

# APPENDIX 2

**Application No.** 15/01613/FULL

**Agenda Item**

**Grid Ref:** 118012 : 296542

**Applicant:** Kalvells Limited

**Location:** Lightsource S P V 52 Ltd Solar Farm at NGR 296542 118012 (Palfreys Barton) Cove Devon

**Proposal:** Variation of Condition 1 of Planning Permission 12/01376/MFUL to read the solar PV facility shall cease to generate electricity in or before 30th June 2043

**Date Valid:** 2nd October 2015



**AGENDA ITEM**

**PLANNING COMMITTEE  
16<sup>th</sup> December 2015**

**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**15/01613/FULL - VARIATION OF CONDITION 1 OF PLANNING PERMISSION 12/01376/MFUL TO READ THE SOLAR PV FACILITY SHALL CEASE TO GENERATE ELECTRICITY IN OR BEFORE 30TH JUNE 2043 - LIGHTSOURCE S P V 52 LTD SOLAR FARM AT NGR 296542 118012 (PALFREYS BARTON) COVE DEVON**

**Application No. 15/01613/FULL**

**Variation of Condition 1 of Planning Permission 12/01376/MFUL to read the solar PV facility shall cease to generate electricity in or before 30th June 2043.**

**RECOMMENDATION**

Grant permission subject to conditions

**PROPOSED DEVELOPMENT**

This application relates to the existing solar development at Palfreys Barton Farm, Cove. The site is a single field approximately 1.5 km east of Cove and 2.8km to the south of Bampton.

The already approved scheme is operational and covers 3.55 hectares of a single agricultural field. When the application was submitted it was estimated that the scheme would generate 0.96 Megawatts of energy.

Planning permission was granted on 3<sup>rd</sup> of November 2012 for the following reason:

*Subject to conditions, the proposed development is considered acceptable with regard to its design and siting, visual and landscape impacts, archaeology and wildlife, highway safety, flooding and drainage and the residential amenities of nearby occupiers. The contribution of the scheme to renewable energy targets on land that is not considered to be the best and most versatile agricultural land, is considered to outweigh any limited harm that may arise as a result of the development, as conditioned. On balance, it is considered that the development would accord with Policies CO1, CO6, CO8, CO10, CO12, CO13 and TR10 of the Devon Structure Plan 2001-2016, Policies S5, S6, S11, ENV7 and ENV16 of the Adopted Mid Devon Local Plan (Local Development Framework), Policies COR2, COR5, COR9, COR11 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM/1, DM/5 and DM/28 of the Mid Devon Local Plan Part 3 (Development Management Policies) Proposed Submission and the National Planning Policy Framework.*

The originally approved application 12/01376/MFUL was determined on the basis of a policy framework including the Devon Structure Plan 2001 – 2016, the Adopted Mid Devon Local Plan (LDF), Core Strategy 2007 (Local Plan 1) and Local Plan Part 3 (Development Management Policies: proposed submission). The Devon Structure Plan and Mid Devon Local Plan are no longer part of the development plan framework, although the Core Strategy 2007 and the Local Plan Part 3 (Development Management Policies) remain in force (The LP3 was adopted in October 2013). There has therefore been a change in part of the policy basis upon which the original application was approved. However since it was considered acceptable against the still adopted Core Strategy (Local Plan Part 1) and development management policy (Local Plan Part 3), this policy change is not considered

significant, nor to lead to a different recommendation for the current application.

A Non-Material Amendment to the approved scheme was granted on 21<sup>st</sup> February for minor changes to the layout and orientation of panels, the position of access track, removal of a communications building and associated works. The amendments were granted on the basis that the works were deemed to be an improvement in terms of the visual character of the development with little overall impact upon the character of the area.

It is solely the first line of Condition 1 which the current application is seeking to alter in order to extend the lifespan of the permission to 30<sup>th</sup> June 2043.

1. **The solar PV facility shall cease to generate electricity on or before 30th June 2038.** 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.
3. The supplemental planting to the boundary hedges detailed in the submitted Landscape Mitigation Section (paragraph 4.3) on pages 12, 13 and 14 of the Landscape and Visual Appraisal dated September 2012 and received by the Local Planning Authority on 24 September 2012 shall be carried out within 9 months of the substantial completion of the development and any trees or plants which, within a period of five years from the implementation of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. 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.
5. The galvanised steel cladding to the inverter/transformer housing and communications buildings shall meet in colour with either BS4800 12B25, BS4800 18B29 or BS4800

10B25. Once provided the structure shall be maintained in one of these approved colours.

