

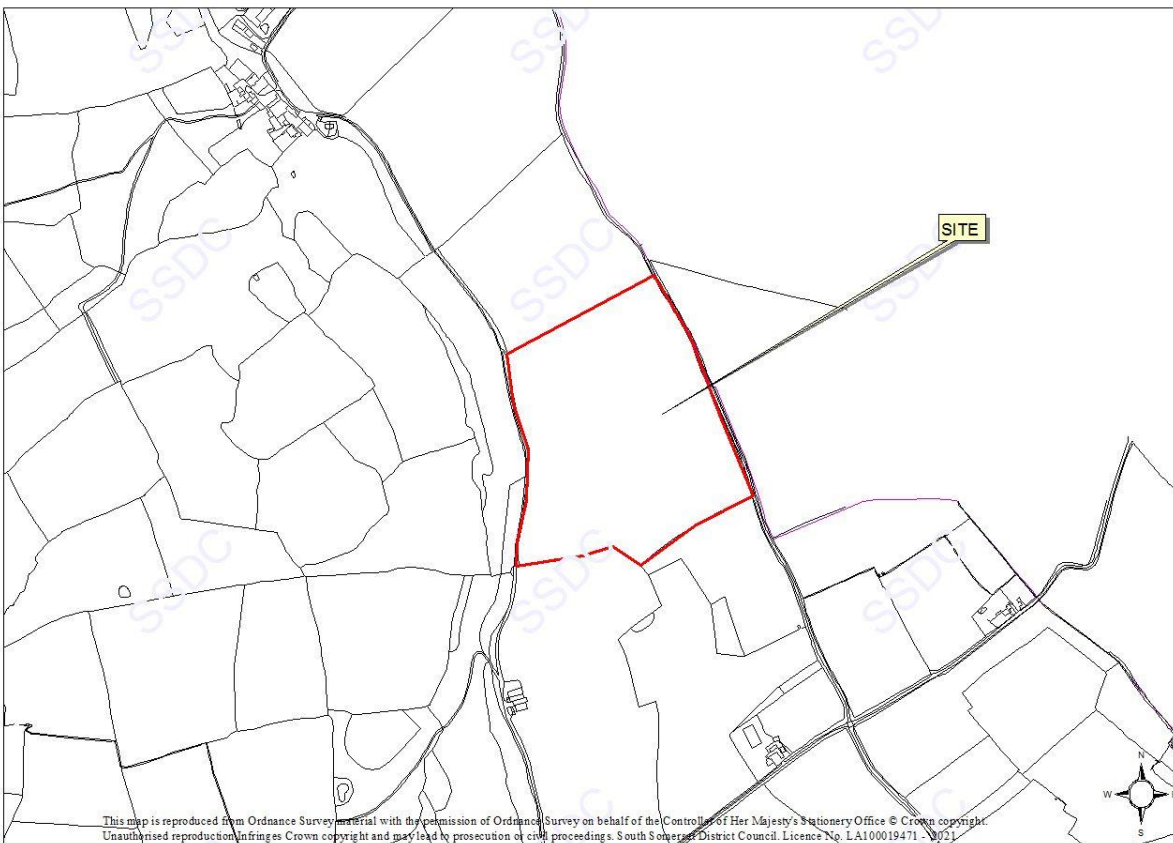
Officer Report On Planning Application: 20/03701/S73A

Site Address:	Clapton Farm Solar Park Land West Of Tinkers Lane, Southeast Of B3081 Cucklington BA9 9QE
Ward :	TOWER : Cllr Robin Bastable
Proposal : CIL Liabie = N	The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area (without complying with condition 04 of planning permission 15/03373/FUL and condition 03 of planning permission 18/03338/S73A to extend the operational time to 23rd March 2057).
Recommending Case Officer:	David Kenyon (Specialist)
Target date/Ext of time	23rd March 2021 23rd April 2021
Applicant :	Clapton Farm Solar Park Limited
Type : 05	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

The application is referred to Regulation Committee as it comprises a large scale major development proposal ('Major Major'). Concern has been expressed by the adjoining Pen Selwood Parish Council about the premature nature of this application submission and one objection has been received from a third party on grounds that there is no justification to further extend the operational life of the solar park.

