

DEVELOPMENT MANAGEMENT COMMITTEE – 7 NOVEMBER 2018

Application Number	3/18/1399/VAR
Proposal	<p>Variation to conditions 3 and 4 of permission 3/15/2254/FUL: (The solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months from the 1st January 2042 (Condition 3) or on the cessation of electricity supply to the national grid (Condition 4).</p> <p>Application 3/15/2254/FUL was for: Change of use of land from (1) agriculture to (2) mixed use for agriculture use and use for the generation of renewable energy (Solar)</p> <p>To amend the end date to 1st January 2057 (cond 3) or on the cessation of electricity supply to the national grid (cond 4).</p>
Location	Solar Farm, Mill Farm, Mentley Lane, Great Munden, Herts
Parish	Great Munden CP
Ward	Mundens and Cottered

Date of Registration of Application	28 June 2018
Target Determination Date	27 September 2018
Reason for Committee Report	Major application
Case Officer	Simon Dunn-Lwin

RECOMMENDATION

That planning permission be **GRANTED**, subject to the conditions set out at the end of this report

1.0 Summary of Proposal and Main Issues

- 1.1 Planning permission was granted for the solar farm by permission 3/15/2254/FUL on 20 July 2016. It has been operational since December 2016.
- 1.2 Condition 3 restricts the solar farm to operate until 1st January 2042 and provides for the submission and approval of details of reinstatement of the land. This application seeks to vary the condition and extend the time limit by 15 years to 1st January 2057.
- 1.3 Condition 4 requires notification of the date on which the solar farm first provided electricity to the national grid. It also requires reinstatement of the land in accordance with details to be submitted and approved in the event of the solar farm ceasing to supply electricity to the national grid for any six month period prior to the end date.
- 1.4 Since the grant of planning permission in July 2016 the local and national planning policy position has not been materially altered by the adoption of the District Plan 2018, the publication of the NPPF 2018 or by any other means. The main issues for consideration in respect of this application then are the further harm in landscape and visual impact terms as a result of the extended time period, balanced against the benefit of ongoing renewable energy production.

2.0 Site Description

- 2.1 The solar farm is situated on land at Mill Farm and is approximately 8 hectares in area. The site lies within the Rural Area beyond the Green Belt to the north of the villages of Nasty and Great Munden. The installation comprises 18,172 solar panels and associated plant.

3.0 **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/15/2254/FUL	Construction of solar farm	Granted	July 2016
3/17/0475/FUL	Freestanding satellite dish	Granted	April 2017
3/17/0171/NMA	Freestanding satellite dish	Refused	February 2017

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the East Herts District Plan 2018 (DP) and the National Planning Policy Framework (NPPF). There is no Neighbourhood Plan in place or in preparation for this site.

Main Issues	DP policy	NPPF
Longer period of benefit from renewable energy	CC3, INT1	Section 2 and 14
Longer period of impact on the rural landscape and amenity	GBC2, DES2,DES3	Section 15

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority does not wish to restrict the variation of the condition.
- 5.2 Lead Local Flood Authority does not wish to comment.
- 5.3 EHDC Engineering Advisor considers that the flood risk implications of the development are unchanged.
- 5.4 Natural England does not wish to comment.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

- 6.1 Great Munden Parish Council strongly objects to the proposal on the following grounds:
- Failure to comply with landscape condition which does result in the visibility of the solar farm, despite assurances to the contrary;
 - An extension of the time period would remove control of the of the site in the future from the Council and local residents;
 - Further extension is not justified on the basis of providing a return on investment, the solar farm will produce significant returns over the already agreed period;
 - The area is one of agriculture and should remain so;
 - The PC was concerned previously that such requests for extensions would come forward;
 - The line should be drawn on the development.

7.0 Summary of Other Representations

7.1 4 responses have been received objecting to the proposals on the following grounds:

- All the objections to the installation still apply;
- Lack of screening;
- No sign of agricultural activity under the panels;
- The proposal would extend the loss of rural landscape.

