

APPLICATION NO	PA/2015/0930
APPLICANT	Mr A Lister
DEVELOPMENT	Planning permission for installation of ground-mounted PV (solar) panels
LOCATION	Land at Newlands Farm, Blackdyke Road, Epworth
PARISH	EPWORTH
WARD	Axholme South
CASE OFFICER	Joanna Heweth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Rose – significant public interest)

POLICIES

National Planning Policy Framework: Overarching message is that development should be sustainable. Section 4 supports a prosperous rural economy. Section 7 requires good design. Section 10 explains the importance of meeting the challenge of climate change, flooding and coastal change. Section 11 requires decision makers to conserve and enhance the natural environment.

National Planning Practice Guidance: Renewable and Low Carbon Energy (Revised)

North Lincolnshire Local Plan:

Policy LC14 (Area of Special Historic Landscape Interest)

Policy RD2 (Development in the Open Countryside)

Policy RD7 (Agriculture, Forestry and Farm Diversification)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC14 (Area of Special Historic Landscape Interest of the Isle of Axholme)

Policy LC15 (Landscape Enhancement)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS16 (Flood Risk)

Policy DS21 (Renewable Energy)

North Lincolnshire Core Strategy:

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS16 (North Lincolnshire Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

North Lincolnshire Council's Supplementary Planning Document – November 2011 – Planning for Renewable Energy Development

Draft Supplementary Planning Document October 2015 Planning for Solar Photovoltaic (PV) Development

CONSULTATIONS

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

Severn Trent Water Ltd: No objections.

Environment Agency: A further revised FRA has been submitted which the Agency is now satisfied with and has no objections subject to a condition that the FRA be implemented in full.

NATS Safeguarding: The proposal does not conflict with our safeguarding criteria.

Robin Hood Airport: No objection subject to the panels and associated mountings being non-reflective and not resulting in glint and glare to pilots.

Humberside Airport: No objections provided that the development is constructed in accordance with the planning application.

Campaign to Protect of Rural England: Objects on grounds that the visual impact of the proposal would damage the local environment. Whilst not a towering structure of a wind turbine, solar arrays nevertheless introduce an alien form into the landscape by the uniform and reflective nature of the panels. Paragraph 11.6 of North Lincolnshire Council's Core Strategy aims to 'protect and enhance North Lincolnshire's natural heritage and world class landscapes and habitats by maintaining and creating a sensitive balance between urban and rural, built form and natural assets, and physical and cultural links between townscape and landscape'. The proposed development would damage the valuable natural asset and fail to protect and enhance North Lincolnshire's natural heritage.

The proposal would also fail to satisfy policies CS2 and CS6 of the Core Strategy as the development would be within low-lying open agricultural land and the potential benefits of

approving the application would not outweigh the potential damage that could be caused to this distinctive countryside area which the council's policies are designed to protect.

The site is also grade 1 agricultural land which the government advises should not be used for large-scale solar farms. CPRE also considers that the proposal would be contrary to the council's Core Strategy at policy CS2 which states that only development essential to the functioning of the countryside will be allowed outside of settlements and this might include uses associated with agriculture, forestry or other uses which require a countryside location. As the use is not related to agriculture the CPRE considers that the application should be refused on this ground.

Historic Environment Record Officer: The application lies within an Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). This area is designated for its unique historic landscape retaining the pattern of medieval open strip fields and early enclosures surrounding the villages on the Isle. The application site is located within the historic landscape type of Recent Enclosed Fields to the east of the main block of early enclosures between Owston and Epworth. Given the scale of the proposed solar installation in this particular location it is considered that the proposal would not cause any significant adverse effect on the historic landscape or its setting. The application does not affect any known heritage assets of archaeological interest and potential for unrecorded remains to be present here is considered to be low.

Ecology Officer: If permission is granted biodiversity enhancements should be secured.

TOWN COUNCIL

No observations.

PUBLICITY

Neighbouring properties have been notified and a site notice posted.

ASSESSMENT

The application site lies to the east of Epworth village on open land between the village and the River Trent. The land falls within the Isle of Axholme and is flat without any significant field boundary treatments. The applicant owns around 120 acres in total: 90 acres is used for arable farming and 30 acres for horse-related uses. There are agricultural buildings some 750 metres to the west of the site together with stables and equestrian buildings. There is also a livery business at the premises. The rest of the land around the site is open agricultural land.

The application is for the installation of solar arrays on land measuring around 0.5 hectares. There would be 960 PV panels resulting in 249.6kWp of electricity and amended plans have been received to show the reduction in height of the solar panels, above ground level, from 2.7 metres in height to 1.93 metres. The panels would be arranged in 16 rows at an angle of 30 degrees to horizontal and there would be 3.5 metres between the rows. There would be a clearance of 1.1 metres at the lowest end of the panels from ground level. The applicant has advised that the mounting system would be a single pile-driven post system, which would be easily removed after the system's lifetime as no concrete is used. The mounting system would be steel and magnesium alloy. The panels would be blue cells covered with solar glass in an aluminium frame.

