

<b>APPLICATION NO</b>	<b>PA/2011/0385</b>
<b>APPLICANT</b>	Parkside Luxury Homes Ltd
<b>DEVELOPMENT</b>	Planning permission for the installation of a photovoltaic field array including perimeter fencing and a plant room
<b>LOCATION</b>	Land to the rear of 22 Trent Side, Keadby
<b>PARISH</b>	<b>KEADBY/ALTHORPE</b>
<b>WARD</b>	Axholme North
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor J Briggs – in public interest) Significant public interest

## **POLICIES**

### **NATIONAL, REGIONAL AND LOCAL POLICY GUIDANCE AND ADVICE**

#### **National policy**

Since entering into the Kyoto protocol the UK has been committed to reducing greenhouse emissions by 12.5% below 1990 levels by 2012.

The UK has set targets to generate 10% of electricity from renewable energy sources by 2010 followed by 15% in 2015 and 20% by 2020. This is in addition to cutting carbon dioxide emissions by 60% by 2050. To achieve this Planning Policy Statement (PPS) 22, Renewable Energy has been published which requires the planning system to actively promote renewable energy development. PPS 22 also provides detailed guidance for the consideration of renewable energy planning applications. Since the publication of PPS 22 regional planning guidance for Yorkshire and the Humber has set challenging renewable energy targets for the Humber and other sub-regions. The 2010 target for the Humber is set at 146 megawatts.

The UK's energy policy, including renewable energy, is set out in the Energy White Paper. Through various iterations this White Paper and its principles have been enshrined by the Energy Act being given Royal Assent in November 2008.

The Renewable Energy Strategy was published in July 2009 and states that:

'We need to radically increase our use of renewable electricity, heat and transport. This Strategy explains how and why we will do so. It sets out the path for us to meet our legally-binding target to ensure 15% of our energy comes from renewable sources by 2020: almost a seven-fold increase in the share of renewables in scarcely more than a decade.

This Strategy will help us tackle climate change, reducing the UK's emissions of carbon dioxide by over 750 million tonnes between now and 2030. It will also promote the security of our energy supply, reducing our overall fossil fuel demand by around 10% and gas

imports by 20-30% against what they would have been in 2020. And it will provide outstanding opportunities for the UK economy with the potential to create up to half a million more jobs in the UK renewable energy sector resulting from around £100 billion of new investment. In parallel with energy saving, nuclear and carbon capture and storage, this is a key element of our overall transition plan for setting the UK on the path to achieve a low-carbon, sustainable future that helps address dangerous climate change.'

The Renewable Energy Strategy sets out action for planning for delivering higher levels of renewable energy development. It describes the balance of fuels and technologies likely to achieve the Government's goals, the strategic role of Government and the specific actions it intends to take. It also sets out the opportunity for all in society to harness renewable energy and contribute towards action against climate change. The strategy sets out the path for the country to meet its legally binding target of 15% of energy from renewable sources by 2020.

However the document is still conscious of the need to protect the environment, including the landscape, from unacceptable development. Paragraphs 4.9 and 4.10 of the document set out this balance of considerations:

'4.9 The planning system plays a central role in delivering the infrastructure we need to reduce our carbon emissions and ensure continued security of energy supply. Equally the planning system plays a vital role in safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.

We therefore need to ensure that the planning system properly reflects the range of interests in land use, applies existing safeguards to protect areas where development may not be appropriate, but delivers swift, consistent and effective decisions in areas where development is appropriate.'

This is reflected by the planning policy cascade from national through to regional and local policies detailed below:

### **PPS 1: Delivering Sustainable Development (2005) and Planning and Climate Change, Supplement to PPS 1 (2007)**

PPS 1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It explains that the Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. A high level of protection should be given to most valued townscapes and landscapes (paragraph 17):

'The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance quality, character and amenity value of the countryside and urban areas as a whole.'

At paragraph 18 it notes that: 'the condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities.'

Paragraph 19 requires planning policies and decisions to 'be based on:

- up-to-date information on the environmental characteristics of the area;
- the potential impacts, positive as well as negative, on the environment of development proposals (whether direct, indirect, cumulative, long term or short term); and
- recognition of the limits of the environment to accept further development without irreversible damage.'

