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| Application: | 2019/1249/MAF | ITEM 1 | |
| Proposal: | Construction of a solar park, to include the installation of solar photovoltaic panels to generate approximately 28MW of electricity, with DNO and Client substations, inverters, perimeter stock fencing, access tracks and CCTV. Landscaping and other associated works, together with retention and extension of existing hedgerow. | | |
| Address: | Land at Ranksborough Farm, Cold Overton Road, Langham | | |
| Applicant: | Elgin Energy EsCo Ltd | Parish | Langham |
| Agent: | Pegasus Group | Ward | Langham |
| Reason for presenting to Committee: | | Major development with objections | |
| Date of Committee: | | 21 December 2021 | |
| Agreed Extension of Time: | | 24 December 2021 | |

EXECUTIVE SUMMARY

This large solar farm is planned for open countryside to the west of Langham. It would be well screened from the public realm apart from a public footpath that crosses the site. It would be visible from a footpath east of Cold Overton but against a backdrop of trees and the distances involved mean that the harm is limited. There would be no harm to the setting of listed buildings in Cold Overton.

The Panels would be below the height of Ranksborough Hill allowing longer views over the site to be retained. The benefits of the scheme, contributing towards reducing the impact on climate change, outweigh the minor harm to the users of the footpath and any less than substantial harm to heritage assets.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P17_2021_01 Rev D, P17_2021_07 Rev I, P17_2021_13 (Sheets 1/7, 2/7, 6/7 and 7/7), P17_2021_15, P17_2021_18, BHA_377_02 (Tree Retention and Removal Plan), BHA_377_03 (Tree Protection Plan), Un-numbered Plan 'Steel Building',
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.
Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.
4. Before any works commence on site other than forming the access, the trees shown to be protected on Plan BHA_377_03 shall be protected in accordance with that plan and shall remain so protected until all construction on site is complete. The trees shall

be similarly protected during the de-commissioning of the site.

Reason: To ensure that important habitat and tree screening is not damaged during construction and decommissioning, in the interests of bio-diversity and visual amenity.

5. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels, boundary treatments and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."

Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. route for construction vehicles
- iii. delivery periods
- iv. details of any construction compound
- v. loading and unloading of plant and materials
- vi. storage of plant and materials used in constructing the development
- vii. Construction timeline
- viii. Traffic management measures such a temporary signing
- ix. Banksman managing site access during construction and decommissioning
- x. A pre-commencement condition survey of Cold Overton Road together with measures to repair identified damage

Reason: To ensure that the construction period causes minimal disruption to the local highway network and any areas of archaeological interest.

8. Within 2 months of the solar panels no longer being required for energy generation, all panels, structures, fencing and any other equipment shall be removed from the site and the land re-instated to agricultural use.

Reason: To ensure that the land is restored to agricultural use and not left in a derelict state becoming detrimental to visual amenity and in accordance with Planning Policy Guidance Paragraph: 013 Reference ID: 5-013-20150327.

Notes to Applicant:

This permission does not entitle you to block, obstruct or otherwise alter the public right of way across the site with the relevant part of the development, until a formal diversion has been approved and is in place.

Site & Surroundings

1. The application site occupies approximately 51.6 hectares of land and is located directly west of Langham, with the villages of Cold Overton (c.0.9km west), Barleythorpe (c.1.5km southeast) and Oakham (c.2.1km southeast). The site is presently in agricultural use and comprises a number of arable fields of various shapes and sizes, separated by grass 'runways' running north-south and east-west within the site. The A606 and Cold Overton Road also pass within close proximity north and south of the site boundary respectively, converging in Langham to the east.
2. The site is not subject to any statutory designations, it is not located within a Conservation Area and nor are there any Listed Buildings or environmental designations within or immediately adjacent to the site. The site is immediately surrounded by agricultural land, with the settlement of Langham to the east.
3. Public footpath D85 runs across the site and would need to be diverted.
4. The site is fully within the Rutland County Council administrative area, the western extent of the site adjoins the Councils administrative boundary with Melton Borough Council. The village of Cold Overton with some GI and GII listed buildings is situated to the west.
5. The site is bounded by a combination of hedgerows and trees. The nearest 3rd party dwelling is The Homestead, (and its associated Racing Stables) approximately 100 metres to the east of the nearest solar panel.
6. A single farm business operates within the Site with the entirety of the land being owned and farmed by one business.
7. The total land farmed by the farm business amounts to approximately 200 hectares of which the Site occupies approximately 52 hectares. Approximately 100 hectares is owned at Ranksborough and a further 100 hectares at Melton Mowbray. The land is farmed as arable with wheat, barley, oil seed rape and beans on rotation.
8. Contractors are used to farm the majority of the land and little grain is stored on the farm.
9. The main farm buildings are located within the farm yard complex on the edge of the village. The farmyard comprises several agricultural buildings including a small grain store, two storage buildings and a workshop. There are also various other buildings within the farmyard that are no longer in agricultural use but are rented out. There are two off-lying buildings. No buildings will be affected by the proposed solar development and all can continue in their current use.
10. A detailed Agricultural land survey has determined that the Site comprises 47.5 ha of agricultural land, none of which is best and most versatile. Some 4.1 ha has not been surveyed but is also likely to comprise Subgrade 3b.