The PV panels produce Direct Current and this would need to be changed into Alternating Current to be usable. Inverters and other equipment would be situated under the panels on the mounting system. The applicant intends to seed the land underneath and around the solar arrays with a mixed grass seed and would maintain the land by hand cutting.

The site has previously been used for farming but is now unused following the construction of a wind turbine on land immediately next to the application site to the north and east. The energy produced would be transported to the national grid via existing infrastructure constructed for the wind turbine but a new substation would need to be built in connection with the solar farm to house the industrial service unit to allow the applicant to export electricity to the National Grid. The building would measure 2.4 metres by 2.8 metres and would be 2.6 metres in height. It would be constructed from blockwork with a fibre cement roof on a steel mesh for security. A cable would run from the inverters on the solar panels back to the industrial service unit. This would be constructed close to the existing wind turbine plant room and the grid switch gear building which are finished in a dark green colour. Access to the site would be from an existing track leading from the farmhouse and buildings to the wind turbine. The track is unmade and in poor condition.

The material planning considerations in the determination of this application are policy and visual impact, and flood risk.

Policy and visual impact

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) is a material planning consideration in the determination of the 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 and states that the loss of high quality agricultural land should be resisted. At paragraph 97 the NPPF states that to help increase the use and supply of renewable energy local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should have a positive strategy to energy generation from renewable sources and should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

Recent government advice published in June 2015 states that where local authorities have not identified sites for solar energy in their local plans the following should be considered:

- the need for renewable energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that solar farms can have on landscape and local amenity as the number of solar arrays in an area increases;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including on protected areas;
- local topography is an important factor in assessing whether large-scale farms could have a damaging effect; and
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

The North Lincolnshire Local Plan 2003 shows that the site is within the open countryside, outside the development boundary of the nearest villages and is not allocated for development. This means that policies RD2 and RD7 are relevant to the determination of the application. The site is within a few metres of a large wind turbine and the site has the remnants of the excavations carried out for the turbine and associated substation and inverter buildings. The land is grade 1 agricultural land and government guidance is that large-scale solar farms should be permitted on poor or less versatile agricultural land and not on high quality land which should be preserved for agricultural production. Large-scale solar farms are defined as having a generating capacity of 5MW or more. The current application is for a generating capacity of 249.6kWp only and is therefore not a large-scale solar farm. Nevertheless the applicant has been requested to submit details as to why such high quality land is being put forward. The applicant has confirmed that the proposal would use only the land which is difficult to farm, now that the wind turbine has been erected. The land is not in agricultural use at present. The land to the north of the site is not being used either as this is within the shadow of the turbine. The applicant intends to sow this area with a wildflower mix to create a wildflower meadow.

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 National Planning Practice (NPPG) is also material. At paragraph 5-013 the NPPG states that large solar farms can have a negative impact on the rural environment and

encourages the use of previously developed land, provided that it is not high environmental value. This mirrors advice within the NPPF. Consideration should also be given to the Overarching National Policy Statement for Energy EN-1 dating from 2011. The site is not of particularly high landscape value although it is within an Area of Special Historic Landscape Interest.

The North Lincolnshire Local Plan 2003 shows that the site is within the open countryside, outside any 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, these issues will be assessed in subsequent sections of this report.

Policy RD7 (Agriculture, Forestry and Farm Diversification) is also applicable and sets out the criteria for when development will be acceptable in principle.

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 published by the council in October 2015 is a material planning consideration although the required public consultation has not yet been completed and there may be amendments to the policy before it can be adopted. Nevertheless the application 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 Draft SPD policies relate to environmental impacts which are considered later in the report where appropriate.

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. The applicant has been requested to address this item but has not responded to date.

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. Again the applicant has been requested to address this matter but has not responded to date.

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) agricultural land 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.

The Planning Practice Guidance states that where a proposal involves greenfield land consideration should be given as to whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. 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, this is a draft document currently undergoing public consultation. In addition, the national planning guidance doesn't rule out the development of solar farms on higher grade agricultural land, provided it is justified.

The proposal therefore fails this Draft SPD policy which does not allow high quality agricultural land to be used. In terms of national policy the applicant states that the land is not used for agriculture because it is close to the existing wind turbine and since the turbine was erected the land has become scrubland. The applicant states that the land is difficult to farm using existing farm machinery due to the size of the machinery in proximity to the turbine. The applicant also states that fertilisers cannot be used on the site because fertilisers can damage the steel work. The applicant has confirmed that the site is too far from the agricultural buildings for the energy to be used directly on the farm and 100% would go to the national grid. The proposed solar farm would give the landowner a more secure income stream, however, which would help him to carry on farming the rest of the land. It would, in this sense, result in farm diversification whilst contributing to the government's aim to secure more renewable energy in line with its national and international commitments. This would reduce the country's dependence on fossil fuels and would help in the challenge to reduce climate change. It is therefore considered to be in accordance with policies DS21 (Renewable Energy), RD2 (Development in the Open Countryside) and RD7 (Agriculture, Forestry and Farm Diversification).

