

APPENDIX 1

Application No. 15/01612/FULL

Agenda Item

Grid Ref: 105292 : 274160

Applicant: GH & MG Barber

Location: Solar Farm at NGR 274160
105292 Ellicombe Farm Morchard
Road Devon

Proposal: Variation of condition (1) of
planning permission
12/01306/MFUL the solar pv
facility shall cease to generate
electricity on or before 28th March
2043

Date Valid: 2nd October 2015



AGENDA ITEM

PLANNING COMMITTEE 16th December 2015

Application No. 15/01612/FULL: Variation of condition (1) of planning permission 12/01306/MFUL the solar pv facility shall cease to generate electricity on or before 28th March 2043

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This application relates to the existing Solar development at at Ellicombe Farm adjacent to the B3220 (Down St Mary to Winkleigh). The site is a single field just down from the junction with A377.

The scheme which has been built out and is now operational, covers 5.81 hectares of a single field approximately 6.56 hectares in size. From an energy generation point of the view when the application was submitted it was estimated by the applicant that the application scheme would generate **1.43 megawatts of energy**. Planning permission was granted on 13th December 2012 for a scheme set out on the following plans, and subject to the following conditions.

As stated above it is the first line of condition 1 which this current application is seeking to alter in order to extend the lifespan of the planning permission for a further period until 28th March 2043.

1. **The solar PV facility shall cease to generate electricity on or before 25th December 2037.** The developer shall notify the Local Planning Authority of the permanent cessation of electricity generation in writing no later than five working days following this event. Prior to the permanent cessation of electricity generation a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the following information:
 - a. details of the removal of the solar PV panels, frames, inverter modules, sub-station, fencing and cabling and restoration of the land
 - b. parking of vehicles for site personnel operatives and visitors
 - c. loading and unloading of plant and materials
 - d. storage of plant and materials
 - e. programme of works including measures for traffic management
 - f. provision of boundary hoarding behind any visibility zones
 - g. vehicle wheel wash facilities
 - h. highway condition surveys
 - i. extended Phase 1 Habitat survey which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months.

The approved decommissioning and restoration scheme shall be fully implemented within 6 months of the cessation of electricity generation.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice, and the advice in Ecological Appraisal undertaken by Avian Ecology.
3. No development shall start until a Method of Construction Statement, to include details of:
 - (a) traffic management, and in particular at the site access to the B3220
 - (b) programme of works

- (c) parking for vehicles of site personnel, operatives and visitors
 - (d) loading and unloading of plant and materials
 - (e) storage of plant and materials
 - (f) provision of boundary hoarding/security fencing behind any visibility splays shall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.
4. The additional planting as shown on the Ellicombe Farm detailed planting Plan received on the 11th September 2012 , including all planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 3 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 5. Any temporary compounds and temporary construction roads shall be removed from the site and the land restored to its previous condition within 12 months of the date of this permission or within 28 days of the completion of the construction of the solar PV array, whichever is the sooner.
 6. Further details of the sedum roof and external finish to the two porta cabin buildings as shown approved drawings (66)602C2 and (66)603C3 shall be submitted to approved in writing by the local planning authority prior to the commencement of this part the approved scheme. Once provided the structures shall maintained in accordance with the approved details.
 7. All cables shall be placed underground, except at the point of connection to the electricity grid system.
 8. The swale infrastructure shown on drawing SKD/175 shall be provided within 12 months of the date of this approval or within 28 days of the completion of the development hereby approved. Following their implementation the swales shall be managed and maintained in an operational condition until the site has been de-commissioned.
 9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Following the issuing of the approved scheme, the applicant sought to discharge the relevant conditions (3,6,9) – letter dated 28/01/2013.

Following completion of the build out of the development, the developer submitted a non- material amendment (NMA) application for consideration. The scope of the amendment sought was for a revised layout showing a reduced number of panels and generating 1.2MW. Confirmation that this was acceptable as a Non-Material Amendment was issued on 29th May 2015.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR2 - Local Distinctiveness
 COR5 - Climate Change
 COR9 - Access
 COR11 - Flooding
 COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM - Presumption in favour of sustainable development

DM/5 - Renewable and low carbon energy
DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 13th October 2015 No comments.

ENVIRONMENT AGENCY - 15th October 2015 - No comments

HISTORIC ENVIRONMENT SERVICE - 28th October 2015 - No comments.

NATURAL ENGLAND - 20th October 2015 - Natural England currently has no comment to make on the variation of condition 1.

