


<b>APPLICATION NO</b>	<b>PA/2015/0114</b>
<b>APPLICANT</b>	Rochester 005 Limited
<b>DEVELOPMENT</b>	Planning permission to install standalone solar photovoltaic modules and associated infrastructure including underground electric cable connection to national grid along A18 and A1029
<b>LOCATION</b>	Storage land, Raventhorpe Lodge, access road in Raventhorpe Lodge depot, Holme
<b>PARISH</b>	<b>HOLME</b>
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Poole – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Core Principles of the NPPF promote sustainable development. Section 10 requires decision makers to consider climate change, flooding and coastal change. Section 11 requires decision makers to consider conserving and enhancing the natural environment. Section 12 requires consideration of heritage issues. Paragraph 75 states that planning policies should protect and enhance public rights of way and access. Local Authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

### **Planning Practice Guidance (2014)**

#### **PPS5 Practice Guide (2010) Heritage**

#### **National Planning Practice Guidance: Renewable and Low Carbon Energy (Revised June 2015)**

#### **North Lincolnshire Council's Supplementary Planning Document – November 2011 – Planning for Renewable Energy Development**

#### **North Lincolnshire Council's Supplementary Planning Guidance Note 4 (Public Rights of Way)**

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements) is a criterion-based policy against which all developments will be considered and includes reference to quality of design, conservation and visual amenity.

Policy DS3 (Planning out Crime)

Policy DS12 (Light Pollution)

Policy DS21 (Renewable Energy) is a permissively constructed policy that encourages the generation of energy from renewable resources.

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy RD2 (Development in the Open Countryside) – development will be strictly controlled in the open countryside and should benefit economic activity, promote social inclusion or enhance the environment. New development should be carefully located having regard to existing settlement patterns and to historic, wildlife and landscape resources.

Policy R5 (Recreational Paths Network)

Policy RD7 (Agriculture, Forestry and Farm Diversification) – proposals for agriculture, forestry and farm diversification will be permitted where the proposal does not conflict with the operational requirements of the farming enterprise, there is no adverse impact on high quality agricultural land, it is appropriate in design, scale and construction appropriate to its surroundings and traffic levels are acceptable.

Policy T1 (Location of Development) – proposals which generate high levels of traffic will be permitted only within the urban area and where there is good access to the strategic traffic network.

Policy T2 (Access to Development) requires that all development must be provided with satisfactory access arrangements.

Policy LC4 (Development Affecting Sites of Local Nature Conservation Importance) – development which would adversely affect such areas will not be approved unless it is clearly shown that there are reasons for the proposal which outweigh the need to safeguard the intrinsic value of the site.

Policy LC5 (Species Protection) is designed to protect species identified in the Wildlife and Countryside Act).

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection) – development in the open countryside requires special attention to be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not protect this quality will be refused.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) requires all new development wherever possible to protect existing trees and hedgerows, with particular regard to ancient woodland and historic hedges. Landscaping and tree and hedgerow planting will be required to accompany applications for new development where it is appropriate to the development and its setting.

Policy HE9 (Archaeological Evaluation) – an archaeological assessment will be required with a planning application for development affecting such areas. Archaeological areas will be protected and any development affecting such sites will need mitigation of any damage. When preservation in situ is not justified the developer will be required to make adequate provision for excavation and recording before and during development.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development) requires a sequential approach to development encouraging development on brownfield sites and not within open countryside unless this can be justified.

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire) sets out key principles for all new development, which includes the maximising of on-site renewable forms of energy.

Policy CS6 (Historic Environment) aims to ensure that important sites and areas of historic and built heritage value are protected, conserved and enhanced.

Policy CS11 (Provision and Distribution of Employment Land) identifies around 71 hectares of land to be provided in Scunthorpe.

Policy CS17 (Biodiversity) promotes effective stewardship of North Lincolnshire's wildlife.

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS27 (Planning Obligations)

**Emerging Development Framework:** Northern part of site (named as Mortal Ash Hill) is allocated in the Draft Housing and Employment Land Allocations Development Plan Document as site ScuE-2 for a business park together with land in the ownership of the council to the west of the site.