The site falls within the Area of Special Historic Landscape Interest of the Isle of Axholme as referred to under policy LC14 of the local plan. The area covered by the policy has significant areas of medieval open strip fields and turbaries, both of which are of considerable national importance. These attributes, together with enclosed land and the overall settlement pattern of the area, make it unique in the country. It is essential therefore that future development is not allowed to adversely impact on this valuable historic resource. Development in this area is not permitted under the policy if it would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. Development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted under the policy provided such development is related to the historic landscape and its features.

The Campaign to Protect Rural England (CPRE) has objected to the application on grounds that the development would not be in accordance with government policy, the council's Core Strategy, or the council's local plan given that the development is in the open countryside, is not related to the needs of agriculture, is on high quality farmland and would detrimentally affect the appearance of the open landscape.

The council's Historic Environment Record (HER) Officer has advised that the site is located within an area of the Recently Enclosed historic landscape character type and is not within the most important historic landscape of the open fields, early enclosures or turbaries; the riverside open fields lie 1 kilometre to the east in a narrow zone along the River Trent and the early Enclosures surrounding Melwood and Epworth are a similar distance to the west. In this location the HER Officer is satisfied that the location around the existing turbine would not adversely affect the setting of the open fields, particularly if the

panels can be judiciously screened. Hedging, hedgerow trees and small copses of trees within the Recently Enclosed historic landscape type is acceptable as part of this landscape character. As much as possible any new planting should respect the pattern of the existing field boundaries.

It is considered that the solar farm would be visible in the landscape but would be seen in the context of the adjacent wind turbine. There are no public footpaths close to the site and the nearest residential property is 700 metres away to the north-west at Newland Farm. The council's Ecology Officer has requested biodiversity enhancements and it is considered that mixed grassland could be created around and underneath the solar arrays. It is considered that there would be scope for new landscaping in the form of hedging and trees, as suggested above, and this could be secured by a condition. Such planting would give some screening to the panels but would still look like a natural feature in the landscape. In view of this it is considered that the objections from the CPRE could not be substantiated in relation to the specific details of the application and in view of the landscaping which could provide effective screening without damaging the landscape character.

The applicant has confirmed that there are no plans to secure the site with fencing or lighting and conditions could be attached to any approval to prevent this.

Flood risk

The site falls within a high flood risk area and the applicant has prepared a Flood Risk Assessment which has now been submitted to the Environment Agency. The Agency raises no objections subject to the development being set at the required level to minimise the impact of any flooding and to reduce the impact on the nearby land. The wind turbine has also been set above ground level for the same reasons. The impact of any increase in level will be submitted to members at the meeting.

Conclusion

It is considered that the proposed development would provide renewable energy to the national grid and would be in accordance with local and national policies to reduce the dependence on fossil fuels and to provide more renewable energy by 2020 in accordance with The Climate Change Act 2008 and The European Renewable Energy Directive 2009. The proposal is a small-scale solar farm of around 0.5 hectares and the loss of grade 1 agricultural land would be limited to a small area adjacent to an existing wind turbine. The proposal would have a limited impact on the historic landscape character and the applicant has agreed to provide suitable landscaping and biodiversity enhancements in accordance with a scheme to be submitted as required by a recommended condition. The proposal is considered to be acceptable.

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.

Prior to commencement of the development hereby approved, the applicant or their successor in title shall submit a biodiversity management plan to be agreed in writing by the local planning authority. The plan shall include:

- (i) details of measures to avoid harm to nesting birds during construction and ongoing management;
- (ii) details of pollen and nectar-rich habitats to be created;
- (iii) proposed timings for the above works;
- (iv) details of tree and hedge planting.

Reason

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

3.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

Reason

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

4.

Notwithstanding the permitted development rights included within the Town and Country Planning (General Permitted Development) Order 2015, Part 2, Class A, no fencing shall be erected or installed in connection with the solar arrays or associated equipment without the prior approval of the local planning authority following the submission of a separate planning application.

Reason

To protect the appearance of the site in accordance with policies RD2 and LC14 of the North Lincolnshire Local Plan.

5.

No lighting shall be erected in connection with the solar arrays or associated equipment without the prior written approval of the local planning authority.

Reason

To protect the appearance of the site in accordance with policies RD2 and LC14 of the North Lincolnshire Local Plan.

6.

