

APPLICATION NO PA/2015/0723

APPLICANT JFD Hargreaves Ltd

DEVELOPMENT Planning permission for 170kWp solar PV installation

LOCATION Low Farm, Thornton Road, Thornton Curtis

PARISH **THORNTON CURTIS**

WARD Ferry

CASE OFFICER Joanna Heweth

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Discretion of the Head of Development Management

POLICIES

National Planning Policy Framework (NPPF): The NPPF encourages sustainable development. Section 10 requires decision-makers to consider climate change, flooding and coastal change. Section 11 requires decision-makers to consider conserving and enhancing the natural environment.

Planning Practice Guidance (2014) and Written Ministerial Statement (18 June 2015) apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy DS21 (Renewable Energy)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy RD2 (Development in the Open Countryside)

Policy RD7 (Agriculture, Forestry and Farm Diversification)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy LC5 (Species Protection)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy HE9 (Archaeological Evaluation)

North Lincolnshire Core Strategy: Policies CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

PolicyCS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change).

Supplementary Planning Document: Planning for Renewable Energy Development states that solar farms are becoming increasingly commonplace in the UK, particularly in southern and central England. This document sets out the planning considerations in respect of environmental impacts, cumulative impacts and policy considerations.

Draft Supplementary Planning Document (October 2015) – Planning for Photovoltaic Development

CONSULTATIONS

Environmental Health: Concerned that the piling operation could cause noise disturbance. Recommends a condition restricting the hours of construction work.

Highways: Does not wish to restrict the grant of planning permission.

Humberside Airport: No objection.

NATS: The proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

Historic Environment Record: The development would not affect any heritage assets or their settings.

Ecology: No objections but suggests a condition to secure biodiversity enhancements and protection of the protected species, including badgers.

Environment Agency: No response.

PARISH COUNCIL

No objections following a presentation by the developer.

PUBLICITY

Neighbouring properties have been notified. No comments have been received.

ASSESSMENT

The application proposes the installation of 652 ground-mounted PV solar panels on approximately 0.15 hectares of land adjacent to Low Farm, Thornton Curtis. The PV solar panels would generate 170kWp and would be located on land immediately to the west of the farm buildings, in an existing field which is classified as grade 2 agricultural land.

The panels would be mounted and arranged in two 169 metre north-east rows. The mounting system would allow the panels to be angled at 30 degrees facing south-south-east to allow the array to maximise the capture of solar radiation. The panels would rise to a maximum height of 2.3 metres and a minimum of 0.6 metres above ground. The mounting system piles would extend to a maximum depth of 1.8 metres. A trenched cable would link the panels to the farm and would provide the grid connection.

The main material planning considerations are policy and principle, highways, ecology and other matters.

Policy and principle

Low Farm includes a number of agricultural buildings including grain and potato handling and storage, ancillary agricultural buildings and a farm office. The proposed solar PV panels would provide power for the farm and would provide a green source of energy. The site has a high on-site electricity demand for coolers, fans and handling equipment. A significant demand for electrical energy for these processes is during the summer in order to maintain an appropriate temperature in the potato store and to operate drying equipment, and to operate grain drying and handling equipment. The applicant considers that the solar panels would be a suitable means of meeting some or all of this demand as the greatest solar radiation output is during summer months, both as a result of longer days and the northern hemisphere's closer relative proximity to the sun. Any excess power produced would be exported to the national grid.

The Climate Change Act 2008 sets out a national legally binding target for UK countries to achieve an 80% reduction in greenhouse gas emissions by 2050 from a baseline of 1990.

The European Renewable Energy Directive came into force in 2009 and the UK has agreed to source 15% of its energy from renewable sources by 2020. The UK has also set an aim in the UK Low Carbon Transition Plan 2009 to exceed the European targets by achieving 30% of its energy from renewable sources within the same timeframe.

The National Planning Policy Framework (NPPF) issued on 27 March 2012 is a material planning consideration in the determination of this application and has a presumption in favour of sustainable development. At paragraph 93 it states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. At paragraph 17 it also states that planning should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and to encourage the use of renewable resources.

The NPPF also supports the use of brownfield land. Loss of high quality agricultural land should be resisted.

