

UTT/13/1472/FUL (Little Sampford)

(MAJOR)

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with the approved plans) and condition 8 (details of control room and inverter cabinet materials to be approved prior to commencement) on planning permission UTT/12/5601/FUL for a solar park in order to vary the heights, materials and positions of the inverter stations and control room and reduce the number of inverter stations.

LOCATION: Land at Spriggs Farm, Thaxted Road, Little Sampford.

APPLICANT: Spriggs Solar Limited.

AGENT: Pegasus Group.

EXPIRY DATE: 4 September 2013

CASE OFFICER: Clive Theobald

1.0 NOTATION

1.1 Outside Development Limits.

2.0 DESCRIPTION OF SITE

2.1 The application site is located to the south-east of the B1051 between Thaxted and Little Sampford. It is accessed via a public right of way which runs between two residential properties known as Stack Yard and Silver Birches. The application site consists of four agricultural fields, totalling 29.96ha, which are divided by hedgerows. The north-western boundary of the site is along the public right of way which runs to the south-west towards Thaxted. This section of the site is open with no existing hedgerows. There is a further public right of way which runs adjacent to the northern boundary of the site, which is located in the adjacent field. Electricity pylons are located in the northern two fields and there is a further electricity line on wooden pylons running along the southern part of the site.

2.2 The application site is relatively flat with a difference in height across the site of approximately 7m. There is a slight fall on the site from the north-west to the south-east. Beyond the site to the south-east are two areas of woodland, separated from the site by a further area of agricultural land.

3.0 PROPOSAL

3.1 This proposal seeks variations to two conditions imposed under planning permission UTT/12/5601/FUL for a solar park at this rural location, namely a variance of condition 2 (development to be carried out in accordance with the approved plans) and variance of condition 8 relating to installation details of the control room and inverter cabinet materials for the solar park site with regard to heights, materials and positions of the inverter stations and control room and to reduce the number of inverter stations on the site.

3.2 The proposed changes by way of variation are specifically as follows:

Inverter Stations:

- Increase in height of central inverter station from 2.55 metres to 2.8 metres
- To have green external colour rather than grey.

Control Room:

- Increase in height from 2.55 metres to 2.9 metres
- Increase in footprint from 2.5 metres x 3.28 metres (8.2sqm) to 8.5 metres x 2.5 metres (21.25 sqm)
- To have green external colour rather than grey.

Site Layout:

- Reduction in number of inverter stations from thirteen (13) to eight (8) and relocation within the site to move them in from the site boundary
- Relocation of the control room away from the site boundary.

4.0 APPLICANT'S CASE

- 4.1 The application is accompanied by a supporting letter explaining the technical reasons for the changes and states *"These amendments are required due to the precise technical requirements of the site developer which were not known at the time of the original planning application. They are considered to represent only a minor material amendment to the permitted details with all structures remaining below 3 metres in height and being positioned so to limit their visibility from outside the site wherever possible"*. The letter also requests the LPA to note the reduction in the number of inverter stations across the site and their improved position in relation to the site boundary as confirmed by the site layout and also the improved position of the control room in relation to the site boundary.

5.0 RELEVANT SITE HISTORY

- 5.1 The principle of a 12MW solar power generation park as a stand alone renewable energy scheme consisting of rows of photovoltaic (PV) panels running east-west across the site to include transformer housings, security fencing and cameras, landscaping and associated works on land comprising 29.96 hectares at Spriggs Farm, Thaxted Road, Little Sampford was considered acceptable by the Council at this rural location under application UTT/12/5601/FUL when Members of the Planning Committee approved the scheme on 16 January 2013 subject to various planning conditions, two of which are the subject of the current planning application seeking variation.
- 5.2 In describing the proposal, the officer report for that application stated that each solar array would be mounted on a simple metal framework which would have a maximum height of 3m above ground level where there would be 24 No. modules per structure and where these would be installed at approximately 25 degrees from horizontal. The plans submitted showed that 13 No. inverters would be required throughout the site layout, whilst a control room would be located at the northern end of the site. The inverters measured 1.905m x 1.522m x 2.55m high, whilst the control building measured 3.28m x 2.5m x 2.55m high.
- 5.3 With particular reference to the proposed ancillary plant buildings, the report additionally stated that *"At strategic points within the development, transformers situated within small buildings would collect the power generated before it is transferred to the national grid. They would be clad or painted to reflect a typical agricultural building and would blend into the site"*, adding *"Post construction, the development has the potential to generate a low level of noise from the invertors and transformers, which would be housed in cabinets on the site. Given the distance of the site from the*