8.0 Consideration of Issues

Clean energy generation for the longer term

8.1 Condition 3 of planning permission reference: 3/15/2254/FUL was imposed for the following reason:

"To prevent the landscape impact of the development existing beyond the productive lifetime of the solar panels and to enable the active agricultural use of the land in accordance with policies SD3, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007."

8.2 The applicant states that the original timeframe, based on 25 years, was related to the term of the Government Feed in Tariff subsidy, and the performance warranty set by panel manufacturers. However, a recent study by the National Renewable Energy Laboratory (NREL) has found that after 40 years the panels would still be producing electricity at 80% output. As such, the variation in the electricity output and current energy prices ensures that the solar farm will remain economically viable for an extended period.

8.3 Additionally, the applicant submits that due to the nature of the solar industry and the changes in Government subsidies, the applicant is required to refinance the scheme, along with several other sites, and amend the lease agreement. In doing so, they require an extension to the life of the solar farm.

- 8.4 The operational effectiveness of the installation and the finance and lease issues are acknowledged. These are the matters that have resulted in the applicants seeking the extension proposed. They are however not the main determining planning issues in this case.
- 8.5 In support of the application the applicant has submitted two decisions relating to two other solar farm sites. One at Hall Farm, Newbold Verdon in Leicestershire, where approval was given on 15th August 2018 (Ref: 18/00492/CONDIT) by Hinckley and Bosworth Borough Council to extend the life of the solar farm there to operate for 45 years. The other solar farm is located at Decoy Farm in Crowland, Peterborough, where approval was given on 28th August 2018 (Ref: H02-0606-18) to vary the condition by removing the original time limit imposed on the operational use of the solar farm without an end date.
- 8.6 Both of these cases are noted. The particular site circumstances and material planning considerations in each case may be different and therefore the fact that extensions have been granted in other locations is also not considered to be determinative here.
- 8.7 Having set out the above, it appears there would be little doubt that, with advances in technology and the continuing demand for energy that, if the solar farm were in place and operational for a longer period, it would continue to provide a benefit in the form of clean energy production. This meets national and local policy objectives in this respect and should be given positive weight in the consideration of this proposal.

Continued landscape and visual impact

- 8.8 The landscape impact of the solar farm development was considered in the original approval for the installation. It was acknowledged that the solar farm would be visible in long distance views from the nearest road junction to the east. However, although the site is large, it is relatively remote and the visual impact is appreciated in the context of the wider landscape of which it forms a part. At present the approved landscaping scheme, which will act to screen the ground-mounted solar panels, has not reached

maturity. This is to be expected in the relatively short space of time since implementation less than 2 years ago.

- 8.9 The comment of the Parish Council regarding non-compliance with landscaping details is noted. However, this relates to the reinstatement of a relatively small gap in an existing hedge. This has been drawn to the attention of the operator who has agreed to reinstate this planting during the current planting season. This will be monitored.
- 8.10 In the longer term and within the timescale of the current permission, the landscaping scheme is expected to screen the solar panels to a much greater degree, with hedges up to 3.0m in height. The degree to which the landscaping achieves this outcome will increase over the years. It is acknowledged then that the continued existence of the solar farm, beyond the current end date will continue to cause harm to the rural and agricultural landscape by virtue of its scale and unconventional appearance. This should be given weight. It is considered that the degree of harm will be reduced compared to that experienced now however both due to the continuing enhancement and maturity of the landscaping and due to the increased familiarity of these installations in the rural landscape as numbers increase.

Other matters

- 8.11 The Parish Council have raised the following additional concerns:
- An extension of the time period would remove control of the of the site in the future from the Council and local residents;
 - Extension is not justified on the basis of providing a return on investment, the solar farm will produce significant returns over the already agreed period;
 - The area is one of agriculture and should remain so;
 - The PC was concerned previously that such requests for extensions would come forward;
 - The line should be drawn on the development.

