

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/2616/13/FL

Parish(es): Meldreth

Proposal: Development of solar photovoltaic panels and ancillary structures including; field transformers, auxiliary transformer, inverter housing, communication room, district network operator building, switch room building, access tracks, security fencing and security cameras

Site address: Bury Lane Fruit Farm, Melbourn Bypass, Meldreth, Roston, SG8 6DF

Applicant(s): EW Pepper Ltd

Recommendation: Approval

Key material considerations: Principle of development; Impact upon the landscape character; Ecology; Flood Risk; Highway Issues; Impact upon Residential Amenity; Archaeology; Landscaping; Loss of Agricultural Land; Crime and Disorder Act 1998 and Other Considerations

Committee Site Visit: No

Departure Application: No

Presenting Officer: Andrew Fillmore

Application brought to Committee because: The application was deferred at the committee meeting of March 2014 to allow an amended proposal covering a smaller area to be submitted and reconsidered.

Date by which decision due: 19 March 2014

Planning History

1. No relevant planning history.

Planning Policies

2. *National*
3. National Planning Policy Framework
4. DCLG Publication: Planning Practice Guide for Renewable and Low Carbon Energy
5. Written Ministerial Statement by the Secretary of State for the Department of Communities and Local Government 'Local Planning and Renewable Energy Developments'
6. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development
 DP/2 Design of New Development
 DP/3 Development Criteria
 NE/2 Renewable Energy
 NE/4 Landscape Character Areas
 NE/6 Biodiversity
 NE/11 Flood Risk
 CH/1 Historic Landscapes
 CH/3 Historic Buildings
 NE/17 Protecting High Quality Agricultural Land
 CH/4 Development within the curtilage or setting of a listed building
 TR/3 Mitigating Travel Impact

7. *Draft Local Plan*

S/3 Presumption in Favour of Sustainable Development
 CC/1 Mitigation and Adaptation to Climate Change
 CC/2 Renewable and Low Carbon Energy Generation
 CC/8 Sustainable Drainage Systems
 CC/9 Managing Flood Risk
 NH/2 Protecting and Enhancing Landscape Character
 NH/4 Biodiversity
 TI/2 Planning for Sustainable Transport
 TI/3 Parking Provision

8. *Supplementary Planning Document(s)*

Listed Buildings SPD – adopted July 2009
 District Design Guide SPD – adopted 2010

Consultations

9. **Meldreth Parish Council** – Recommend approval. The Parish Council would like to reiterate their concerns that solar farms should be taken as a whole across the DISTRICT and not seen solely as individual development. The Parish Council would also like to see any landscaping plans.
10. **Cllr van de Ven** – the layout meets exactly the terms suggested by Meldreth Parish Council at the March SCDC planning committee and I am pleased that the applicant has modified the scheme so precisely. I fully support the new layout.

On the landscape scheme, I would question the length of time that new planting will take to screen the site as intended. I assume this is a point that officers will be seeking to address, though I understand there may be aspects relating to the advantageous long term resilience of certain plants over short term benefits of others.

The question that I don't think residents feel has been satisfactory addressed is the absence of an overall strategic plan for solar parks in our district. If it is not possible for the council to develop and impose a strategic approach then it would be helpful for that to be explained and communicated. Conversely, if such a strategy is possible, it would be important to know how it will be developed and applied – certainly this would be helpful not only for Meldreth but for other parishes too.

11. **Environment Agency** – No further comment to add.
12. **English Heritage** – English Heritage considers that this development would cause some harm to the significance of designated heritage assets in the vicinity, in particular the setting of Grinnell Hill scheduled monument. This harm may be reduced by additional sensitive landscape planting along the eastern edge of the solar farm, to screen the panels from views from Grinnell Hill.
13. **Local Highway Authority** – Request the applicant provide a Traffic Management Plan prior to the issue of the decision notice as the highways authority has concerns with regards to how the applicant is going to be able to ensure that the HGV's delivering the required equipment for the solar farm will not interfere with other users of Bury Lane fruit Farm and the free flow of traffic onto the A10.

The applicant has provided information in relation to traffic movements to and from the development, but has not given any great deal in connection with how the construction traffic is managed.

The highway authority is concerned that the applicant may not be able to develop an acceptable traffic management plan that can address the problems outlined and this may create an un-implementable planning permission. This could result in a situation where the developer is in the process of negotiating a traffic management plan, while undertaking the works. From past experience SCDC is reluctant to enforce under these circumstances, and this could leave the Highways Authority in a difficult position of being unable to act under its powers while a situation that it believes to be unduly hazardous has been created.

14. **Network rail** – No objections to the proposed amendments. The previous consultation response remains applicable.
15. **Environmental Health** – The application contains the potential to import quantities of soil onto the site. Recommend a condition requiring a chain of evidence be provided for all imported material.