Notwithstanding the submitted application, further details of the external material and colour of the proposed substation shall be submitted to and approved in writing by the local

planning authority prior to work commencing on this building. All work shall accord with the approved details.

Reason

To protect the appearance of the site in accordance with policies RD2 and LC14 of the North Lincolnshire Local Plan.

7.

The development shall be carried out in strict accordance with the following plans: Location Plan - Planning T1464_S02-Rev B, Proposed PV layout T1464_GA01 Rev A, and Proposed Sub Station Building to house inverters T1464_IF29 Rev B, all received on 7 September 2015.

Reason

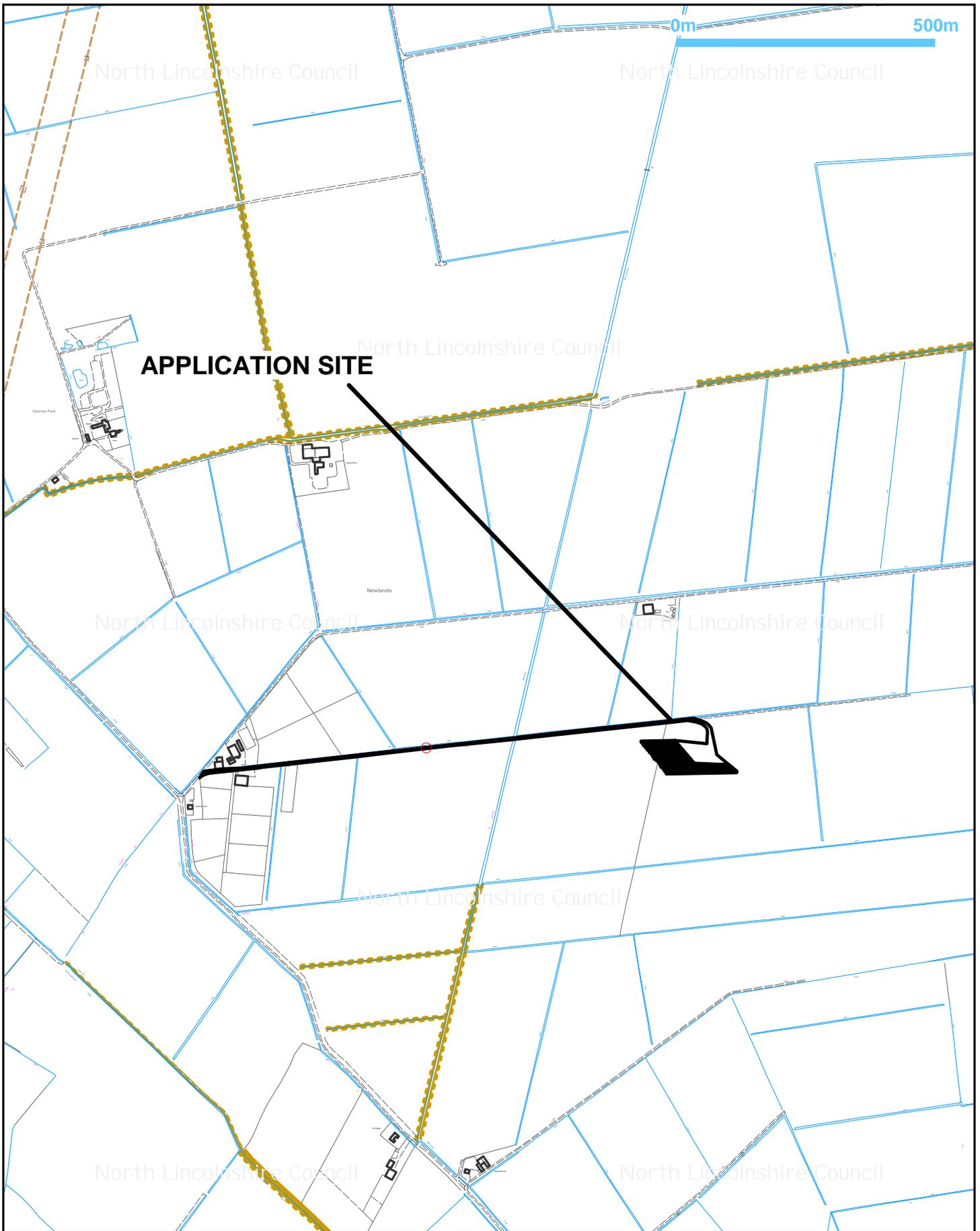
In the interests of proper planning and for the avoidance of doubt.

Informative 1

Robin Hood Airport and Humberside Airport have no objections to the development provided it is constructed in accordance with submitted details and provided the development does not result in glint or glare for pilots. If such problems occur the airports can take action under their own legislation to reduce glint and glare for safety reasons.

Informative 2

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.



Title: PA/2015/0930

Drawn by: Sue Barden

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