Proposal

11. It is proposed that the use of the site will be for the development of a Solar Park to generate approximately 28MW of renewable energy, sufficient for the energy supply for c8400 homes.
12. The proposed Solar Park will involve the temporary change of use of the land, but due to the time restricted nature of the development (30 years following first export of energy), the agricultural use will be retained in the long term. The site will be capable of dual use,

farming, small livestock (such as sheep) will be able to graze the land between and amongst the panels while they generate renewable energy.

13. The nature of the development would mean that the panels can be removed after their 30 year life time; the land will revert to agricultural use, unless a further permission is granted. In this respect the proposed scheme will result in a less permanent impact than most other forms of development, including some alternative methods of renewable energy production.
14. The proposed development on site will consist primarily of a steel framework to support the panels and the panels themselves. In addition, small inverter buildings and electrical infrastructure will be introduced across the site adjacent to internal access road. Deer (security) fencing to restrict access and protect the scheme from theft and vandalism will be installed, with CCTV also installed around the site boundary. A Substation compound will also be necessary, which is to be located to the south east of the site (near the access from Cold Overton Road), and will need to fulfil the technical and operational requirements of the Distribution Network Operator (DNO) in their Substation and the adjoining Applicant Substation which connects the Solar Park inverters (both Substation buildings are of the same design). This is the minimal level of development necessary to ensure that the site performs effectively with regards to its main purpose of generating renewable energy.
15. Within the fields the panels will be arranged in long rows running from east to west. Each array will be mounted 4 or 6 in landscape or 3 in portrait on a simple steel framework so that panels are facing true south, in order to maximise the energy output.
16. Small control buildings (inverters) no more than 3m in height are required to allow the DC electricity produced by the PV panels to be converted to AC electricity, and equipment as required by the DNO, to allow energy to be transferred from low to medium voltage. The submitted Site Layout drawing outlines the position of these structures within the site and accompanying drawings set out their dimensions.
17. The perimeter fencing serves an important purpose in protecting the valuable equipment within the application site. Its siting has however also considered the impact on the appearance of the area and has been set away from the boundaries of the fields, ensuring that there is separation from the existing vegetation and any sensitive ecological features. The fencing is proposed to be deer fencing with wooden posts and thin wire mesh which is agricultural in character and is considered to blend into the existing landscape pattern. The existing and proposed vegetation will largely screen the fencing and Solar Park from most viewpoints.
18. The specification for the location, positioning and height of the solar panels is also based on the considerations relating to achieving a maximum electrical output of the panels, while minimising any detriment to the landscape and wider visual amenity, and also adhering to the safe working practices as recommended by the manufacturer. The layout retains the grass 'runways' which are adjacent to the site boundaries which aids in breaking up the mass of the site a whole.
19. A new access would be formed just west of the existing access to Ranksborough Farm.
20. It is anticipated that the construction period will be approximately 16 weeks. Staff will arrive by car or mini bus. A compound and turning area will be provided. HGV movements will be busier in weeks 1-3 when equipment is delivered, estimated at 6 per day. Weeks 4-13 will likely be around 7 per day when the main panels and equipment is delivered. The final 3 weeks will see lower HGV movements, apart from removal of the compound and site buildings. Total deliveries will be c470 over 4 months, maximum estimated 7 per day (14 movements).

21. The applicant has indicated that the scheme would be connected to the grid at Stamford Road Oakham, with cable being laid along the highway through Langham and along Oakham By-pass to the site on Stamford Road. Western Power confirms that it has previously given an undertaking to accept the output from this scheme.
22. The application is accompanied by a Statement of Community Involvement.
23. See Appendix for layout plans.

Relevant Planning History

None

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 6 - Building a strong, competitive economy

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change:

Para 158:

- Local Planning Authorities should not expect applications for renewable energy to demonstrate the overall need for the renewable energy and recognise that even small scale projects can make a valuable contribution to cutting greenhouse gas emissions; and LPA's should:
- Approve the application if its impacts are acceptable or can be made acceptable

Chapter 15 - Conserving and enhancing the natural environment

Core Strategy DPD (2011)

CS01 – Sustainable Development Principles

CS02 – The Spatial Strategy

CS04 - The Location of Development:

Development in the Countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.

CS16 – The Rural Economy

CS19 - Promoting Good Design

CS20 - Energy Efficiency and Low Carbon energy generation (extract):

Renewable, low carbon and de-centralised energy will be encouraged in all development. The design, layout, and orientation of buildings should aim to minimise energy consumption and promote energy efficiency and use of alternative energy sources.