The section adds that planning authorities should seek to enhance the environment as part of development proposals and that significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued.

Paragraph 20 recognises the need to consider both the effects of climate change and the protection of the wider countryside. In particular:

- '- mitigation of the effects of, and adaptation to, climate change through the reduction of greenhouse gas emissions and the use of renewable energy; air quality and pollution; land contamination; the protection of groundwater from contamination; and noise and light pollution;
- the protection of the wider countryside and the impact of development on landscape quality; the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity; the need to improve the built and natural environment in and around urban areas and rural settlements...'

At the same time it calls for a prudent use of natural resources and requires development plans to seek to promote and encourage, rather than restrict, the use of renewable resources (paragraph 22).

The supplement to PPS 1 – Planning and Climate Change (2007) – sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. It advises that it does not seek to assemble all national planning policy relevant or applicable to climate change and should be read alongside the national PPS series. Where there is any difference in emphasis on climate change between the policies in this PPS and others in the national series, this is intentional and this PPS takes precedence.

In relation to renewable and low carbon energy generation the supplement (at paragraphs 19 and 20) states:

'19. In developing their core strategy and supporting local development documents, planning authorities should provide a framework that promotes and encourages renewable and low-carbon energy generation. Policies should be designed to promote and not restrict renewable and low-carbon energy and supporting infrastructure.

20. In particular, planning authorities should:

- not require applicants for energy development to demonstrate either the overall need for renewable energy and its distribution nor question the energy

justification for why a proposal for such development must be sited in a particular location;

- ensure any local approach to protecting landscape and townscape is consistent with PPS 22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances;
- alongside any criteria-based policy developed in line with PPS 22, consider identifying areas suitable for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources, but in doing so take care to avoid stifling innovation including by rejecting proposals solely because they are outside areas identified for energy generation;
- expect a proportion of the energy supply of new development to be secured from decentralised and renewable or low-carbon energy sources.'

### **PPS 7: Sustainable Development in Rural Areas (2004)**

The key principle PPS 7 expresses is:

'(i) Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- social inclusion, recognising the needs of everyone;
- effective protection and enhancement of the environment;
- prudent use of natural resources; and
- maintaining high and stable levels of economic growth and employment.'

The PPS requires regional spatial strategies (RSSs) to recognise the environmental, economic and social value of the countryside that is of national or, where appropriate, sub-regional significance. Policies in RSSs and LDDs (local development documents) should seek to maintain and enhance these values, so enabling the countryside to remain an important natural resource, contribute to national and regional prosperity and be enjoyed by all (paragraph 14).

At paragraph 15 it states that:

'Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been given a statutory designation for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.'

Paragraph 16 goes on to state that:

'When preparing Local Development Documents and determining planning applications for development in the countryside, planning authorities should:

- (iv) provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS 22; and
- (v) conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.'

At paragraph 24 the PPS explains that the Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally. It advises that these should be capable of being protected by carefully drafted criteria-based policies utilising tools such as landscape character assessments. In compiling LDDs where local designations are retained, such designations should be based on a formal and robust assessment of the qualities of the landscape concerned.

#### **PPS 4: Planning for Sustainable Economic Growth (2009)**

This PPS supersedes some of the provisions of PPS 7 which have now been cancelled. The relevant policy is EC6: Planning for Economic Development in Rural Areas which states at EC6.1 that:

'Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.'

And at EC6.2:

'In rural areas, local planning authorities should:

- a. strictly control economic development in open countryside away from existing settlements, or outside areas allocated from development in development plans'

#### **PPS 24: Planning and Noise**

Paragraph 10 of PPG 24 indicates that the planning system should not place unjustifiable obstacles in the way of essential infrastructure development. It also refers to the need to prevent an unacceptable degree of disturbance. Paragraph 11 specifies that:

'Noise characteristics and levels can vary substantially according to their source and the type of activity involved. In the case of industrial development, for example, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration.'

#### **PPS 5: Planning for the Historic Environment**

PPS 5 seeks to protect built heritage assets such as conservation areas, listed buildings and scheduled ancient monuments and states that the benefits of renewable energy must be weighed against any harm to the significance of heritage assets.