SITE DESCRIPTION AND PROPOSAL



This application is seeking planning permission to extend the time period for the operation of an existing solar farm (Clapton Farm Solar Park) at Tinkers Lane, Cucklington. The operative planning permission (ref. 18/03338/S73A) conditioned that the Solar Farm must be removed on or before the 17th November 2040. As a result of market changes and technological advancement, which allow solar farms to be maintained for longer periods of time, Bluefield who are the parent company of Clapton Farm Solar Park Limited is seeking to increase the time period that the solar farm is permitted to operate for up to 40 years from the date the solar farm was first registered with OFGEM as capable of electricity generation. This date was the 23rd March 2017 and therefore this application seeks to extend the operational lifetime of the solar farm until the 23rd March 2057. This application is therefore seeking an extension of 16 years, 4 months and 7 days (including the end date) from the operative permission.

Planning permission was first granted on 17th November 2015 for the erection of a 5 MW solar photovoltaic array and associated works and infrastructure for a temporary period of 25 years (application ref. 15/03373/FUL). The works included:

- Framework and solar panels 0.5m to 2.8m in height with up-right piled supports to a depth of 1.2m.
- 4 no. inverter stations comprising several different structures having an overall area extending to 14.7m by 4.6 and height of 2.3m.
- 2 no. switchgear 6m by 3m and 3.27 above ground level.
- Spares container 2.3m by 1.2m and 2.9m high.
- Access arrangements off the existing field access from Tinker's Lane.
- 2m high security fencing around the boundaries of the solar array.
- 5 no. CCTV on 6m high pole mounted - 4 no. thermal imaging cameras and 1 no. fixed day/night camera. To date, these cameras have not been erected / installed.

A subsequent S73 application (ref. 17/00512/S73) permitted the 25 years to run from the connection date (31st March 2017) rather than from the date of the 2015 permission (although that permission was never implemented) and a further S73 application (ref. 18/03338/S73A) extended the temporary period of operation of the solar farm until 17th November 2040.

The application site is located within open countryside, a little less than 1 km north of Cucklington and 1 km south of the A303's interchange with the B3081. The application site comprises a single agricultural field with its eastern boundary adjacent to Tinker's Lane. The overall field area is approximately 13 hectares, although the area of the solar farm within the security fence extends to only 6.35 hectares. The majority of the site is classed Grade 3b agricultural land while 2 hectares (out of 6.35 hectares on which the solar array has been erected) is classed 3a agricultural land.

The site's north eastern corner is close to Tinker's Lane junction with the B3081. The site's western boundary aligns with a Restricted Byway, an historic drove way. The site is enclosed by established hedgerow and located on a plateau falling in a west to east direction. The land to the west beyond the site slopes steeply down, whereat there are extensive views out over the Blackmore Vale, whereas to the east and south is undulating with a gradual slope eastward and again, extensive views.

RELEVANT HISTORY

15/01091/EIASS - Proposed Installation of a photovoltaic array - EIA not required.

15/03373/FUL. The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area.

Conditional approval 17.11.2015 - 25 years temporary permission, i.e. until 17th November 2040.

Condition 04 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 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.

15/04696/FUL. Cable route application in association with the solar farm application 15/03373/FUL at Clapton Farm (cable connection between the solar park and national grid connecting point). Conditional approval 10.12.2015.

15/05612/DOC. Discharge of conditions 3 (Landscape and Ecology Management Plan), 5 (Details of access and contractors' parking/compound area), 6 (Construction Environmental Management Plan), 7 (Road Condition Survey) of approved application 15/03373/FUL. Conditions discharged 16.03.2016.