(Wind turbines and other) low carbon energy generating developments will be supported where environmental, economic and social impacts can be addressed satisfactorily and where they address the following issues:

- a) landscape and visual impact, informed by the Rutland Landscape Character Assessment and the Rutland Historic Landscape Character assessment;
- b) effects on the natural and cultural environment including any potential impacts on the internationally designated nature conservation area of Rutland Water;
- c) effects on the built environment, public and residential amenity, including noise intrusion;

- d) the number and size of wind turbines and their cumulative impact;
- e) the contribution to national and international environmental objectives on climate change and national renewable energy targets.

CS21 – The Natural Environment

CS22 - The Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

SP1 – Presumption in favour of sustainable development

SP7 – Non-residential development in the Countryside

SP15 - Design and Amenity

SP18 – Wind Turbines and low carbon energy developments (extract):

Other low carbon energy generating developments

Proposals for other low carbon energy developments will be supported where they are acceptable in terms of:

- a) impact on residential amenity;
- b) landscape and visual effects;
- c) the natural environment;
- d) the historic and cultural environment;
- e) noise;
- f) emissions to ground, watercourses and air;
- g) odour;
- h) vehicular access and traffic;
- i) proximity of generating plants to the renewable energy source;
- j) grid connection;
- k) form and siting;
- l) mitigation;
- m) the decommissioning of the development and reinstatement of land at the end of its operational life.

SP20 - The Historic Environment

SP23 - Landscape Character in the Countryside

Langham Neighbourhood Plan

No relevant planning policies but the Plan does contain an aspirational proposal:

Proposal PSS1c: Public Safety – Bypass

In line with RCC's objective, this Plan supports the protection of the preferred route, and the timely apportionment of CIL monies, for the Langham Bypass which, when built, will increase the physical safety and well-being of present and future Langham residents.

Whilst the Plan recognises that the bypass is not in RCC's current Corporate Plan, and that funding for such schemes will be directed via the Local Enterprise Partnership (LEP), it urges Langham Parish Council to ensure that the building of a bypass for Langham remains high on RCC's agenda, ensuring its preferred route is protected from other development and that it is a major consideration when they are looking to invest CIL money.

Other Considerations

On-line Government Planning Practice Guidance (extract):

What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) 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; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013](#) and [written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015](#).
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see [guidance on landscape assessment](#)) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the [impact of wind turbines](#). However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

(Paragraph: 013 Reference ID: 5-013-20150327)

British Research Establishment - 'Planning Guidance for the development of large scale ground mounted solar PV systems'

Current National Position on Climate Change

The Government announced in December 2020 a new ambitious target to reduce the UK's emissions by at least 68% by 2030, compared to 1990 levels. The Climate Change Act, 2008, requires UK net zero emissions by 2050.

Recognising the urgency to go further to tackle climate change, the UK's new target to reduce greenhouse gas emissions – the UK's Nationally Determined Contribution (NDC) under the Paris Climate Agreement – is among the highest in the world and commits the UK to cutting emissions at the fastest rate of any major economy so far.

At COP26, recently held in Glasgow, the need to reduce global greenhouse-gas emissions by 45% by 2030 was formally recognised.

A recent report from Solar Energy UK, 'Lighting the way', predicts that at least 40GW of solar is needed in the UK by 2030 to meet our sustainability goals – tripling our current installed capacity, an ambition reflected in the Climate Change Committee's 2021 Progress Report to Parliament. This is a mammoth endeavour, especially as developers and operators of large scale solar developments and the associated infrastructure are faced with significant barriers.

Viable solar farms require large portions of land. Local plans often do not allocate specific land for solar, or when they do it does not actually meet these requirements. So most of the obvious locations have now been used, and remaining brownfield sites are frequently too small or inappropriately located to be viable.

In 2019 this Council adopted a motion on Climate Change which included the following commitment:

- Ensure that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero carbon by 2050.

In January 2021 this Council adopted a Climate Crisis motion.

DEFRA Circular 1/09 (Rights of Way)

The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.

The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights. Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted. Authorities have on occasion granted planning permission on the condition that an order to stop-up or divert a right of way is obtained before the development commences. The view is taken that such a condition is unnecessary in that it duplicates the separate statutory procedure that exists for diverting or stopping-up the right of way, and would require the developer to do something outside his or her control.

Planning Assessment

24. The main issues are related to whether the scheme complies with the development plan and in particular the policies set out above. Primarily these are:

CS4 – Development in the Countryside
CS20 – Energy Efficiency and Low Carbon energy generation
SP1 – Presumption in favour of sustainable development
SP7 – Non-residential development in the Countryside

SP15 - Design and Amenity
SP18 – Wind Turbines and low carbon energy developments: (extract):
SP20 - The Historic Environment
SP23 - Landscape Character in the Countryside

Location

25. This is development that can only realistically be located in the countryside. Some objectors have suggested it should be on previously developed land but on this scale that is impossible. The only other example in Rutland is on the worked out floor of Ketton quarry. The current Rutland Brownfield Register extends to only 3.37 Hectares over 5 sites put forward for development, all for potential residential development, some already approved, the maximum individual site is 1.31Ha. The location is therefore supported by CS4.