The North Lincolnshire Local Plan 2003 shows that the site is within the open countryside, outside the development boundary and is not allocated for development. This means that policies RD2 and RD7 are relevant in the determination of the application. Policy RD2 states that planning permission will only be granted for development which is for diversification of an established agricultural business, provided that issues pertinent to development in an open countryside location are addressed.

Policy RD7 (Agriculture, Forestry and Farm Diversification) also applies and sets out the criteria for when development will be acceptable in principle. The proposal is considered to comply with policy RD7 of the North Lincolnshire Local Plan.

Policy DS21 (Renewable Energy) supports proposals for renewable energy provided that any detrimental effect is outweighed by environmental benefits. These impacts will be referred to in the next section but this policy shows that there is support for renewable energy in principle.

The Draft SPD (Solar Development) published by the council in October 2015 is a material planning consideration although the required public consultation period has not yet expired and there may be amendments to the policy before it can be adopted. Nevertheless the development needs to be assessed in relation to its policies but can be given little weight. The policies of the Draft SPD which relate to the main principal issues are considered below. The other relevant Draft SPD policies are considered in the next sections of the report.

Policy A (Community Consultation) states that the developer must provide evidence of community engagement and how this has shaped the proposal. Failure to demonstrate that robust consultation has taken place will be a material consideration in determining the application. Given the relatively small scale of development and its direct association with the requirements of the farm, the applicant did not carry out pre-application consultation. Following the original objection from the parish council, however, the applicant met with the parish to explain the predicted environmental impacts, especially the visual impact. Following this meeting the parish withdrew its objection.

Policy B (Community Benefits) states that applicants should work with communities to identify the impacts on the area. This work should include any benefits that the community wish to pursue and could be secured through planning obligations. The parish did not identify any community benefits in relation to this scheme which they wanted to pursue and again this is a relatively small-scale scheme with limited scope for community benefits.

Policy C (Site Selection and Agricultural Land Quality) states that in line with national planning policy developers must locate solar arrays on previously developed and/or contaminated and industrial land and should avoid areas that are undeveloped. The policy goes on to state that proposals on agricultural land, falling within grades 1, 2 and 3a (the best and most versatile) will not be permitted. This land should be used for agricultural purposes. Where proposals are located on agricultural land they must be situated on land of poorer quality (grades 3b (moderate), 4 (poor) or 5 (very poor)). Developers are required to demonstrate that there is a need for their development to be located on agricultural land when it falls within these classifications. Furthermore, proposals should allow for complementary use of the land around the solar PV array for agricultural purposes, for

example grazing, or biodiversity enhancement/habitat creation. The applicant has submitted an Agricultural Land Classification report which confirms that the land is grade 2. The report states that the applicant does not own any other land of a lower quality and that a sequential test has been carried out. The report demonstrates that the proposed site is the best option.

The Planning Practice Guidance states that the use of any agricultural land should be shown to be necessary and that poorer quality land has been used in preference to higher quality. Consideration should also be given as to the continued use of the site for agriculture and/or biodiversity enhancements. Although the SPD categorically states that development on higher grade land is not permitted, the fact remains that this is a draft document currently undergoing public consultation. In addition the national planning guidance does not rule out the development of solar farms on higher grade agricultural land, provided it is justified.

The contents of the draft document have been considered but, in this instance, as the proposal is directly related to the use of the energy generation for the farm, its relocation on a lower grade of agricultural land is not possible. It is considered that the benefit of the provision of renewable energy outweighs the harm caused by the loss of a relatively small area of higher grade agricultural land. In addition, the surrounding land can still be used for agricultural use without detriment to the solar PV panels.

The proposed installation would reduce the operational costs of the farm to the applicant by generating electricity on site from renewable sources and would protect the applicant from future energy price increases. It would also reduce the applicant's and the nation's reliance on electricity from fossil fuels in line with local and national planning policies.

It is considered that the proposal is therefore considered to be acceptable in principle.

Visual impact

The site lies at the highest point of an arable field with an adjacent hedgerow along the northern boundary at the top of the slope. The site would be around 150 metres to the north-west of Thornton Road. Along the boundary with Thornton Road is another hedgerow. The solar panels would have a non-reflective coating. This would give the PV cells a blue appearance and the mounting system and frame would have a dull metallic appearance. Consideration has been given to the screening effect of the existing hedges along the northern and southern boundaries of the field in which the site is located. The applicant has agreed that the southern hedge could be allowed to grow and could be maintained at an increased minimum height. This could be secured by a condition of any approval and would minimise the visual impact of the panels.