16/04071/NMA. Application for a non-material amendment to planning application 15/03373/FUL (Solar PV panels) with amended drawings 1171-0201-00 issue 13 (layout) 1171-0205-03 issue 01 (fencing detail) 1171-0206-09 issue 01 (mounting detail) and 1171-0207-14 issue 01 (inverter station).

This application sought to alter the approval by:

- Reducing the number of panels from 21,978 panels to 19,008;
- Altering the degree of the panels to 22 rather than 15- 20 degrees;
- Varying spacing of the rows 2.47m to 2.95m rather than the fixed 2m spacing gaps; and
- Two inverters rather than 4 being more than halved in length, 6.06m rather than 15.18m, but slightly higher 2.9m rather than 2.4m and wider 2.44m rather than 2.05m. Agreed 10.10.2016.

17/00372/NMA. Application for a Non Material Amendment to planning permission 15/03373/FUL for amendments to the inverter stations, panel angles and spares container.

- This application sought to alter the approval by:
- Reducing the number of inverter stations from four to three, with two placed in the same location; Confirming panel angles at a 15 degree angle and up to a height of 2.4m; and
- Providing spares container details. Agreed 27.01.2017.

17/00512/S73. S73 application to vary the wording of Condition 4 of approval 15/03373/FUL to provide a time frame of 25 years.

Temporary permission for 25 years had been given from the date of the original permission, i.e. 17 November 2015 application ref 15/03373/FUL. This S73 application sought to vary condition 4 of that permission so that the 25 years would run from the connection date, namely 31 March 2017, rather than the date of the original planning permission.

Conditional approval 18.04.2017 - 25 years temporary permission from connection date, i.e. until 31st March 2042. This permission was not implemented and has now lapsed.

17/02841/FUL. Buried high voltage connection cable for solar farm (revision to approval 15/04696/FUL) - retrospective.
Conditional approval 06.10.2017.

17/02943/NMA. Application for a Non Material Amendment to 15/03373/FUL for the installation of a farmer's gate and change of design to perimeter fencing.

This application sought to alter the approval by:

- Inserting a farmer's gate at the north-east corner of solar farm; and
- Changing the design of the perimeter fencing from deer mesh to panel mesh. Agreed 11.08.2017.

18/03338/S73A. Application to vary conditions 02 (approved plans), 03 (Landscape and Ecology Management Plan) and 10 (landscape planting scheme) on 15/03373/FUL to allow changes to landscaping as shown on drawing number 694-03S.

Conditional approval 14.12.2018 - 25 years temporary permission reflecting the original condition 04 attached to permission 15/03373/FUL, i.e. until 17th November 2040. Condition 03 stated:

The development shall be removed and the land restored to its former condition on or before 17th November 2040, 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.

19/03213/NMA. Non Material Amendments to planning approvals 15/03373/FUL and 18/03338/S73A to allow for the relocation of the 5 approved security cameras and their reduction in height and change in materials/ appearance.

This application sought to alter the approvals by:

- Slightly varying the siting of the 5 camera positions; and
- Erect said cameras on 3 metres high posts constructed of solid timber (oak) instead of the approved 6 metres high galvanised steel poles. Agreed 28.11.2019.

19/01786/FUL. Installation of a CCTV camera system comprising of a network of wooden pole mounted cameras, related cabinets and ducting, plus ancillary and related equipment. Conditional approval 15.01.2020.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states 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

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

EP5 - Farm Diversification
TA5 - Transport Impact of new development
TA6 - Parking Standards

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)

The Climate Change Act 2008 (as amended)

The Climate Change Act 2008 created a new legal framework for the UK to reduce, through domestic and international action, greenhouse gas emissions to at least 80% below 1990 levels by 2050.

3.3. On the 28th June 2019, section 1(1) of the Climate Change Act 2008 was amended changing the requirement that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline to at least 100% lower than the 1990 baseline.