Residential Amenity

26. The site is well screened from the immediate closest neighbour, The Homestead. It is approximately 100m from the nearest panel but has extensive tree screening in between.
27. The panels would otherwise only be glimpsed from small gaps in the Cold Overton Road hedge and from dwellings in Cold Overton at a distance of over 1km and against a backdrop of trees and higher land in the distance. The panels would be partially screened from that view. The glint and glare assessment below suggests this would not be an issue to an unacceptable degree.
28. The panels would not be visible from any dwellings in Langham.

Landscape and Visual Impacts

29. The application is accompanied by a Landscape Visual Impact Appraisal. This shows the site in year 1 and year 5 after new landscape planting has established and looks at the site from identified points, following the Guidelines for such assessments by the Landscape Institute. Whilst some panels would still be visible from longer views, they are not so prominent that they are deemed to be unacceptable. There is no policy or guidance that states panels have to be invisible. It is good practice not to site them immediately next to a road and in this case they are well away from the public highway.
30. Those panels that creep slightly up the slope of Ranksborough Hill would stop below a line defined by 2 prominent trees within the cultivated field and hence would not be as prominent as might first appear.
31. The main visual impact is from the public footpath that runs across the actual site (D85). This would have to be diverted around the north side of the site. The diversion would be approximately 740m in total in 2 separate lengths. This would replace an existing length of 468m, so an increase of 272 metres over its entire length. In the overall scheme of this footpath this is not excessive, but the panels would block longer views from the path over a short distance in this immediate area, until the higher ground on the hill was reached. Once past the panels, the path runs onto higher ground so users of the path would look over the site and down onto the panels themselves whilst still maintaining long distance views. There is an argument that the panels would attract additional footpath users simply to see the scheme up close. Illustrative interpretation boards could be provided along the route for this purpose and is encouraged in the guidance.
32. Objectors have suggested that the site is larger than the village itself. This is not in itself a reason for refusal and a balance needs to be taken regarding the actual impact, mainly

visual, from longer distances, that the scheme would have. As stated it would have no visual impact on the main part of the village at all.

33. There needs to be a balance against loss of amenity for users of this relatively short section of path and the provision of renewable energy to contribute towards national targets and combatting climate change generally. The scheme would contribute a significant amount toward the consumption of energy as it provides for the equivalent of almost half of the households in the County and therefore significant weight should be given to this element of this scheme.

Heritage

34. The site is well outside Langham Conservation Area and does not have any impact on that area or any listed buildings in the village and there is no visual interaction between the 2. Any long distance views of the site from the west are not seen in the context of the conservation area.
35. There are listed buildings in Cold Overton, some 1000m away from the site. Views of the site from those buildings is limited to a footpath crossing the paddock at the rear of the one listed building on the east side of Main Street. Trees screen most of the site from the dwelling itself. The land is at a lower level, partially screened and set against a backdrop of trees. All other listed buildings are on the west side of Main Street and have no visual interaction with the site. These Officer conclusions concur with the comments of the Conservation Officer which are set out below. If it is concluded that the scheme has a 'less than substantial' impact on Cold Overton or Langham (and if so it is very much at the lower end of less than substantial), the impact has to be weighed against the benefits of the proposal. In this case significant weight can be given to the proposal in the fight to combat climate change and provide a significant source of renewable energy. The use of land is temporary and is also reversible over time.

The Natural Environment

36. The scheme utilises primarily arable agricultural land which has little ecological interest. There are an abundance of hedges and trees around and within the site most of which would be retained. The scheme proposes to introduce new planting as well. The Ecology consultant has withdrawn an original holding objection having seen the details submitted for new works.

Highway Safety

37. The existing access from the A606 was reviewed with respect to achievable visibility splays. At a set-back of 2.4m, visibility of approximately 130m was achievable to the northwest, which potentially could be increased to 160m by trimming back vegetation; to the southeast approximately 115m was achievable, again, it could potentially be increased to 130m by trimming back vegetation along the highway verge boundary. Any further improvements to visibility require removal of hedgerow in third party land.
38. The survey recorded 85th percentile traffic speeds of 62.4mph at Site 1 for southeast bound traffic towards the access, and 53.3mph at Site 2 for northwest bound traffic towards the access.
39. Based on exit visibility requirements, roads with speeds of between 85-100kph (52.8-62.1mph) require exit visibility of 215m, for 62.1mph and above this increases to 295m, though this is not typically applied for roads with a 60mph design speed. This results in a requirement of a visibility splay of 215m to the northwest and southeast from the existing access. As set out above this is not achievable within public highway land.