**Draft Supplementary Planning Document (October 2015) Planning for Solar Photovoltaic (PV) Development.**

## **CONSULTATIONS**

**Highways:** The amended plans to show the reverse in egress and ingress positions is acceptable. The cable route could lead to a number of problems but these can be dealt with under separate legislation. Recommend a condition.

**Highways England:** Requested further information regarding potential glint and glare from the solar panels which could affect users of the M180 to the south of the site. Recommend a condition be attached to any approval requiring the solar panels to be angled no more than 20 degrees from the horizontal.

**Estates:** Comments awaited.

**National Grid:** The proposed development is close to National Grid apparatus, which may impact and possibly prevent the proposed development for safety and/or legal reasons.

**Severn Trent Water Ltd:** No response.

**Yorkshire Water:** No response.

**Environment Agency:** No objection to the revised Flood Risk Assessment (FRA) subject to a condition requiring the revised FRA to be carried out in full, including the mitigation measures.

**Anglian Water Developer Services:** No response.

**Drainage Team:** Advises a condition regarding flood risk.

**Environmental Health:** Advises conditions regarding contamination, noise, lighting, construction phase and construction hours.

**HER Officer:** Holding objection to the original submission. Additional assessments were requested including a walk-over survey which the applicant has now carried out and has submitted a report setting out the findings. The HER Officer is now satisfied that further work is not necessary and the results of the walk-over survey indicate that there are no significant archaeological remains within the site which would be affected by the proposed development.

**English Heritage:** Refers the authority to the document 'The Setting of Heritage Assets, 2011 and urges the authority to determine the application in accordance with national and local planning policies.

**NERL Safeguarding:** No objections.

**Humberside Airport:** No objection.

**Robin Hood Airport:** No objection provided the developer uses the panels in the way described in the application and that the mountings are non-reflective. If pilots report issues of glint and glare from the installation the airport may take action under the Air Navigation Order 2008.

**Humberside Fire and Rescue:** The proposals are considered to be satisfactory with regard to access for the Fire Service.

**Natural England:** Satisfied that the proposed development being carried out in strict accordance with the details of the application would not damage or destroy the interest features for which the Humber Estuary SSSI has been notified.

**Ecology Officer:** There are records on site of several bat species, badgers, water vole, otter, hedgehogs, reptiles, wall butterfly and other protected and priority species. Breeding birds include priority species of farmland. The sandy and loam soils are ideal for the creation of lowland dry acid grassland, a priority habitat. A generally positive landscape and ecological management plan has been submitted. If permission is granted there will need to be biodiversity enhancements in accordance with the National Planning Policy Framework.

**Lincolnshire Wildlife Trust:** No objections to the proposals, including the landscaping plans, but question the small separation distance between the rows of panels at only 2 metres. This distance seems small when compared with other solar farm sites we have

looked at (most of which indicate inter-row distances of at least 5-6 metres) and there are concerns that this may hinder the successful creation of acid grassland on site as a large proportion of the site will be shaded by the panels. The Trust would support the retention and strengthening of the existing hedgerows. New hedgerows should be restricted to the northern banks to avoid overshadowing the ditch habitats which would make them unsuitable for water voles which are known to be present in the area. The vegetation on the bank top should be managed to provide suitable habitat for water vole.

A network of longer tussocky grassland surrounding the ditches and potentially around the boundaries of the site would benefit small mammals and in turn local barn owls. The Trust would support the creation of a mosaic of different habitat structures and topographies on site, ranging from bare earth on south-facing banks to support burrowing invertebrates and basking reptiles, acid grassland habitats over the majority of the site, to longer tussocky grassland, and including features such as log/stone piles and hibernacula since reptiles are likely to be attracted to the site once restoration is underway. Details of how the establishment of the grassland would be carried out should be required by condition.

**Public Rights of Way Officer:** Request the dedication of a permanent public bridleway over the line of Public Footpath 211, together with the provision and funding of an appropriate bridge over Bottesford Beck for use by walkers, cyclists and horse riders. In addition requests that the applicant provide a broad swath of land measuring at least 15 metres in width through which the bridleway would run and adequately screen with native hedging the adjacent security fencing. The consequences for the public without such improvements would significantly diminish their enjoyment of Public Footpath 211.