#### **PPS 22: Renewable Energy (2004)**

The Government published a revised PPS on renewable energy in 2004, together with a companion guide which sets out practical advice on how policies for renewable energy can be implemented. These documents reinforce the overall regional role for renewable energy

in helping to deliver national energy targets for energy generation and reductions in greenhouse gas emissions.

The PPS explains that it follows on from the Energy White Paper 'Our energy future – creating a low carbon economy' (2003) whose aim was to put the UK on the path to cut its carbon dioxide emissions by some 60% by 2050 with real progress by 2020.

The PPS sets out eight key principles to be followed by regional planning bodies and local planning authorities. In particular:

- Key principle (i) explains that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily;
- Key principle (ii) explains that regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. Regional planning bodies and local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, locational requirements and the potential for exploiting them subject to appropriate environmental safeguards;
- Key principle (iii) explains that at the local level, planning authorities should set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects;
- Key principle (iv) explains that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations and should be given significant weight in determining whether proposals should be granted planning permission; and
- Key principle (viii) requires development proposals to demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

The PPS sets out the principles for regional targets, policies in regional spatial strategies and local development documents, locational considerations and a range of other considerations relating to scale, landscape and visual effects, noise, odour and types of renewable energy, eg biomass and energy crops, and wind turbines.

Paragraph 3 states that:

'Targets should be expressed as the minimum amount of installed capacity for renewable energy in the region, expressed in megawatts...Targets should be reviewed on a regular basis and revised upwards (if they are met) subject to the region's renewable energy resource potential and the capacity of the environment in the region for further renewable energy developments.'

At paragraph 15 the PPS states that local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such

areas should be assessed against criteria-based policies set out in local development documents, including any criteria that are specific to the type of area concerned.

In paragraphs 19 to 21 the PPS gives guidance on the landscape and visual effects of renewable energy developments. In particular it states that these effects will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development (paragraph 19); that of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects, but that these impacts may be temporary if decommissioning conditions are attached (paragraph 20); and that planning authorities should take account of the cumulative impact of wind generation projects in particular areas.

At paragraph 22 the PPS specifies that:

‘Local planning authorities should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels.’

### **The Companion Guide to PPS 22**

At paragraph 5.10 the Companion Guide sets out what planning authorities must assess for each project and thereby come to an objective view:

- the extent to which the project is in conformity with the development plan, in particular criteria-based policies and any ‘broad area’ policies in RSSs
- the extent to which the reasons for any area-based designations may be compromised
- the extent of any positive or negative impacts, and the means by which they may be mitigated, if negative
- the contribution towards meeting the regional target, but recognising that a small contribution cannot, in itself, be a reason for refusal of permission.

### **The Regional Spatial Strategy for Yorkshire and The Humber (2008)**

The RSS at Section 2 (Spatial vision and core approach), in Table 2.1 (Spatial vision and headline outcomes), at outcome 7 says, ‘Environmental quality has been raised, resource demands from development minimised, and the region is responding proactively to the global and local effects of climate change’ and countryside quality and installed renewable energy capacity are quoted as two of the headline indicators for this outcome.

Policy YH1 (Overall approach and key spatial priorities) states at B that plans, strategies investment decisions and programmes should aim to:

- ‘6. Protect and enhance the region’s environmental resources, including areas of international and national importance, and the character and qualities of the Region’s coast and countryside including for economic and social development.’

The explanatory text accompanying the policy explains that a good quality environment is critical to the social, economic and environmental wellbeing of the region. It acknowledges that pressure on environmental assets and resources are likely to increase with the demands for growth (paragraph 2.9).

Policy YH2 (Climate change and resource use) sets out seven areas where plans, strategies, investment decisions and programmes should help meet the RSS target in relation to the reduction in greenhouse gas emissions, the seventh of which is increasing renewable energy capacity.