40. Furthermore, a review of historic personal injury road traffic collisions revealed that over the past 5 years three collisions have occurred within 500m of the existing access. Two resulted in serious injuries and one in a fatality.
41. The existing access off Cold Overton Road is not within the control of the applicant, therefore provision of a new access west of the existing access was considered within the 50m land frontage within the applicant's control.
42. Surveys recorded 85th percentile traffic speeds of 51.8mph at Site 3 for eastbound traffic towards the access location, and 51.6mph at Site 4 for westbound traffic towards the access location.
43. Based on exit visibility requirements in TD 42/95 roads with speeds of between 85-100kph (52.8- 62.1mph) require exit visibility of 215m, below 52.8mph this decreases to 160m. This results in a requirement of a visibility splay of 160m to the west and east.
44. At a set-back of 2.4m visibility of approximately 215m was achievable to the west, and to the east approximately 200m was achievable within the highway verge.
45. A review of historic personal injury road traffic collisions on Crashmap identified only one collision of a slight nature has occurred in the last 5-year period within 500m of the Cold Overton Road access.
46. It is therefore proposed to create a new access to the site off Cold Overton Road where adequate visibility splays can be achieved and where traffic levels are lower and slower.
47. Swept Path Analysis has been undertaken to show HGV turning movements can be accommodated at the proposed access
48. The Transport Assessment states that a banksman will manage the access during construction, ensuring arriving vehicles have priority along the circa 50m stretch of the access track between Cold Overton Road and the construction compound. This will ensure that no vehicles will need to wait on the public highway.
49. The Banksman will also ensure there is no conflict between the site access and existing accesses, though conflict is unlikely given the low number of movements at both accesses.
50. The location and nature of any construction warning signage will be agreed with the Local Highway Authority.
51. A condition survey will be undertaken of Cold Overton Road, between the site access and the A606 documenting the existing state of the carriageways and verges, a further condition survey will be undertaken after construction and any resulting damage to the carriageway repaired by the contractor as part of Section 59 of the Highways Act.
52. All traffic management measures will be set out in a Construction Traffic Management Plan, which can be conditioned as part of a planning approval. It will include, but not be limited to, the following:
 - Construction Timeline;
 - Route for construction vehicles;
 - Traffic management measures such as temporary signage;
 - 'Banksman' managing the site access;
 - Any restrictions to delivery periods;
 - Survey of Cold Overton Road; and
 - Details of the construction compound

- 53. Surveys on Cold Overton Road showed an average weekday flow of 2365 vehicles, at the peak of construction this will be increased by 1.9% which is insignificant.
- 54. Vehicle movements following commissioning of the site will thereafter be very low.

Glint & Glare Assessment

- 55. The assessment based on potential impact on residential receptors, road users, public rights of way, cultural receptors and viewpoint receptors concludes that existing screening by vegetation, topography and buildings will eliminate glint effects at the majority of the receptor points analysed. Potential residual glint effects on residential properties, roads, public rights of way, cultural heritage receptors and selected viewpoints are not considered to be significant and therefore no additional mitigation measures are recommended or required.
- 56. No significant impacts are predicted as a result of glint effects from the proposal.
- 57. Infilling of the existing hedgerows around the site will enhance the existing screening and further reduce any potential residual glint effects.
- 58. It is recommended in the assessment that new and existing planting surrounding the site is maintained to provide continued screening benefits throughout the operation of the solar farm.

Agricultural Land

- 59. The proposed solar farm will have no significant adverse effects upon the occupying farm business and will provide a steady income for the duration of the solar tenancy in line with farm diversification policies in CS16. Furthermore, the site will remain available for agricultural use as sheep could graze around the panels. The land will not be able to be used for arable production but the value of the land will not be lost for the future. The land will thereby remain capable of remaining in agricultural use as set out in the PPG. The scheme would not result in the loss of most versatile land.

Grid Connection

- 60. The applicant has indicated that the scheme would be connected to the grid at Stamford Road Oakham, with cable being laid along the highway through Langham and along Oakham By-pass to the site on Stamford Road. Western Power has previously given an undertaking to accept the output from this scheme. From a planning point of view, there is no objection to this proposal for a connection. The route would need to be agreed with the highway authority.

Other Issues

- 61. Many objections have been received, in particular from the Parish Council that the applicant has not carried out adequate public consultation or offered a sufficient community benefit package. Neither of these are a requirement of planning policy. Community consultation has been carried out although the extent of it varies according to differing sources. A Community Engagement Statement accompanies the application.
- 62. The payment of a community benefit fund is clearly not a planning requirement, would not meet the tests in the Community Infrastructure Levy Regulations and would be seen as 'buying a planning permission' if required to so. The fund that has been offered is not as high as for smaller schemes elsewhere but planning permission cannot be refused for this reason.

63. Reference has been made to a Langham bypass. There is an aspirational policy in the Neighbourhood Plan for this. However, there is no planning policy in the Development Plan and there has been no preferred specific route identified that might have been protected by a policy. On this basis and given that this proposal is for a temporary, reversible use of the land, it is not an issue that can prevent the grant of planning permission.

Consultations

64. Langham Parish Council

No objection in principle to a solar farm but has serious objections to the proposal as submitted in terms of:

- Visual impact from footpaths crossing the site and those further afield
- Failure to adhere to the NPPF regarding lack of public participation.
- Failure to adhere to NPPF in terms of information, inaccuracies, omissions
- Failure to follow correct procedure in Building Research Establishment documents

Later objection to revised photomontages and landscaping details, grid connection, grid capacity.

