

Application:	2023/1096/FUL	ITEM 1	
Proposal:	Section 73 application to vary condition 3 (duration of permission) of Planning Permission 2019/1249/MAF (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, Melton Road, Langham, Rutland		
Applicant:	ScottishPower Renewables	Parish	Langham
Agent:	Pegasus Group	Ward	Langham
Reason for presenting to Committee:	Previous Committee Decision		
Date of Committee:	16 January 2024		
Determination Date:	17 January 2024		

EXECUTIVE SUMMARY

Planning permission was granted for a solar farm in 2022, subject to a 30-year time limit, which this application seeks to amend to 40 years. The principle of development has been established, and the environmental, social and economic benefits outweigh any additional impacts that a longer operational period for the solar farm would have.

There is a clear and identified need for solar energy at a national level, and as the panels are expected to function efficiently beyond the current 30-year time limit, it is reasonable to alter the condition to accommodate this. The revised condition would still require the decommissioning and restoration of the site after this period.

RECOMMENDATION

APPROVAL, subject to the following conditions;

1. The development shall be begun before the expiration of three years from the date of planning permission 2019/1249/MAF.

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) and the un-numbered Plan 'Steel Building'.

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

3. This permission shall expire 40 years from the date that electricity is first produced from the site, such date shall be notified in writing to the Local Planning Authority within 7 days of that date. Within 12 months of the expiry date or the date upon which the solar panels are no longer required for energy generation, whichever is the sooner, 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.

4. 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.

5. Before any works commence on site other than forming the access and site preparation works, the trees shown to be protected on Plan BHA_377_03 shall be protected as required 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 biodiversity and visual amenity.

6. 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.

7. 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.

8. 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.

9. No lighting shall be provided on site, other than one low level downward shielded light at the sub-station adjacent to the access, which shall be illuminated for emergency evening visits only. Details of any other lighting required for the site shall be submitted to and approved by the local Authority. Only the approved details shall be used on site thereafter.

Reason: To ensure that this dark rural area remains unpolluted by unnecessary light pollution.

10. The Inverter structures to be placed on site shall be finished in a dark green colour as agreed in the agent's e-mail dated 11 January 2022 or another colour that shall first have been submitted to and approved by the local planning authority.

Reason: To ensure that they are not prominent in the landscape in the interests of rural amenity.

Notes to applicant

1. 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.
2. You are encouraged to submit a landscaping scheme that makes every effort to screen the solar panels from public view whilst enhancing biodiversity across the site. This may involve more trees and different seed mixes to those indicated on the submitted drawings.
3. It is likely that certain species may be present at the site which are fully protected by the Wildlife and Countryside Act (1981). Further advice on surveys and compliance with the legislation can be obtained from Natural England. It is your responsibility to ensure that this legislation is complied with.
4. For the purposes of Condition 10, it is suggested that RAL 6007 or 6035 would be appropriate colours. Please check with the LPA that your chosen colour complies with the condition before ordering if unsure.

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 farmyard 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. Planning permission was granted in 2022 for a solar park (reference no. 2019/1249/MAF), subject to numerous conditions. Condition 3 of that permission relates to the duration of the permission;

This permission shall expire 30 years from the date that electricity is first produced from the site, such date shall be notified in writing to the Local Planning Authority within 7 days of that date. Within 12 months of the expiry date or the date upon which the solar panels are no longer required for energy generation, whichever is the sooner, 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.

12. The current application seeks to amend this time period from 30 years to 40 years.

Relevant Planning History

13. 2019/1249/MAF - 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. – Approved 13/01/2022

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 6 - Building a strong, competitive economy

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

Para 163:

- 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
- 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

The Langham Neighbourhood Plan was made in 2022.

Policy RS1 – Landscape Character

Policy RS2 – Development in the Countryside

Policy RS3: Energy Generation in the Countryside

Policy RS5 – Biodiversity

Other material considerations

Powering up Britain: Energy Security Plan (March 2023)

Overarching National Policy Statement for Energy ('EN-1')(March 2023)

National Policy Statement for Renewable Energy ('EN-3')(March 2023)

Officer Evaluation

14. The principle of development, including landscape and visual impacts, has been established by the extant permission. This Section 73 application relates to the proposed time change to condition 3 only, seeking an additional ten years for the solar farm.
15. The application has put forth the following justification for amending the condition;
 - The Solar Farm is expected to continue to operate efficiently well beyond the current 30-year Planning Permission term, therefore requiring premature decommissioning and missing out on continued benefits from renewable energy and represent an inefficient use of resources, as equipment would be sent for recycling whilst still operationally sound.
 - The solar farm operator has a dedicated Operations and Maintenance team – monthly visits would keep the solar photovoltaic panels and plant in working order and good state of repair.
 - 40 years rather than 30 will contribute towards meeting carbon reduction targets for a longer period.
 - Greater operational period would not represent a materially greater harm – landscaping will be well established by year 30, screening the site from public views and provide an improved habitat for local ecology and biodiversity for the duration of the operational life.
 - Visual impact is no different from the existing permission/no intensification of use.
16. The development plan supports renewable energy. Additionally, since the previous permission the Government has published 'Powering up Britain: Energy