The Energy white paper, entitled Powering our net zero future - published on 14 December 2020. This sets out how the UK will '*clean up its energy system and reach net zero emissions by 2050*'. The document acknowledges that a '*low cost, net zero consistent system is likely to be composed predominantly of wind and solar*' and states that '*Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.*'

CONSULTATIONS

Cucklington Parish Meeting: No comments received.

Pen Selwood Parish Council:

Fully supports the reduction of the carbon footprint and supports the use of solar panels when the instalment is created on poor agricultural land. The use of good quality land should not be permitted. Advancements in technology are improving at pace and it may well be the case that this solar park is redundant by 2040. An application to extend the life of this solar park would, therefore, be more appropriate nearer the expiry date of the existing consent, say 2038. At this point the situation could be assessed in line with the requirements at the time by the people who will be most affected by it.

Bourton Parish Council: No comments received.

Dorset Council: No comments received.

SSDC Environmental Protection Unit: Wishes to raise no adverse comments.

Highways Authority: Standing advice applies.

SSDC Highway Consultant:

In addition to the SCC comment, this planning application appears to seek permission to extend the operational lifetime of the solar farm. Such a proposal would not lead to any significant adverse highway safety implications. Any highways-related conditions imposed previously would still be applicable.

REPRESENTATIONS

64 third parties have been notified, a site notice displayed and an advertisement has been placed in the local newspaper. One representation objecting to the application has been received and argues that at present there is no justification to further extend the operational life of the solar park. The letter of representation is set out in full on the website.

CONSIDERATIONS

The National Planning Policy Framework advises that, when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emission. Also, to approve the application if its impacts are (or can be made) acceptable (paragraph 154).

Local Plan Policy EQ1 is applicable in considering renewable energy proposals. Bullet point 3 states that 'Development of renewable and low carbon energy generation will be encouraged and permitted, providing there are no significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets, and biodiversity.' Policy EQ2 also refers to the need to safeguard landscape character of the area and visual appearance is clearly a weighty matter in considering environmental harm.

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 04 of 15/03373/FUL) commencing from the date the permission was granted on 17th November 2015 (i.e. until 17th November 2040).

The solar farm was due to commence operating - i.e. generating electricity for feeding into the grid - on 31 March

2017, a period of approximately 16 months into the 25-year permission. For that reason, a S73 application (17/00512/S73) 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 (i.e. until 31st March 2042), extended to allow for the construction and installation period, was considered acceptable and was granted during April 2017. However the permission was not implemented.

A subsequent S73A application (18/03338/S73A) was granted permission for the variation of several conditions to allow changes to landscaping. Condition 03 of that permission reflects the 25 years temporary permission, i.e. until 17th November 2040.

This current application seeks variation of the temporary time limits imposed by the above conditions attached to the planning permissions 15/03373/FUL and 18/03338/S73A to extend the operational lifespan of the approved solar farm from 25 years to 40 years, i.e. an extension of time of 16 years, 4 months and 7 days (including the end date) from the operative permission.

In support of this application, the applicant's agent has offered the following information:

"Since the advent of large-scale renewable energy developments, it has been common practice to apply or receive temporary planning permission for a period of 25 to 30 years. Whilst largely an arbitrary time period this was closely aligned with the subsidy arrangements with manufacturer warranties typically covering the same period and therefore developers initially basing their financial investment decisions on this same period.

In planning terms, and with reference to NPPF para 55, the primary reason for a time limit condition was the 'necessity' of setting a clear date by which solar farm decommissioning was to be completed, and also to ensure that decommissioning was controlled through the submission of appropriate method statements at the appropriate time. Providing appropriate decommissioning clauses are retained in any agreed revised planning condition allowing an extended period of operation, those objectives can still be secured.