Representations

16. Six letters of representation have been received to the amended scheme opposing the application for the following reasons;
 - the removal of the south field does not mitigate the effect of the panels on the views from Chiswick End

- the application should be considered in the in the context of other similar proposals
- visual impact – the panels should be hidden from general view and there is nowhere in this immediate area where this could be the case
- sheep grazing is not the usual management strategy for solar arrays and normally they spray weed killer
- the development will result in the loss of productive farmland
- impact on view from footpath to the north of the site and recommend the northern field is removed
- an overall planning framework is necessary

Planning Comments

17. The site includes 45 hectares of agricultural land comprising three fields located to the west of the A10 and Cambridge-London railway line outside the villages of Melbourn and Meldreth. This Grade 2 agricultural land is currently used for crop planting.
18. The land slopes gradually, with the north of the site set circa 10m lower than the southern end. Vegetation can be found around the perimeter.
19. Two public footpaths can be found in the locality. Harcamlow Way (Byeway/Long Distance Route) runs parallel with the southern edge of the site, with a public footpath to the north.
20. Vehicular access is proposed via the existing arrangements serving Bury Lane Fruit Farm during the construction phase (18 weeks), with the temporary storage compound positioned to the rear of the shop. Post construction the maintenance vehicles will access the site from a track directly off the A10 approximately 350m south of the fruit farm entrance.
21. Following the planning committee meeting of 5 March 2014 an amended scheme has been received with the size of the solar array reduced through the removal of the panels and most of the supporting apparatus from the 'southern' field. This equates to reduction of 17 410 panels from the 94 000 originally proposed.
22. The southern field is to be either retained as arable land or changed to grassland/wildflowers, with the planting of a hedge separating this land from the development site. After decommissioning the application site would be returned to agricultural use.

Impact upon the landscape character

23. As noted in the officer report to the March committee meeting one of the key viewpoints of the site is from Harcamlow Way which runs along the southern boundary and offers 'short' views of the development proposal. The removal of panels from the field adjoining this footpath results in a notable reduction in the impact on the landscape.
24. When viewed from Harcamlow Way the panels will be located at least 350m away and separated by two layers of planting. This landscaping includes strengthening the vegetation adjacent the footpath and introducing a native hedgerow separating the southern field from the development area.

25. It is considered the reduction in the overall size of the array, and importantly setting the development back from a public footpath, results in a notable and important enhancement of the scheme.
26. A number of representations, including from the Parish Council, have been received expressing concern over the cumulative impact of the development when taking into account other solar array schemes.
27. Within South Cambridgeshire solar array developments have been constructed at Bourn (S/1611/12/FL), Chittering (S/1542/12/FL and S/2198/10) and Haslingfield (S/0154/11), with a further consented scheme at Chittering (S/1516/13/FL) and a live application at Wilbraham (S/2763/13/FL). A number of smaller schemes have also been given consent.
28. None of these developments are visible within the context of the application site, and as such there is no cumulative impact on the landscape character.
29. A further planning application at Bourn (S/2205/10) was refused consent with a scheme in Thriplow withdrawn (S/2080/13/FL). Additionally the Council has received Screening Opinions (request to the local authority as to whether a planning application is required to be accompanied by an Environmental Impact Assessment) for a further eight potential solar array sites (Royston Road-Melbourn, Vine Farm-Shingay-Cum-Wendy, Valley Farm-Croydon, Manor Farm-Impington, Chinderley Hall-Dry Drayton, Lang lane-Gamlingay, Highfield Farm-Bassingbourn and at Cottenham). These Screening Opinion applications are not firm proposals to develop the sites and as such no weight can be attributed to these when considering the cumulative landscape impact arising from this proposal. It is noted the Screening Opinion (S/1517/13/E1) at land between Railway and Sewage Disposal Works, Royston Road, Melbourn is closely related to the application site, however an assessment of the cumulative landscape impact would be a consideration of the 'second' application should one be forthcoming.

Highway Issues

30. The site is to be accessed off the A10 which is classified as a Primary Road in the county's hierarchy connecting the M11 with the A505. Access is proposed via the existing Bury Lane shop access during construction, with a further track access to the south proposed for maintenance.
31. The construction period is expected to last 18 weeks with deliveries to the temporary construction compound on land behind the farm shop. This area is suitable for parking, loading, unloading, storage, manoeuvring of construction vehicles and staff parking. The layout and operation of this construction compound and its relationship with the existing farm shop carpark will be managed by temporary route signage, fencing and bollards.
32. Throughout the 18 week period approximately 315 HGV deliveries are expected, with the most intense period lasting 7 weeks when there will be a maximum of 7-8 deliveries per day (14-16 movements), with 2 HGV deliveries per day for the remaining 11 weeks. Additionally it is expected 30-40 staff will be working on site. Following construction between 2 and 4 vehicles per month for maintenance are expected.