The full detailed document is on the web site.

65. RCC Highways

Holding Objection

Not enough information has been provided to highways to make an informed comment on the scoping application.

Highways require the following information

- how will the site be assessed
- during construction how many vehicle movements per day
- once constructed how many vehicle movements per day
- If the access is onto Cold Overton Road and vehicle movements towards Melton Road - how will this be managed (how will large vehicle movements be managed at the junction with Melton Road, will there be a foreman directing vehicles in and out of the site, how will you prevent 2 vehicles meeting on the 3.5m access road, will passing bays be provided)
- If the access is direct onto Melton Road A606, (how will large vehicle movements be managed at the junction with Melton Road, will there be a foreman directing vehicles in and out of the site, how will you prevent 2 vehicles meeting on the 3.5m access road, will passing bays be provided)

The applicant has advised that they will set out a suitable construction traffic management plan through conditions, however highways will have a holding objection until the construction traffic management plan is in place.

The main concerns of highways are at the junction with the A606.

Further comments Jan 2021

A separate document is not now required - the applicant has answered most questions in their TA.

They have specified in their TA that a construction traffic management plan can be conditioned as part of the planning approval which will include but not limited to:
Construction Timeline; Route for construction vehicles; Traffic management measures such as temporary signage; Banksman' managing the site access; Any restrictions to delivery periods; Condition Survey of Cold Overton Road; and Details of the construction compound

Highways are happy to remove their holding objection subject to a condition No development shall commence until the construction traffic management plan has been submitted and approved by the planning authority to include:

Construction Timeline; Route for construction vehicles; Traffic management measures such as temporary signage; Banksman' managing the site access; Any restrictions to delivery periods; Condition Survey of Cold Overton Road; and
Details of the construction compound

Highways would like to put emphasis on the condition survey of Cold Overton Road. Over the 16 week construction time frame there is up to 470 HGV deliveries to the site. This is a rural country road and therefore damage to the lane by the HGVs must be repaired by the developer

If we can condition a construction traffic management plan then we will be able to do it as we can state in that document that its required

66. Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

67. Conservation Officer

The application site is on gently undulating agricultural land on the north-western side of Langham and is slightly elevated in relation to that village.

The proposed development could potentially impact on the setting of Langham Conservation Area and its ensemble of listed buildings.

The development would not directly impact on any designated heritage assets.

Although the solar farm would be visible in long-distance views of Langham from the elevated land to the west it is sufficiently removed from the Conservation Area as to not detract from the setting of the designated Area or any of its individually designated heritage assets, the most prominent of which is the Grade 1 Listed Parish Church of St Peter and St Paul.

Cold Overton, is a settlement on elevated land approximately 1km to the west of the site. That settlement lies within the neighbouring County of Leicestershire (District of Melton Borough) and whilst I note that Melton Borough have objected to the proposal because, in their view, the development would have an adverse impact on the setting of that settlement, those comments are not made by a heritage specialist and there is no reference to any impact on specific heritage assets. The Grade II Listed Old Rectory on the eastern side of Cold Overton is the only designated heritage asset that could, potentially, be affected by the development. However, views of the site from the vicinity of the Old Rectory are confined to the paddock at the rear of that property and not the Old Rectory itself are subject to seasonal variation by intervening groups of mature trees.

The solar panels themselves have a low profile and it is the accompanying paraphernalia of fencing, post mounted CCTV cameras and sub-stations that have undue prominence in views close to these installations rather than in distant views.

The Cultural Heritage section of the Environmental Assessment accompanying the application discusses the likely impacts on heritage assets and concludes that there would be, at worst, a slight adverse or neutral impact on some heritage assets. If one concludes the impact to be the former (slight adverse), then in accordance with paragraph 202 of the NPPF (July 2021), the decision maker must weigh any less than substantial harm against public benefits arising from the proposal, which in this instance must be quite significant.

68. RCC PROW Officer

(a) Viewpoints: Seems curious that when considering the visual effect of the proposed development the public highway (footpath) that will need to be diverted and the route from which the development will be most visible is not considered

(b) Impact on the character of footpath D85: The proposed diversion will have a significant impact on the overall character of public footpath D85. What is currently a cross-field rural path will become fully enclosed and (without careful positioning) constantly monitored by CCTV cameras

(c) Outstanding legal order process: There is, as the applicant is no doubt aware, an application for a definitive map modification order (DMMO) that has still to be determined that affects the footpath across the proposed site. The effect of the legal order that has been made, if confirmed, would be to record the affected part of the footpath as a bridleway. I would recommend that we don't consider the requested diversion until this application for a DMMO is resolved one way or the other

(d) Insufficient information (material consideration): 'The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.' (DEFRA Circular 1/09): The scant information provided in relation to the proposed footpath diversion will not allow an accurate assessment of the potential consequences. At the very least I would have expected for the applicant to have provided a walk over the proposed route with representatives from the highway authority (there is no indication of width, surface treatment, structures etc.)