Policy YH3 (Working together) states that 'plans, strategies, investment decisions and programmes should be based on:

A Effective collaboration between areas within the region, particularly to:

6. Achieve effective environmental management and enhancement and address climate change.'

In delivering the RSS's core approach, paragraph 2.76 explains that 'Change needs to be managed realistically and sensitively in the Region. The pace and degree of change must be handled in a way that is responsive to objectives such as urban regeneration, housing market renewal and rural renaissance and is reflective of local conditions, whilst ensuring the benefits of change and growth are delivered in a sustainable way as soon as possible.' Table 2.2 (Delivering the core approach over 15-20 years) sets out how this change might be achieved through different policy approaches during early, mid and later years. In the area of the environment, the increased generation of renewable energy, mostly from wind turbines, is seen as being important, as is the protection of important landscapes and habitats. Policy ENV5 (Energy) states that 'The region will maximise improvements to energy efficiency by increases in renewable energy capacity. Plans, strategies, investments, decisions and programmes should:

A reduce greenhouse gas emissions, improve energy efficiency and maximise the efficient use of power sources by:

- (1) requiring the orientation and layout of development to maximise passive solar heating;
- (2) ensuring that publicly funded housing and Yorkshire Forward supported developments meet high energy efficiency standards;
- (3) maximising the use of combined heat and power, particularly for developments within energy demands over 2 megawatts, and incorporating renewable sources of energy where possible;
- (4) ensuring that development takes advantage of community heating opportunities wherever they arise in the region, including at Immingham and near Selby;
- (5) providing for new efficient energy generation and transmission infrastructure in keeping with local amenity and areas of demand;
- (6) supporting the use of clean coal technologies and abatement measures;

B maximise renewable energy capacity by:

- (1) delivering at least the following regional and sub-regional targets for installed grid connected renewable energy capacity:

	<b>2010</b>	<b>2021</b>
<b>Humber</b>	124 megawatts	350 megawatts
<b>North Yorkshire</b>	209 megawatts	428 megawatts
<b>South Yorkshire</b>	47 megawatts	160 megawatts
<b>West Yorkshire</b>	88 megawatts	295 megawatts
<b>Offshore</b>	240 megawatts	630 megawatts
<b>Total</b>	<b>708 megawatts</b>	<b>1862 megawatts</b>

- (2) monitoring annually planning permissions and developments against the indicative local authority targets for 2010 and 2021 set out in Table 10.2 and taking action accordingly to ensure the regional and sub-regional targets are exceeded
- (3) promoting and securing greater use of decentralised and renewable or low carbon energy in new development, including through development plan documents (DPDs) setting ambitious but viable proportions of the energy supply for new developments to be required to come from such sources. In advance of local targets being set in DPDs, new developments of more than 10 dwellings or 1,000 square metres of non-residential floor space should secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.'

Table 10.2 sets indicative local targets for installed grid-connected renewable energy in 2010 and 2021. For North Lincolnshire this is 54 megawatts and 112 megawatts respectively.

Policy ENV10 (Landscape) states that the 'region will safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber. Plans, strategies, investment decisions and programmes should safeguard and enhance certain identified landscapes and related assets of regional, sub-regional and local importance.'

Policy E7 (Rural Economy) states that 'Plans, strategies, investment decisions and programmes should help diversify and strengthen the rural economy by facilitating the development of rural industries, businesses and enterprises in a way that:...

5. Supports and protects an attractive and high quality rural environment.'

### **North Lincolnshire Local Plan**

Policy DS21 (Renewable Energy) states that proposals for the generation of energy from renewable resources will be permitted provided that:

- (i) any detrimental effect on features and interests of acknowledged importance, including local character and amenity, is outweighed by environmental benefits; and

- (ii) proposals include details of associated developments including access roads and other ancillary buildings and their likely impact upon the environment.

Where appropriate, conditions will be imposed requiring the restoration of the site to its original condition or the implementation of an agreed scheme of after-use and restoration.

Policy DS1 (General Requirements) is applied to all development proposals. It requires a high standard of design in all developments irrespective of location. Proposals for poorly designed development will be refused. All proposals must be considered against several criteria. In the case of this proposal the criteria are considered to be:

- (i) The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.
- (ii) The design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.
- (iii) No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.
- (vi) There should not be an adverse effect on features of acknowledged importance on or surrounding the site, including species of plants and animals of nature conservation value (particularly species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981), scheduled ancient monuments, archaeological remains, listed buildings and conservation areas, or trees and woodland covered by tree preservation orders.