nearest residential properties, it is unlikely that any adverse loss of residential amenity would occur during the operational stage due to noise. Any noise resulting from maintenance would be comparable to that currently experienced as a result of the farming activities within the site".

5.4 In recommending approval for the solar park scheme, the officer report gave the following summary of the main reasons for the recommendation;

- The proposal would result in the loss of 29.96 hectares of good quality agricultural land. However, the nature of the proposal is that the development is temporary and reversible. There would be some adverse impacts on the local landscape and character of the area, particularly in respect of users of the public right of way. However, the impacts of the proposal need to be weighed against the positive benefits of the provision of renewable energy and in this instance the benefits outweigh the harm;
- The proposal would not result in any loss of residential amenity or adverse impacts on neighbours;
- The impact on the local highway would be minimal, even during the construction phase given the limited number of vehicular movements;
- The proposal would not adversely affect protected species, whilst there would be an opportunity to establish new hedgerows and other landscape features which could result in a positive impact on biodiversity;
- The proposal would not result in increased flooding, whilst proposed swales would result in the betterment from the existing position.

5.5 Since the grant of planning permission UTT/12/5601/FUL for the solar park, all pre-commencement conditions imposed under that permission have since been discharged with the exception of condition 8, which is the subject of the current variation application.

6.0 POLICIES

6.1 National Policies

National Planning Policy Framework (NPPF).

6.2 Uttlesford District Local Plan 2005

ULP Policy ENV15 - Renewable Energy
ULP Policy S7 - The Countryside
ULP Policy GEN7 - Nature Conservation
ULP Policy E4 - Farm diversification: alternative use of farmland
ULP Policy ENV5 - Protection of agricultural land
ULP Policy GEN8 - Vehicle Parking Standards

6.3 Uttlesford District DRAFT Local Plan

Policy SP11 - Renewable Energy and Energy Efficiency
Policy EN1 - Sustainable Energy
Policy SP12 - Protection of the Countryside
Policy C2 - Protection of Landscape Character
Policy SP14, Policy HE4 - Protecting the Natural Environment
Policy TA1 - Vehicle Parking Standards

7.0 PARISH COUNCIL COMMENTS

7.1 No comments.

8.0 CONSULTATIONS

SAL Aerodrome Safeguarding Advisor

- 8.1 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. No objections.

Environment Agency

- 8.2 The Environment Agency did not request the imposition of Condition 2 and therefore has no comments to make on the current application.

Natural England

- 8.3 No comments. Should the proposal be amended in a way which significantly affects its impact on the natural environment then Natural England should be consulted again in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006.

ECC Ecology

- 8.4 No comments.

ECC Highways

- 8.5 No highway objections.

ECC Archaeology

- 8.6 The HER and the desk based assessment submitted with the application shows that there are no known archaeological sites within the proposed development area. As the design of the scheme will involve minimal groundworks it is unlikely that significant damage will be caused to previously unknown deposits. Therefore, no archaeological recommendations are being made.

9.0 REPRESENTATIONS

- 9.1 No representations received. Notification period expired 3 July 2013. Advertisement expired 11 July 2013. Site Notice expired 11 July 2013.

10.0 APPRAISAL

The issues to consider in the determination of this application are:

- A Impact of proposed changes to the control room and inverter stations as varied on the rural character of the area (ULP Policies S7, E4, ENV5, ENV8 and ENV15);
- B Whether the proposed changes would have any adverse impacts on neighbouring amenity (ULP Policies GEN2 and GEN4);
- C Whether the proposed changes would have any adverse impacts on biodiversity (NPPF and ULP Policy GEN7).