6. The development hereby approved shall be carried out only in accordance with the recommendations contained in the Badger Survey dated November 2012 by URS (the Badger Survey). On the same day the security fence is erected, badger gates shall be installed in that security fence in the locations shown on drawing number 47062203/T2ECOL attached to the Badger Survey and to a specification shown on page 17 of the Badger Survey. Once installed, the badger gates shall be so retained whilst the security fence, or any replacement security fence, is retained on the site.
7. No external artificial lighting shall be installed at the site without planning permission first having been obtained.
8. All cables shall be placed underground, except at the point of connection to the electricity grid system.
9. The swales shown on the site and location plan and drawing number 2 both date stamped 26 November 2012, and further detailed in the Drainage Design report dated November 2012 prepared by URS shall be provided within 12 months of the date of this approval or within 28 days of the completion of the construction of the solar PV array, whichever is the sooner. Following their provision, the swales shall be managed and maintained in an operational condition until the site has been decommissioned in accordance with condition 1 of this decision notice.

#### **APPLICANT'S SUPPORTING INFORMATION**

Supporting Letter – Non Technical Summary

Supporting Statement (s73 Variation of condition application)

#### **RELEVANT PLANNING HISTORY**

12/01376/MFUL Installation and operation of solar farm to generate 0.96 megawatts (site area 3.53 hectares), associated infrastructure, including PV panels, mounting, frames, inverters, transformers and fence - NON MATERIAL AMENDMENT GRANTED 21ST FEBRUARY 2013 - PERMIT

12/01376/MFUL/NMA Installation and operation of solar farm to generate 0.96 megawatts (site area 3.53 hectares), associated infrastructure, including PV panels, mounting, frames, inverters, transformers and fence - PERMIT

#### **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)**

DM1 - Presumption in favour of sustainable development

DM5 - Renewable and low carbon energy

DM27 - Development affecting heritage assets

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 21<sup>st</sup> October 2015 - No comments

ENVIRONMENT AGENCY - 15<sup>th</sup> October 2015 - No comment

TIVERTON TOWN COUNCIL - 4<sup>th</sup> November 2016 - Support

HALBERTON PARISH COUNCIL - 13<sup>th</sup> November 2015 - No comments as the site is too far away

EXETER INTERNATIONAL AIRPORT - 13<sup>th</sup> October 2015

This additional information has been assessed from a safeguarding point of view and does not conflict with any safeguarding criteria or alter the initial response of 2012.

## **REPRESENTATIONS**

No representations received.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application does not seek to change any aspect of the development from that already approved, other than to extend the lifetime of the development until 30<sup>th</sup> June 2043.

The applicant has submitted supporting evidence in the form of a Supporting Statement and a Non-Technical Summary, setting out the reasons why solar PV plants are now deemed to be capable of operation beyond the previously estimated 25 year period.

The main reasons include better maintenance practices for the PV modules with robust performance monitoring to prevent early degradation of the panels. Electrical transformers and switchgears are a necessary component of a PV array in delivering power to the grid and these components are continually improving in efficiency and longevity. The measures identified in the Non-Technical Summary will allow for extended electricity generation from the PV array at Palfreys Barton Farm. The Summary concludes that a 30 year operational life is both achievable and realistic.

The officer considers that there are no policy objections to extending the life time of the scheme as it has built out until 30<sup>th</sup> June 2043, and given that there are no other changes, it is not considered that an extension of the life of the development would compromise the acceptability of the development as a whole. 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 30<sup>th</sup> June 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, substation, 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. In respect of the approved landscaping measures undertaken in accordance with application 12/01376/MFUL for any trees or plants which, within a period of two years from the date of this consent, 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 swales shown on the site and location plan and drawing number 2 both date stamped 26 November 2012, and further detailed in the Drainage Design report dated November 2012 prepared by URS under the approved application 12/01376/MFUL shall be managed and maintained in an operational condition until the site has been decommissioned in accordance with condition 1 of this decision notice.

## **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 with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM1 and DM5 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
2. To ensure that the development is adequately screened and to protect the amenity of the surrounding rural landscape, in accordance with Policies CO6 and CO7 of the Devon Structure Plan 2001-2016, Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies S5, S6 of the Adopted Mid Devon Local Plan (Local Development Framework) and the National Planning Policy Framework.
3. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The application is considered to provide valid reasons in support of the 5 year extension in the lifetime of the development, and subject to the amended conditions it is not considered that a further five years from the date approved under application 12/01376/MFUL will affect the historic, visual and landscape character of the area, any ecological or wildlife interests at or adjacent to the site, highway safety matters, flooding and drainage considerations or the residential amenity of nearby properties. On this basis the proposal is considered to remain in accordance with Policies COR2, COR5, COR9, COR11 and COR18 of Mid Devon Core Strategy (Local Plan 1) and Policies DM1, DM5, DM27 Local Plan Part 3 and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2<sup>nd</sup> 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.