Policy DS11 (Polluting Activities) states that planning permission for development will only be permitted where it can be demonstrated that the levels of potentially polluting noise do not create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Policy RD2 sets out the council's overall development control policy for development within the open countryside. It aims to balance the needs and benefits of economic activity with maintaining and/or enhancing the quality of the countryside. It specifies that development in the open countryside will be strictly controlled and sets out six provisos:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials
- (d) the development would not be detrimental to residential amenity or highway safety
- (e) account is taken of whether the site is capable of being served by public transport
- (f) the development is sited to make the best use of existing and new landscaping.

Policy LC5 (Species Protection) covers the impact of development on badgers or species protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended).

Development which does not respect the character of the local landscape will not be permitted.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) requires all new development proposals, where possible, to ensure the retention of trees, woodland and hedgerows.

Policy HE9 (Archaeological Evaluation) requires an archaeological assessment to be submitted prior to the determination of planning applications on sites where development may affect sites of suspected archaeological importance.

## **CONSULTATIONS**

**Highways:** Advise a condition (no. 9).

**Severn Trent Water Ltd:** No objections.

**Environment Agency:** No comments at the time of writing.

## **PARISH COUNCIL**

Ask for clarification on the following points:

- What is underneath the panels – tarmac, hardcore? And will this prevent natural surface water run-off?
- Will all access go through 22 Trentside? Will the traffic to and from the site be excessive and will it affect Chapel Lane?
- Part of the site is known as Keadby Common. Does this mean it is or isn't a public right of way and therefore can it be fenced off?
- How will the solar panels affect the wildlife that use the field?
- Do the solar panels create any noise either by wind travelling through them or motor generators on them, or will there be light reflection?
- Will the high fence be disguised by hedging?

## **PUBLICITY**

Neighbouring properties have been notified and site notices posted. The following comments have been made in support of the proposal:

- good use of land – it is currently being used as a 'dog loo' which is unhealthy for children that play in the field and take shortcuts through to the orchard

The following objections have been received:

## **Impact on natural habitat and wildlife**

- The site is used by a wide variety of different wildlife including deer, foxes, grass snakes, water voles, tawny owls, barn owls and badgers. The development will significantly affect their habitat.

## **Visual impact**

- The proposal will have a significantly adverse impact upon the visual amenity of the area, particularly because of the direct sight from the houses.
- Remaining green sites such as this should be protected.
- cumulative impact upon the area, particularly from the approved wind farm, power station, water tower and pylons, and now a solar farm
- We don't want a black fence around the field. Keadby is already an industrialised village.
- This would be like looking on an industrial estate and will be a devastating eyesore to residents.
- The design and access statement states that they will be allowing for future scope for expansion which will cause further problems than the current application.

## **Traffic**

- Chapel Lane already has a large amount of traffic to the power station. This development will cause additional traffic and additional disturbance.
- Chapel Lane should remain a country lane. Construction traffic will be a nightmare.

## **General**

- attraction to vandals, thieves and fly-tippers
- no benefits to villagers
- The application site address should be Keadby Common, Chapel Lane, Keadby.
- The site is public land and has a public right of access under the Countryside and Rights of Way Act 2000
- This area is known as a flood plain. Most of Chapel Lane was badly waterlogged, therefore an industrial development would only worsen the situation.
- The photographs give a distorted view of the northern boundary.
- The security of the site with high steel fences, floodlights and CCTVs is unacceptable.
- light pollution and glare from panels
- The fence is too high.

- construction traffic
- The applicants do not understand rural life.

## **ASSESSMENT**

Planning permission is sought to erect an unmanned solar-powered electricity generator (photovoltaic field array with a total generation capacity of 793KWp) on land to the south of Chapel Lane, Keadby. The photovoltaic field array will comprise 4,284 photovoltaic panels (static) with a maximum height of 1.94 metres arranged in south-facing arrays. The development will include a plant room to house the inverters and transformer and will be surrounded by a 2.4 metre high galvanised steel security fence. The application site is rectangular in shape and is 2.53 hectares in size. Whilst the site address is described as to the rear of 22 Trentside, Keadby, the site is also referred to as Keadby Common. The eastern boundary of the site is approximately 230 metres to the west of 22 Trentside, the southern boundary is approximately 8 metres north of Trent Road and the northern boundary is 36 metres to the south of Chapel Lane. The application site forms part of a wider open grass and scrub land area with clumps of mature woodland to the east of the application site.