A Impact of proposed changes to the control room and inverter stations as varied on the rural character of the area (ULP Policies S7, E4, ENV5, ENV8 and ENV15)

- 10.1 The control room as approved for the solar park scheme at this rural location under UTT/12/5601/FUL was to be sited at the northern approach end to the site adjacent to the approved car parking area. The control room as re-sited by the current application would be sited more centrally into the site where it would be further away from the northern site boundary. Whilst the control room as varied would be increased in height from 2.55 metres to 2.9 metres and increased in footprint from 8.2 metres to 21.25sqm, this slight increase in height and increase in footprint would be mitigated by it's re-siting

so that the changes would have a minimal if not neutral impact on the rural character of the countryside. The change of specified colour from grey to green would also have minimal impact.

- 10.2 As with the control room, it is proposed to move the approved inverter stations for the scheme in from the site boundaries for all of the energy feeding spurs shown, whilst additionally they are proposed to be reduced in number. These combined changes would have a lessening impact on the rural landscape than as approved and are also considered acceptable, notwithstanding that the inverter stations would be minimally increased in height from 2.55 metres to 2.8 metres.

B Whether the proposed changes would have any adverse impacts on neighbouring amenity (ULP Policies GEN2 and GEN4);

- 10.3 The officer report for UTT/12/5601/FUL identified that the proposed solar farm would be sited approximately 200 metres away from the nearest residential property where it was considered unlikely that any material loss of residential amenity would occur during operational stage and that any noise resulting from site maintenance would be equivalent to existing farming activities. Given the fact that the control room and the inverter stations as varied would be repositioned further away from the site boundaries, the changes proposed would not have any adverse impacts on neighbouring amenity under ULP Policies GEN2 and GEN4.

C Whether the proposed changes would have any adverse impacts on biodiversity (NPPF and ULP Policy GEN7)

- 10.4 The control room and inverter stations changes proposed would not have any greater impact on protected species and biodiversity at the site where the previous application report stated that the site had limited ecological value given its arable agricultural use. Therefore, the changes as proposed by variation are considered acceptable under ULP Policy GEN7.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The changes proposed by variation would not have a harmful effect on the rural amenities of the area.
- B The changes proposed would not have a harmful effect on neighbouring residential amenity.
- C The changes proposed would not have a harmful effect on protected species or biodiversity.

RECOMMENDATION – APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The solar panels to be used and their number and positioning within the site shall be installed in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1202/DOC.

REASON: To ensure that the development does not introduce any additional adverse effects in terms of its visual impact in accordance with Uttlesford Local Plan Policies S7 and GEN2 (adopted 2005).

3. All hard and soft landscape works shall be carried out in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1490/DOC. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted, 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 Uttlesford Local Plan Policies S7 and GEN7 (adopted 2005).

4. The development hereby permitted shall be implemented in accordance with all identified flood alleviation and protection measures as set out in the Flood Risk Assessment.

REASON: To prevent the increased risk of flooding in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

5. The boundary treatment for the site shall be carried out in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1265/DOC. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order amending, revoking or re-enacting that Order) no additional boundary treatments shall be erected on the site without the prior written agreement of the local planning authority.

REASON: To ensure that the appearance of the site does not detract from the character of the rural area in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

6. The control room and inverter stations shall be erected in accordance with the details shown on drawings LAYOUT 1 and LAYOUT 3. The control room and inverter stations shall be finished in green painted concrete.

REASON: To safeguard the character and appearance of the countryside in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

7. No lights shall be erected within the site without the prior written agreement of the local planning authority.

REASON: To safeguard the character and appearance of the countryside in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

8. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

- 9 The scheme of biodiversity enhancement for the site shall be carried out in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1340/DOC.

REASON: To ensure the development results in an improvement to the biodiversity of the site in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005).

- 10 The Construction Management Action Plan shall be implemented in accordance with the details which have been previously submitted to the local planning authority and subsequently approved under Discharge of Condition (DOC) application reference UTT/13/1342/DOC.

REASON: In the interests of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).