Security Plan' (March 2023). This document restates earlier commitments to a fivefold increase on current installed capacity for ground/rooftop installations. It also stresses that these goals are critical and urgent, and that deployment of both types of solar needs to be maximised to achieve this target.

17. The objections from local residents and the comments from the Parish Council are noted. The Section 73 application does not change the time period for commencement, which is three years from the date of the original decision date. With regard to comments about compensation/community benefit, this was considered at the time of the original application and is not a planning requirement. It would not meet the tests in the Community Infrastructure Levy Regulations and would be seen as 'buying a planning permission' if required to so.
18. It is considered that the environmental, social and economic benefits outweigh any additional impacts that a longer operational period for the solar farm would have. There is a clear and identified need for solar energy at a national level (and beyond), and as the panels are capable of continuing to function efficiently beyond the current 30-year time limit, it is reasonable to facilitate this use, rather than prematurely lose it. The revised condition would still require the decommissioning and restoration of the site after this period. If (for whatever reason) within this 40-year period the panels are no longer required for energy generation, then condition 3 triggers their removal and restoration of the site within 12 months.
19. The proposed changes to condition 3 would not be contrary Sections 6, 14 and 15 NPPF, Policies CS01, CS02, CS04, CS16, CS19 and CS20 Rutland Core Strategy (2011), Policies SP1, SP7, SP15, SP18, SP20 and SP23 of the Site Allocations and Policies Development Plan Document (2014), and the Langham Neighbourhood Plan (2022).
20. All other conditions would be carried across from the previous approval, with condition 1 (time limit) also amended to reference the 2019 permission time limit.

Crime and Disorder

21. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

22. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Consultations

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

23. Langham Parish Council

While Langham Parish Council does not in principle object to the proposed 10 year extension of the 'life' of the Solar Farm, we consider that this proposal to vary condition 3 (duration of permission) of Planning Permission 2019/1249/MAF should not be granted unless Langham is sufficiently compensated for the extension, by way of Community Benefit, and, further, that any such extension would not delay the commencement of the scheme and ultimately the length of time it will take for Langham to receive any of the 'material benefits' cited by the applicants as part of the justification for their proposal.

24. Public Rights of Way Officer

Removal of the condition will have no additional impact on the public rights of way network unless the applicant is seeking the temporary diversion of the bridleway across the site. Discussions to date have focused on the permanent diversion, but the council is still waiting to receive an application.

25. LCC Archaeology

No comments to make

26. Historic England

No comments to make

27. Public Protection

No objection

28. Anglain Water

No comments to make

29. Police Architectural Officer

No further comments to make other than my original response from 27/11/19

30. Highway Authority

The applicant is proposing to extend the time limit of the proposal so that they

can produce electricity for 40 years on site rather than 30 years.

The principle of the development has already been established and therefore the construction phase will have already been completed. Therefore, the only consideration from a highways perspective is for the extension of vehicles attending site during the additional maintenance period or operational period of development.

With the above in mind, it's unlikely that the extension of an additional 10 years will create a significant impact on the public highway. I therefore have no objections to variation of condition 3 to extend the development for an additional 10 years.

31. Melton Borough Council

No observations

Neighbour Representations

Below is a summary of the comments. Full details can be viewed on the Council's website. (https://publicaccess.rutland.gov.uk/online-applications/?_ga=2.69299920.1503643438.1693558555-1954588303.1693558555)

32. Two objections received from local residents;
- a. Increased time period unacceptable
 - b. Comments from local residents from the 2019 application should be taken into account (scale/design/visual impact)
 - c. Locals will not benefit from the increased time period
 - d. Community payment, though no legal requirement for it, is not enough
 - e. Electricity will go to national Grid rather than local communities
 - f. Technological improvements will make the development obsolete/inefficient in short/medium term
 - g. Other renewables (wind/tidal) are more efficient
 - h. RCC should insist that new housing have renewables installed
33. Additional one comment in support of the application received from a local resident.

Conclusion

34. The proposed change to condition 3 is considered to be prudent given that the current 30-year period would mean decommissioning a renewable energy source whilst it is still capable of functioning efficiently. The additional 10 years of use would have environmental, social and economic benefits, including helping to meet national targets for renewable energy.