**The key issues in the consideration of this proposal are whether the development would adversely affect the visual amenity or ecological value of the area, and whether it complies with planning policy.**

With regard to archaeology, the council's archaeological officer advises that Roman coins and Roman pottery have been recorded on the site which lies in an area of high potential for heritage assets of archaeological interest. The development requires below-ground construction work for each of the 4,000+ photovoltaic panels as well as cabling, fencing and construction of the plant room. There is therefore potential for an adverse impact on buried archaeological remains within the site. Consequently it is felt that a watching brief required by condition would adequately deal with this issue.

### **Planning policy**

The site is unallocated within the North Lincolnshire Local Plan. Policy DS21 requires any detrimental impacts upon local character or amenity to be outweighed by environmental benefits. The proposal is considered to comply with this policy because any loss of visual amenity or character is considered to be outweighed by the environmental benefits that are attributed to renewable energy developments and the general support from Central Government policy.

### **Visual impact**

In terms of the impact that the proposal would have on the visual amenity of the area, consideration should be given to the most sensitive receptors. In this particular case the occupants of dwellings located on Chapel Lane would have views over the application site. The other key receptor would be the existing dwellings located to the west of the application site of which Hawthorn House and Holly House are two. It is not considered that the application site would be highly visible from the east from Trentside because of the distance from the road and the existing buildings on this road that restrict views. It is accepted that views over the site, particularly from those properties on Chapel Lane, would be significantly changed from an open grass and scrub field to formations of solar panel arrays

contained within a 2.4 metre high steel fence. The northern boundary of the application site is 36 metres from Chapel Lane. The height of the proposed fence is 2.4 metres. It is felt that a comprehensive landscaping scheme, particularly in front of this northern boundary, would assist in softening the visual impact of the development and a landscaping scheme could be required by planning condition. Whilst the site is highly visible from the properties on Chapel Lane, it is not felt that the ability to see a development means that the development automatically has an adverse impact on the visual amenity of the area. In this particular case it is not felt that the impact is so significant that would justify a refusal of planning permission that would outweigh the benefits of a renewable energy scheme. This is because of the distance from residential properties and the height of the fence and panels that is considered to be acceptable within an area with no policy allocation in the North Lincolnshire Local Plan for landscape protection.

On the issue of potential for glare, the applicants submitted details from the manufacturer that can be summarised as follows:

*Glint and glare can be created by sunlight reflecting off a shiny surface. This is called indirect glare and can be caused by shiny surfaces like metal or glazing on greenhouses. This type of indirect dazzling is weaker than direct sunlight dazzling: reflected light always has a lower intensity than direct light because the quantity of incoming light is never fully reflected. In the case of solar panels, the purpose of the solar cell is to absorb as much light as possible and not reflect it at all. This increases the efficiency of the cell. The reflected light is very limited in position and time due to the sun's changing position.*

*In terms of potential impact upon aviation, in Germany, Russia and Australia several solar farms have been installed in the direct vicinity of airports. No reports of disturbances or dazzling have been recorded.*

*The proposed panels are made with 3.2mm solar glass, which is highly transparent. The proposed installation at Keadby has solar panels mounted at 38 degrees facing south.*

In consideration of the above, all the existing dwellings close to the site are located to the north of it and the panels are therefore directed away from all nearby residents.

### **Impact upon ecology**

Local residents have commented on regular sightings of species such as deer, badger, fox, tawny owl, barn owl, grass snakes and water voles. An ecological assessment has been submitted with the application which has been assessed by the council's Environment Team.

Subject to several conditions relating to the protection of species on site, appropriate pollution control measures and the enhancement of the site's wildlife potential, the council's ecologist has no objections to the proposal.

With regard to the parish council's comments, the applicants responded in the following manner:

There will be no hardstandings or gravelled paths, and the grassland will remain unaffected below the panels other than disturbance caused through the installation of the support system and perimeter fencing foundations.

All access to the site will be via the existing site access road from 22 Trentside. Given that the site will be unmanned and inspected annually, excessive traffic generation is not expected. Furthermore the Highways department have requested a condition that requires a traffic management plan which controls construction traffic.