(e) Consultation: 'Any potential disadvantages to the public arising from alternative arrangements proposed for an affected right of way can be minimised by means of the early liaison between the developer, planning and highway authorities, local amenity groups, prescribed organisations (Appendix A) and affected individuals.' (Circular 1/09). At paragraph 2.8 in the Planning Statement the applicant makes reference to their efforts to engage with members of the parish council and the public so that, wherever possible, their suggestions might be incorporated in to the design. As far as I'm aware there has not been any attempt to consult with the 'prescribed organisations'.

69. Ecology

At the moment I am unsure of the final use of the site and any habitat creation that is proposed. Section 4.4.20 of the Ecological Assessment Report (Avian Ecology, August 2019) indicates that a 'Site Layout and Planting Plan' has been produced, showing the proposed habitat creation for the site. I am unable to find a copy of this plan within the documentation; please can one be provided for comment. I would place a Holding Objection on this application, pending the submission of the above document, which will allow us to consider the application fully.

Update:

Having seen a subsequent Ecology Mitigation Plan, (P17-2021_07Rev 1) the holding objection is withdrawn.

70. Langham History Group

The members of Langham Village History Group wish to express their grave concern that no in-depth archaeological survey is planned for the site of the proposed solar farm.

Given that Neolithic, Bronze Age, Iron Age and Roman archaeology has been found within the environs of the village/parish and close to the proposed site, we believe that such a survey is imperative.

There is also concern that part of the ancient landscape of our village, including Anglo-Saxon trackways and views of Langham from surrounding high ground will be significantly marred.

71. Cold Overton Parish Council

Whilst the Parish Council support renewable energy it strongly objects to the application on the following grounds:

1. There has been no formal consultation on this application even though the site is adjoining the Knossington and Cold Overton Parish boundary
2. The size and scale of the proposed development, equivalent to 15,337 parked cars, in the open countryside
3. The proposed application is detrimental to the rural landscape. The site is situated in attractive open countryside and is visible to residents of Cold Overton who have an elevated view of the application site
4. The proposed application is harmful to the rural character from the public footpath, bridle and highway prospective
5. The proposed application will result in a considerable period of disruption during the proposed construction with excessive movements of lorries and personnel
6. The Parish Council question the view taken that there is no requirement for an environmental or ecological impact assessment
7. The Parish Council are very concerned regarding the proposed landscaping/treatment of the boundaries to the site should the application be permitted.

72. Archaeology

Thank you for consulting us on the application. Whilst the submission of a desk based assessment is welcomed, the site lies in an area which is under surveyed archaeologically. For this reason we would recommend that a geophysical survey is undertaken across the site in order to identify any buried archaeological remains.

The preservation of archaeological remains is, of course, a 'material consideration' in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.

This will require provision by the applicant for:

A field evaluation, by appropriate techniques commencing with geophysical survey and likely to include trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application

refused or modified in the light of the results as appropriate.

Further Response

Thank you for the opportunity to update our comments (13 December 2019) on the above scheme. As we have previously recommended, the applicant should be required to undertake a thorough assessment of the archaeological implications of their proposals. The assessment to date has combined the preparation of a desk-based Heritage Impact Assessment (Foundations Heritage, ref.: 1285) and geophysical survey (Magnitude Surveys, ref.: MSSK 603). We now recommend that the applicant is required to undertake a further stage of trial trenching to investigate and establish the character and significance of both the known and anticipated archaeological remains within the development area. Please refer to our email of the 28 April, which outlines the archaeological requirements for a trial trenching investigation.

The Heritage Impact Assessment (HIA) encompasses the entire development area and also considers the setting impact of the scheme on a range of designated assets. Overall the assessment concluded there were no known designated or non-designated heritage assets within the application area. Aerial photographic analysis referenced in the document, indicated a potential for buried archaeological remains in the NW corner of the development area, however, despite this the overall conclusion was that the archaeological potential for as yet unidentified buried remains lay within the low to moderate range. In response the assessment concluded a need for partial geophysical survey of the application area, and recommended no trial trenching in the absence of known archaeological remains.

Subsequently, the applicant has commissioned a full geophysical survey of the application site, as outlined above. This survey has demonstrated the former extensive of the medieval and post-medieval open field system, together with a variety of other unrecorded anomalies of probable agricultural origin. In additional areas of both possible and probable archaeological remains have been identified, to the north and south of application site.

The Assessment also considered the impact of the proposals upon the setting of a variety of designated heritage assets, notably including the listed Old Rectory, Cold Overton. It is recommended the views of your conservation officer are considered in respect of the adequacy of the assessment and the assessment of impact identified.

Taking into account the HIA and the geophysical survey, we recommended that the assessment now progresses to a trial trenching investigation of the application site. This should target the identified possible and probable area of archaeological interest, as well as sampling the wider application site to confirm, and/or clarify the current survey results. This is entirely in line with both national guidance, and in accordance with previous and on-going advice offered in Leicestershire and Rutland.