8.12 Officers would advise as follows:

- As in the previous planning permission, whilst these proposals seek to increase the timescale of the development, control over the future of the site is retained by the recommended land reinstatement conditions;
- It is agreed that the continued technical ability for the solar farm to function and thereby generate a financial return for the developer is not a justification by itself for the longevity of the site in planning terms. The relevant planning issues are canvassed in this report;
- The agricultural nature of the area and the resulting landscape is acknowledged. The proposals need to be considered on the basis of the landscape and visual harm weighed against the benefit of clean energy generation in the longer term;
- Whilst the desire of the Parish Council to seek a definitive end date for the development, with no further extension is understood, it is necessary to consider the relevant planning and other material issues and reach a decision on the proposals put forward.

8.13 The amendment to the operating life of the solar farm (condition 3) will also require a slight amendment to the wording of condition 4. This condition requires the reinstatement of the land in the event of the installation failing to supply electricity to the national grid prior to the operational end date. The minor change of wording is required because, as originally drafted, the condition required details of the first date on which electricity was provided by the installation. That date has now passed. The early site reinstatement provisions however are to be retained if the longer term retention of the installation is supported.

8.14 In that outcome, a condition is also recommended to provide for the ongoing maintenance provisions approved under the conditions of the original planning permission reference: 3/15/2254/FUL.

9.0 Conclusion

- 9.1 When the proposed solar farm was initially considered the negative landscape impacts of the installation were balanced against the public benefit of renewable energy generation and carbon reduction to address climate change. It was determined that the benefits of the proposal outweighed the landscape, visual and other harm. As indicated, the policy background has changed little and clean energy generation and carbon reduction proposals remain supported locally, now in Policy CC3 of the new District Plan.
- 9.2 The negative impact of the solar farm in landscape and visual impact terms is acknowledged. The approved landscaping scheme will be more beneficial in militating against the adverse visual impact as the planting matures.
- 9.3 The public benefit of renewable energy generation and contribution towards national carbon savings remains a matter to which it is considered weight can be assigned to such that the harmful impacts of the proposals are outweighed.
- 9.4 Overall, then it is considered that the longer term public benefit associated with extending the operational life of the plant outweighs the acknowledged longer term harm to the rural landscape.

RECOMMENDATION

That planning permission be **GRANTED**, subject to the following conditions:

1. The solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months from the 1st January 2057 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the cessation of the supply of electricity from the plant to the national electricity grid. The scheme shall include management and timings of the works and a traffic management plan. Decommissioning of the

plant and the reinstatement of the land shall thereafter be implemented in accordance with the approved details.

Reason: To prevent the landscape impact of the development existing beyond the productive lifetime of the plant and to enable the active agricultural use of the land having regard to Policies GBR2 and CC3 of the East Herts District Plan 2018.

2. In the event of solar farm hereby failing to produce electricity for supply to the national electricity grid for a continuous period of 6 months the solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months of the end of that 6 month period in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the cessation of the supply of electricity from the plant to the national electricity grid. The scheme shall include management and timings of the works and a traffic management plan and shall be implemented as approved.

Reason: To prevent the retention of development in the Rural Area Beyond the Green Belt that is not being used for its intended purpose having regard to Policies GBR2 and CC3 of the East Herts District Plan 2018.

3. The implementation and ongoing maintenance provisions of conditions 9 – Ecological Design Strategy, 10 – Tree retention and replacement, 11 and 12 – Landscape design and maintenance, 14 – drainage provision and maintenance and 15 – Dane End Tributary buffer zone applied to planning permission reference: 3/15/2254/FUL, dated 20th July 2016, shall continue to apply to this grant of planning permission.

Reason: To secure the implementation and ongoing maintenance provisions of the Solar Farm in accordance with the approved conditional details of the planning permission for the development.

Informative

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.