appropriate:

"The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of the original permission (planning ref. 14/04300/FUL), i.e. by 8 June 2056, or within six months of the cessation of the use of the solar park 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 shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event."

In addition to the amendment of the above mentioned condition, there are other conditions such as the time limit for commencement as well as conditions where the details have already been submitted and agreed but which still need to be maintained that should be 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 to cause no demonstrable harm to neighbour amenity, highway safety, the setting of nearby heritage assets, ecology, flooding and drainage or other environmental concerns. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan. Accordingly the application is recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

The proposal to vary the 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, highway safety, the setting of nearby heritage assets, ecology, flooding or other environmental concern in accordance with the aims and objectives of Policies SD1, TA5, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan as well as the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans which form part of the planning permissions dated 8th June 2016; drawings numbered 1074-0200-05 Issue 03; 1074-0204-00 Issue 01; 1074-0205-01 Issue 01; 1074-0206-09 Issue 01; 1074-0208-70 Issue 01; Figure 1 Site Location Plan; 1074-0208-50 Issue 01; 1074-0207-13 Issue 02; 1074-0201-01 Issue 09; 1074-0208-76 Issue 01; 2707-200-Rev H; 00005-02.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of the original permission (planning ref. 14/04300/FUL), i.e. by 8 June 2056, or within six months of the cessation of the use of the solar park 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 shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event.

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

03. There shall be no permanent raising of ground levels in Flood Zone 3. The development shall be carried out in accordance with the flood storage compensation measures agreed under discharge of condition application 16/04897/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that flood risk is not increased to accord with the provisions of the NPPF.

04. No development shall take place within 8 metres of the top of bank of any river or ditch at any time during the development.

Reason: To ensure that flood risk is not increased and to allow the maintenance of watercourses and in the interest of protecting the biodiversity value of the watercourses to accord with the provisions of the NPPF and policy EQ4 of the South Somerset Local Plan.

05. The construction phase of the development hereby permitted shall only be carried out in strict accordance with the details and requirements of the Construction Environmental Management Plan agreed under discharge of condition application 16/04897/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety, neighbour amenity and to protect local ecology and protected species to accord with policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan.

06. The construction phase of the development hereby permitted shall be carried out in strict accordance with the details and requirements of the Construction Traffic Management Plan agreed under discharge of condition application 16/04808/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety policy TA5 of the South Somerset Local Plan.

07. The biodiversity enhancement measures agreed under discharge of condition application 16/04808/DOC shall be fully implemented, unless otherwise agreed in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with the provisions of the NPPF and policy EQ4 of the South Somerset Local Plan.

08. The monitoring and mitigation scheme for the post-construction monitoring and mitigation of the impact of the development upon birds shall be fully implemented in accordance with the details agreed under discharge of condition application 16/04808/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: To assess any potential risk to the waterbird assemblage of the Somerset Levels and Moors Special Protection Area, in accordance with the Habitats Regulations 2010 and policy EQ4 of the South Somerset Local Plan.

09. The development hereby permitted shall be carried out in accordance with the measures agreed under discharge of condition application 16/04662/DOC to minimise the risk of harm of collision by birds with overhead lines. The agreed details shall be fully implemented as part of the development and shall thereafter be permanently maintained unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the risk of potential bird collision in the interest of safeguarding the ecological interest of the area in accordance with the Habitats Regulations 2010 and policy EQ4 of the South Somerset Local Plan.

10. The development hereby permitted shall be carried out in accordance with the written scheme of archaeological investigation agreed under discharge of condition application 16/04808/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the archaeological interest of the site in accordance with policy EQ3 of the South Somerset Local Plan.

11. All planting, seeding, turfing or earth moulding comprised in the landscaping scheme approved under discharge of condition application 17/00410/DOC shall be carried out in the first planting and seeding season following the first generation of electricity. If within a period of five years from the completion of the development the approved planting dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with others of similar size and species. The approved landscaping scheme shall thereafter be maintained in accordance with the details set out within the Landscape Management Plan agreed under discharge of condition application 17/00410/DOC for the duration of the operation of the site for the purposes of generating electricity, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of landscape character and visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

12. The design and finished colour of the security fencing and the finished colour and position of the security camera equipment shall accord with the details agreed under discharge of condition application 16/04662/DOC, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of landscape character and visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

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

Reason: In the interest of residential amenity and the rural amenities of the area to accord with policy EQ2 of the South Somerset Local Plan.

14. Other than on the switch gear building, no means of external illumination or external lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with policies EQ2 and EQ7 of the South Somerset Local Plan.

15. 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.

16. The rating level of the noise emitted from the development hereby approved from fixed plant and equipment shall not exceed a level of 30dB(A) outside any dwelling at a distance of not less than 3.5 metres from any façade of that dwelling containing a window to a habitable room. The measurements and assessment shall be made in accordance with BS 4142: 1997.

Reason: To safeguard the residential amenity of nearby residents in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan.