33. On-site construction is expected to be undertaken between the hours of 07:00-18:30 Monday to Friday and 07:00-13:00 Saturday with deliveries proposed between 06:00-09:00 to avoid conflict with the opening hours of the shop.
34. The highway authority object to the development requesting a Traffic Management Plan be provided prior to determination of the application as concerns are raised with regards to how the applicant is going to ensure that the HGV deliveries do not interfere with other users of Bury Lane Fruit Farm and the free flow of traffic onto the A10.
35. Specifically the highway authority is concerned that the applicant may not be able to develop an acceptable traffic management plan that can address the problems outlined and this may create an un-implementable planning permission which could result in a situation where the developer is in the process of negotiating a traffic management plan, while undertaking the works.
36. Circular 11/95 relates to the use of conditions in planning permissions and advises conditions can be appended to enable development proposals to proceed where it would otherwise have been necessary to refuse permission. Officers are of the view that given the most intense period of the construction phase is to last 7 weeks and entail 7-8 movements per day that failure to agree a delivery management plan is improbable. Furthermore should the applicant commence work prior to agreeing this condition the authority has powers to take enforcement action.
37. This approach is in conformance with the thrust of the NPPF which advises Local Planning Authorities to adopt a positive approach to fostering sustainable development.

Other Material Considerations

38. Following a reduction in the size of the scheme both the Parish Council and District Councillor are supportive of the proposal, although both highlight the need to take into account the cumulative impact which is addressed in paragraphs 26-29.
39. A number of representations have been received from third parties opposing the application, with one of the concerns raised being the removal of the southern field has no landscape benefit when viewed from the north. The landscape impact when viewed from the north is considered acceptable given the vegetation planting and separation distance to the public footpath.

Conclusions

40. The development is of a kind that receives very considerable support in national and local planning policy and that, following the guidance in the National Planning Policy Framework there must be a strong presumption in favour of it.
41. The proposal would have an impact on the landscape, but the removal of solar panels from the southern field has a notable reduction in the impact when viewed from the south. The existing framework of hedges and trees, which would be supplemented, would make the proposal an acceptable feature of the landscape.
42. There is no outstanding amenity issue. Conditionally there are no outstanding highways, flood risk, nature conservation or historic environment issues.

43. With the conditions recommended below, it is concluded that on balance the benefits of the scheme in respect of renewable energy production, outweigh the harm over the temporary 'loss' of agriculture productivity.

Recommendation

44. Approval subject to the following conditions –

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. Approved plans.
3. No development shall be commenced until a schedule of materials for the inverters and substation and details of the precise colours of the solar panels, their supports, the inverters, substation and mesh fencing have been first submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details and all must be so maintained for the lifetime of the development.
(Reason: In the interests of visual amenity)
4. No development shall take place until full details of both hard and soft landscape works including 10 year maintenance plan have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first exportation of electricity from the site or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of ten years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the Local Planning Authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within ten years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with

others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and nature conservation.)

7. All solar panels, their supports, the inverter, the substation and any underground concrete to a depth of 1.5m must be removed from site within 6 months of the solar farm ceasing to be operational.
(Reason: The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and policy NE/2.)
8. All works shall be carried out in accordance with the mitigation measures referred to in Section 5.2 Proposed Mitigation of the 'Ecological Appraisal' by the landscape partnership dated December 2013.
(Reason: To ensure the protection and enhancement of natural habitat on the application site, in the interests of nature conservation.)
9. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage including monitoring arrangements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
10. No development shall commence until a Travel Plan for construction traffic has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.
(Reason – in the interests of highway safety in accordance with policy TR/3 of the adopted Local Development Framework 2007.)
11. The development, hereby permitted, shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the Local Planning Authority on or before 25 years of the date of this permission in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason - Approval of the proposal on a permanent basis would be contrary to Policy NE/2 of the adopted Local Development Framework 2007 and the land should be reinstated to facilitate future beneficial use.)
12. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The programme of archaeological works will commence with a field evaluation of the application area. The significance of the archaeological evidence will be determined by the Local Authority's archaeological advisor using field observations made during a monitoring visit(s) and the reports of both non-intrusive and field surveys.

The programme of archaeological works shall be used to inform a mitigation strategy, with development not commencing until this mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in full accordance with the approved mitigation strategy.

The mitigation strategy shall be based on the following principles:

With regards to photovoltaic panels: PV panels will be surface mounted in any areas in which significant archaeological remains are present. In areas found not to contain archaeological remains, or where they are of low significance, the PV panels may be mounted on standard piles.

With regard to cable trenches and substation/associated groundworks: These areas will be subject to excavation in areas of significant archaeological remains as established through the evaluation. Cable trenches will not be permitted to be cut through areas of human remains: re-routing will be required.

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

13. No development shall commence until a detailed scheme for the importation of soil onto the site has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

(Reason – To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scamb.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scamb.gov.uk/localplan>

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