Highways

Access to the site would be from the existing farmyard. Access to the farm is from Thornton Road. The construction of the solar farm would take approximately two weeks (10 working days) for the delivery, construction and completion phases and there would be a total of around 28 traffic movements by transit-type vehicles and pick-up type vehicles. The applicant has submitted a construction phase traffic management plan and confirms that there would be no abnormal loads and no traffic management arrangements required. The highway authority has no objections to the proposal.

Ecology

National and local planning policies seek to secure the continued use of the land for agricultural use or measures should be taken to enhance biodiversity of the site. The applicant has submitted a Biodiversity Management Plan. This plan states that the proposal would result in approximately 0.15 hectares of land being removed from intensive agricultural production for the duration of its use for a PV solar installation in connection with the farm, reducing the volume of fertiliser and pesticide applied to the land. The applicant proposes sowing the areas beneath the panels with a species-rich grass mix to include a range of nectar and pollen species in order to increase plant and invertebrate biodiversity. The areas around the PV panels would create a part shaded/part unshaded environment which would be beneficial to a range of invertebrates as a habitat and food source. No hedgerows or trees would be disturbed as a result of the development and, before the commencement of construction, a walk-over of the site would be carried out to ensure that there are no ground-nesting birds affected by the development.

The applicant has indicated that the site is situated within a Natural England SSSI impact zone, but the development is for a solar scheme which is less than 0.5 hectares and below the relevant threshold for further assessment. The council's ecologist considers that the proposal would not affect any protected or priority species, other than nesting birds, and recommends a condition to be attached to any approval in order to secure the implementation of the Biodiversity Management Plan.

Other matters

The proposal is not considered to adversely affect any archaeological or heritage assets and there are no objections to the proposal from NATs or Humberside Airport. The parish council does not object to the application, nor does the Environmental Protection team, subject to a condition regarding construction noise.

Conclusions

The proposed development would provide the applicant's farming enterprise with a source of renewable energy to match existing on-site demand; in particular the peak output would match the peak on-site requirement for energy which is more sustainable than importing energy from the national grid as at present. The proposal would reduce the carbon footprint of the farming enterprise. The impact of the development is acceptable and in accordance with the relevant national and local planning policies and guidance. The application accords with the policies set out above in the North Lincolnshire Core Strategy and the North Lincolnshire Local Plan, together with adopted supplementary planning guidance. Whilst the proposal would use grade 2 agricultural land and would therefore be contrary to the Draft SPD, the applicant has justified this use. The application is therefore recommended for approval.

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 submitted "Example Biodiversity Management Plan" dated 22/05/2015 shall be carried out in full. Within six months of the installation of the approved photovoltaic panels, the applicant or their successor in title shall submit a report to the local planning authority, detailing evidence of implementation of the plan. All work shall thereafter be retained and maintained in accordance with the Biodiversity Management Plan for the duration of the solar installation.

Reason

To protect features of recognised nature conservation importance and to enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

3.

The hedgerow to the south side of the site fronting Thornton Road shall not be cut back or trimmed following the commencement of work hereby approved, and shall be allowed to grow to a minimum height of 3 metres measured from ground level and shall thereafter be so maintained for the duration of the solar panel installation unless otherwise agreed in writing with the local planning authority.

Reason

To provide satisfactory screening in the interests of visual amenity in accordance with the National Planning Policy Framework and policies DS1, DS7 and DS21 of the North Lincolnshire Local Plan.

4.

Construction work shall be limited to the following days and hours:

7am to 7pm Monday to Friday

7am to 1pm on Saturdays.

No construction work shall take place on Sundays or public/bank holidays.

Installation of equipment shall not be permitted outside these hours without prior written consent from the local planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

The solar installation and associated development hereby approved shall be removed and the land returned to its former condition no later than 25 years from the date of this decision notice.

Reason

To comply with national planning policy guidance and in the interests of visual amenity.

6.

The development hereby approved shall be carried out strictly in accordance with the following plans: Site location plan received 21 May 2015, detailed plan of site and equipment P50728_001_02, site layout plan with access edged in red received 16 July 2015 and sections by Beba UK - Kent received 21 May 2015.

Reason

In the interest of proper planning and for the avoidance of doubt.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