MORCHARD BISHOP PARISH COUNCIL - 3rd November 2015 - Support
Down St Mary will receive some financial contribution from the solar array approved for Sharland Farm, Morchard Bishop, due to its visibility from DSM. It was felt that the same conditions should apply in reverse to the extension of the life of the array at Ellicombe Farm.

Officer response: The scope of any Community benefits arising are not a planning issue.

REPRESENTATIONS

No representations received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application is not seeking to change any aspect of the development as it has been built out, as stated above it is seeking to extend the lifetime of the development until 28th March 2043.

The application approved was determined on the basis of a policy framework including the Devon Structure Plan 2001 – 2016, Adopted Mid Devon Local Plan (LDF), Mid Devon Core Strategy (Local Plan 1) and Mid Devon Local Plan Part 3 (Development Management Policies: proposed submission). Whilst the DSP and MDLP are no longer part of the development plan framework, Local Plan1 and Local Plan 3 which is now adopted, remain in force. Therefore the policy basis and the relevant policy test against which to assess this current application is considered to be the same as the application submitted under LPA ref: 12/01306/MFUL.

Following the assessment of the scheme submitted under LPA ref: 12/01306/MFUL, permission was granted for the following reasons:

The proposed development, subject to the imposed conditions, is considered acceptable with regard to design and siting, its impact on the historic, visual and landscape character of the area, ecology and wildlife, highway safety, flooding and drainage, residential amenity of nearby properties and with regard to all other material considerations. The contribution of the scheme to renewable energy targets on land that is not considered to be the most versatile agricultural land is considered to outweigh any limited harm to the visual and landscape amenities of the area that may arise as a result of the development as proposed. Therefore, on balance it is considered that the development would accord Local Planning Policies CO1, CO6, CO8, CO10, CO12, CO13, CO14 and TR10 of Devon Structure Plan 2001-2016, Policies S5, S6, S11, E13, ENV3, ENV7, ENV16 of Mid Devon Local Plan (LDF), COR2, COR5, COR9, COR11 and COR18 of Mid Devon Core Strategy (Local Plan 1), Policies DM/1, DM/5, DM/28 Local Plan Part 3 and the National Planning Policy Framework.

As stated above, the scheme as built out is slightly reduced in terms of panel coverage and there are no policy objections to extending the life time of the scheme as it has built out until 28th March 2043. Furthermore it is not considered that an extension of the life of the development as it has been built out would compromise the acceptability of the development in terms reasoning as set out above.

The recommendation is therefore for approval subject to the following conditions.

CONDITIONS

1. The solar PV facility shall cease to generate electricity on or before 28th March 2043. The developer shall notify the Local Planning Authority of the permanent cessation of electricity generation in writing no later than five working days following this event. Prior to the permanent cessation of electricity generation a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the following information:
 - a. details of the removal of the solar PV panels, frames, inverter modules, sub-station, fencing and cabling and restoration of the land
 - b. parking of vehicles for site personnel operatives and visitors
 - c. loading and unloading of plant and materials
 - d. storage of plant and materials
 - e. programme of works including measures for traffic management
 - f. provision of boundary hoarding behind any visibility zones
 - g. vehicle wheel wash facilities
 - h. highway condition surveys
 - i. extended Phase 1 Habitat survey which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months.
2. Any trees or plants planted as shown on the approved plans under LPA ref: 12/01306/MFUL which within the lifetime of the development hereby approved die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
3. The swale infrastructure shown on drawing SKD/175 and approved under LPA ref: 12/01306/MFUL shall be managed and maintained in an operational condition until the site has been de-commissioned.

REASONS FOR CONDITIONS

1. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance Policy COR2 and COR18 (local Plan 1) and policies DM2, DM5 and DM 27 (Local Plan 3) and Government guidance in the National Planning Policy Framework.
2. To safeguard the visual amenities of the area in accordance with Policy COR2 (Local Plan1) and policy DM2 (Local Plan 3).
3. To prevent an increase in flooding and to provide adequate means of surface water disposal in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan)1 and the National Planning Policy Framework.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Subject to the conditions as recommended it is not considered that an extension of the lifetime of the development approved and built out under LPA ref: 12/01306/MFUL until 28th March 2043 will materially affect the impact of the development upon the historic, visual and landscape character of the area, any ecological and/or wildlife interest at or adjacent to the site, highway safety matters, flooding and drainage considerations and/or the residential amenity of nearby properties. On this basis the application scheme (to extend the life time of the development) remains in accordance with Policies COR2, COR5, COR9, COR11 and COR18 of Mid Devon Core Strategy (Local Plan 1) and Policies DM1, DM5, DM28 Local Plan Part 3 and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.