The solar farm comprises predominantly lightweight structures and fixings that can be easily disassembled and removed. Frames including ground anchors are designed to be long-lasting and rustproof and upon decommissioning are also easily dismantled and removed without the need for the use of heavy machinery.

The panels themselves are also capable of an electricity generating life much greater than the 25 year period. Therefore, whilst the efficiency of the installed solar panels and infrastructure will reduce over time it has been determined that the solar farm can continue to operate viably beyond the 25 year period in a subsidy-free market. In essence, the project is able to make very effective use of the existing infrastructure and grid connection during years 24-40, and continue to make a significant contribution to Government renewable energy generation targets.

In 2018, the Solar Farm produced 5,141 MWh of electricity. Bluefield has determined that assuming an efficiency of 71.2% for years 24-40 (whilst the solar farm was granted consent in late 2015, the application was not implemented until 2017 so by the 17th November 2040 the solar farm would have been operating for just over 23 years), the extended operation would result in the following benefits: 4,568 MWh/ per annum of electricity generation equivalent to the needs of 1,474 homes per annum and 1,594 tonnes of carbon dioxide savings per annum. This is a significant material consideration in support of the proposals.

Considering the full 16-year period these figures total 73,088 MWh of renewable electricity production, equivalent to the electricity consumption of 23,496 households, and 25,504 tonnes of carbon dioxide saving. This is a significant material consideration in support of the proposals, and would be in addition to the renewable energy generation and carbon dioxide reductions arising from operation in years 1-23.

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. The above changes would allow the solar farm to operate for up to the full 40 year period before entering the decommission phase where the land would be restored to agriculture. This would allow maximisation of renewable energy generation and is consistent with Government guidance in respect of renewable energy projects.

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 up to 40 years from the date the solar farm was first registered with OFGEM as capable of electricity generation.

In addition to the amendment of the above mentioned conditions relating to the operational period of the solar farm, there are a variety of other conditions attached to the previous permissions that need to be reiterated 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 up to 40 years from the date the solar farm was first registered with OFGEM 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 20/03701/S73A be approved for the following reason:

01. The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was first registered with OFGEM 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 part of the planning permission dated 14th December 2018 (ref 18/03338/S73A):

Drawing no. 1088-0200-01 "Site Boundary Plan";

Drawing no. 694-03S "Landscape Proposals";

"Addendum to provide updated Landscape and Ecology Management Plan (LEMP)" dated 10th October 2018; and

"Planning statement" dated 10th October 2018,

together with the following drawings and correspondence which form part of the grant of planning permission dated 17th November 2015 (ref 15/03373/FUL):

1088-0200- 01 Issue 01

1171-0201- 01 Issue 011

1171-0204- 00 Issue 01

1171-0205- 04 Issue 01

1171-0903- 05 Issue 01

1171-0206- 15 Issue 01

1171-0207- 16 Issue 01

1171-0207- 40 Issue 01

1171-0208- 10 Issue 01

1171-0208- 54 Issue 01

1171-0208- 71 Issue 01,

Colour tones of all associated structures shall accord with the details given in the applicant's letter of the 20 October 2015.

Landscape and Ecology Management Plan (LEMP)

and the details submitted in response to conditions 03, 05, 06, 07 and 08 of 15/03373/FUL and approved by letter dated 16th March 2016 under application ref 15/05612/DOC.

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

02. The development hereby permitted shall cease on 23rd March 2057, or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner. Within 6 months of power generation ceasing, or such other period as agreed in writing, all solar farm structures, materials and any ancillary equipment shall be removed and the land restored to agriculture use, in accordance with a restoration plan that has previously been submitted to and agreed in writing by the Local Planning Authority. Such details shall include the time scale for decommissioning.

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

03. 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 shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site in accordance with the approved details and fully implemented and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

04. No means of external illumination/lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority.

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

05. Any trees or plant which form part of the approved landscaping scheme set out on drawing number 694-03S that 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 further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.