The council's Public Rights of Way Officer has confirmed that there are no public rights of way within the site and there is no designation under the Countryside and Rights of Way Act 2000. The proposed perimeter fencing is purely for site security. With regard to potential impact upon wildlife, the council's ecologists have assessed the proposal, and the ecological assessment submitted with the application, and, subject to conditions, have no objections to the proposal.

Concerns regarding potential noise generation and light reflection from the panels have been assessed by the council's Environmental Protection team who have no objections to the proposal subject to conditions requiring the panels to be static and mounted at 38 degrees facing south to prevent glare or noise.

Landscaping of the site can be controlled by condition to require planting to screen the development and thereby reduce its visual impact.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the plans schedule.

Reason

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

3.

This permission is for a period not exceeding 25 years from the date the development is first connected to the electricity grid, such date to be notified to the local planning authority not later than one month from the making of such connection.

Reason

The life span of this operation is intended to last for 25 years.

4.

Within 12 months of the end of the 25-year period pursuant to condition 3 above, all photovoltaic panels, ancillary equipment and buildings shall be dismantled to below ground level (or as otherwise agreed in writing with the local planning authority) and removed from the site, and the land shall be restored in accordance with a restoration and aftercare scheme to be submitted for the approval of the local planning authority no later than 12 months prior to the expiry of the 25-year period referred to in condition 3 above. Restoration of the site shall proceed in accordance with the approved scheme unless the local planning authority gives its written consent to any variation.

Reason

The life span of this operation is intended to last for 25 years.

5.

No development shall take place until the applicant, or their agents or successors in title, has agreed in writing with the local planning authority a scheme for the protection or the recovery and recording of all archaeological remains affected by the works. The development shall then take place in accordance with the agreed scheme.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

6.

Water voles and grass snakes shall be protected by the establishment of a 2 metre buffer strip running on both sides of the ditch that runs horizontally across the centre of the site in accordance with the attached plan. The buffer strip shall extend for a minimum of 2 metres at its narrowest point from the ditch edge and this area shall not be used or driven over in any way during the period of development or when the array is in operation. All workers on site shall be informed that grass snakes may be present on site and they shall be made aware that they are legally protected from harm. Any proposals which may impact on the protected habitat of the buffer strip (for example, bridges or fences) shall require the written agreement of the local planning authority before they are allowed to proceed. The buffer strip shall be maintained as semi-natural habitat.

Reason

To safeguard protected species and to comply with policy DS1 of the North Lincolnshire Local Plan, PPS9 and the NERC Act.

7.

Appropriate pollution control measures shall be employed in accordance with current Environment Agency standards to ensure that detrimental impacts on the waters of the ditch do not occur during the development and operational phases. Details of the pollution control measures and impact of any potential changing water levels in the ditch shall also be submitted to and agreed in writing by the local planning authority prior to any development work taking place. This agreed water level management system shall then be followed during the development and operational phases of the site.

Reason

To safeguard protected species and to comply with policy DS1 of the North Lincolnshire Local Plan, PPS9 and the NERC Act.

8.

A method statement as to how birds and bats will be protected shall be submitted to and agreed in writing by the local planning authority prior to any development work taking place. The method statement shall be followed during development and operational phases of the array.

Reason

To safeguard protected species and to comply with policy DS1 of the North Lincolnshire Local Plan, PPS9 and the NERC Act.

9.

A written programme to illustrate how the site is to be enhanced for wildlife during the operational and development phases, and how it will be managed for wildlife, shall be submitted to and agreed in writing by the local planning authority prior to any development on site. That plan shall subsequently be followed, unless otherwise agreed in writing by the local planning authority, during the operational phase of the site.

Reason

To safeguard protected species and to comply with policy DS1 of the North Lincolnshire Local Plan, PPS9 and the NERC Act.

10.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

11.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

12.

No development shall take place until a traffic management plan has been submitted to and agreed in writing by the local planning authority. Once agreed, the plan shall be implemented, reviewed and amended as necessary throughout the life of the construction phase, the life of the development, operational life and ultimate decommissioning of the site.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

The photovoltaic panels shall be non-rotating and rigidly mounted at 38 degrees to face due south.

Reason

To prevent light pollution and glare in accordance with policy DS12 of the North Lincolnshire Local Plan.