Final Comments 31 August 2021

Following receipt of the evaluation report (Foundations Archaeology ref.: 1439), we are now able to update our previous archaeological comments (dated 8th June 2020, also attached).

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, consideration of the Leicestershire and Rutland Historic Environment Record (HER) and the results of the submitted evaluation (geophysical survey and trial trenching), indicates the development area contains remains of archaeological interest and also has the potential for as yet further unidentified archaeological deposits to exist within the site. Considering NPPF paragraph 195, based upon the available information, notable the recent trial trenching, it is expected that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development notes, are not of such importance to represent an obstacle to development. It should however be underlined that, while the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order

to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 205, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:

1. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal and, where impact cannot be avoided to ensure satisfactory archaeological investigation, recording, dissemination and archiving.

Each Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of the written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

73. Public Protection

No objection

74. Melton Borough Council

No objection but forwarded a letter of concern from a resident.

75. Forestry Officer

Woodlands and hedgerows are to be adequately protected throughout development. TPO consideration recommended

76. Anglian Water

The applicant has indicated on their application form that their method of foul and surface water drainage is not to an Anglian Water sewer. Therefore, this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency, Internal Drainage Board and Local Lead Flood Authority to gauge whether the solutions identified are acceptable from their perspective.

77. Leics Police

I am writing to you in my capacity as the Leicestershire Police Designing out Crime Officer (DOCO). Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.

In relation to the Construction of a Solar Park, to include the installation of Solar Photovoltaic panels to generate approximately 28MW of electricity, with DNO and Client substations, inverters, perimeter stock fencing, access tracks and CCTV, Landscaping and other associated works, together with retention and extension of existing hedgerow.

I have now visited the site which is proposed to have a single vehicle entry point at Ranksborough Drive, which leads into the development. The proposed Solar Park is situated at the rear of the site, west of existing dwellings which form the Longsborough Garden Mobile Homes Park.

A Section 38 Agreement is recommended to provide an electrical spur on the nearest lamppost to the entry point. This will allow consideration of CCTV coverage to prevent crime, which in this case involves a significant amount of high value Solar Photovoltaic equipment. I recommend coverage of key vehicle entry points with the capability to record number plate images. This would provide the Police with a direct line of enquiry in the event of crime.

Lighting at the key entry point and throughout the development is recommended to be to BS5489 including approaches to open space as well as the space itself. Also the creation of a distinctive entry point with deter unauthorised entry to this area using signage, change of materials and colour is recommended. Parking is likely to be in designated areas which should also benefit from appropriate lighting and CCTV coverage as there are not likely to be occupied buildings in close proximity.

Wheelie bins and Waste disposal is recommended to be stored secure areas to reduce the risk of use in criminal activity such as equipment removal. Site permeability is not excessive due to the single entry point and the fact the site leads to the Mobile Homes Housing Park. Foliage within the site is recommended to be to 1m high with trees trimmed to have foliage no lower than 2m from the ground to allow a clear 1m field of vision. Perimeter enclosure boundaries are recommended to be 2.4m in a material in keeping with the development but to provide effective

enclosure (Security Fencing).

All door sets will be to PAS 24 which is now included in building regulations for doors and windows. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. On the Secured by Design portal it includes BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems. In this case unattended buildings may benefit from monitored alarm coverage in line with recommendations.

General Recommendations

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Lampposts at vehicle entry points recommended to have electrical spur to allow power supply for CCTV.
5. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
6. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
7. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
8. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
9. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
10. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.

Neighbour Representations

78. There have been approximately 69 representations from residents of both Langham and Cold Overton. The comments can be summarised as follows:

- No need for this in Rutland – query if climate change is real
- substantial and excessive scale; exposed location within the High Rutland/Vale of Catmose landscape character areas ; undulating landform of the application site within the open countryside; and, loss of productive arable land, when considered together, outweigh the benefits of the scheme and therefore comprise an inappropriate form of development for this location.
- Contrary to policy SP18 – Wind Turbines and low carbon energy developments in that its impacts on (2a) Residential amenity, (2b) 2 landscape and visual effects, (2c) the natural environment, (2d) the historic and cultural environment (principally Cold Overton Hall & Conservation Area), (2k) form and siting and (2l) mitigation, are unacceptable.
- Likely to negatively impact the 'High Leicestershire (High Rutland)' Landscape Character Area (LCA), by virtue of the surrounding landscape being HIGHLY sensitive to change, as a result of such a major development.
- The applicant has failed to consult fully (if at all) with those sections of the local community most affected by the proposal.
- Site includes areas up Ranksborough Hill which is the second highest point in

Rutland and will destroy the view from Ranksborough Hill and the view from several public footpaths in that area. Currently you can see Oakham, Rutland Water and Stamford from the top of the hill. With the proposed site, you will see swathes of solar panels.

- Their website says that they will protect the bypass. However their map shows the bypass in the wrong place! The solar farm would be built where the bypass (when it is built) is planned.