## **PARISH COUNCIL**

No objections to the application, however residents are concerned and would like it noted that should a condition be imposed on the applicant that there should be a bridge over the beck linking Bottesford Beck path to the existing footpath to Holme Lane that this would be a danger to users exiting onto Holme Lane. The bridge would encourage more users which in turn would mean the risk of accidents at the exit increases.

## **PUBLICITY**

Since the last meeting a letter of support has been received from Nic Dakin MP which advises that following the deferment of the application at the last meeting the landowner has agreed to the provision of a bridge over Bottesford Beck. The letter states that the application site has frequently suffered significant flooding since the Ashby Ville housing development was constructed. This may or may not be a coincidence but the reality is the quality of the land is, as a result, not very good at all for traditional farming methods. To allow the solar farm to go ahead would be a way of allowing this family business to see a viable way forward.

Neighbouring properties have been notified, and site and press notices posted. The following comments have been received:

Objections from two residents on Holme Lane on grounds that the proposal would cause severe disruption and detriment to wildlife (especially the wild deer in Sweeting Woods). The site would cause unsightly and uncharacteristic views of the rustic rural unspoilt environment of the medieval village of Holme. It is too close to residential properties and, due to the magnitude of the proposed site, would have a negative effect on house prices.

The public right of way is popular with families and dog walkers and the proposal would impact on the safety of users.

Two letters of support on grounds that the proposal would be in keeping with the industrial area dominated by the steelworks and the site would be hidden behind a proposed hedge but do not agree that the requests from the Public Rights of Way Officer (PROW) are justified. An improved public right of way and bridge over the Beck would attract 'Green Laners' and 4x4 enthusiasts cutting the footpath into deep ruts and leading to further potential vandalism already suffered by the land owner. Footpath 211 is already accessible from Mortal Ash which means walkers can access the other paths mentioned by the Public Rights of Way Officer. Funding for a bridge has already been provided by the Environment Agency and so the applicant should not have to pay.

One letter of support on the grounds that part of the land is already designated a brownfield area so anyone objecting on grounds of the impact on rural views is not thinking ahead as the land could be developed for a large industrial unit. At least the current proposal would guarantee that the view would not be spoilt as an 8 foot hedge would obscure the panels. Wildlife would be enhanced as it would not be disturbed by the panels. The resident does not agree that the applicant should have to pay for the footpath enhancements and bridge over the Beck. Concludes that the proposal is a well thought out eco scheme and should be supported.

One letter with no objections in principle provided that the development is screened from Holme Lane by a soil bund or evergreen hedging. At the moment the application only shows the existing trees and undergrowth with no provision to plant a new continuous hedge that, from a safety point of view, would stop any glare that may distract motorists travelling along Holme Lane. Objects to the requests from the PROW officer and, along with the majority of residents in Holme Lane, is very strongly opposed to a bridge over the Beck and certainly does not want the footpath widened to 15 metres. Acts of vandalism and destruction will only increase if the site is made more accessible to youths from the nearby housing estates.

## **ASSESSMENT**

The application was deferred at an earlier committee meeting on the grounds that members wanted to see community benefits secured as part of the scheme. The applicant has now offered the following community benefits:

- (1) A bridge over the Bottesford Beck: this would be to bridleway standard. The applicant would fund the reasonable construction costs of the bridge and the payment would be made upon the commissioning of the solar farm. The bridge would be left in place for the duration of the solar farm planning permission. The applicant and landowner have already agreed to upgrade the existing footpath to a bridleway at a minimum of 3 metres in width. For security reasons, however, the applicant originally agreed to a position for the bridge within 30 metres of the A18 which was considered to be unacceptable. The applicant is now prepared to allow a bridge further to the south but still not in a position which officers consider appropriate.
- (2) The applicant has offered a one-off payment of £1,000 per MW to Holme Parish Council, payable on commissioning of the solar farm. This amount is subject to the scheme achieving the same strike price (£79.23 £/MWhr adjusted for inflation) as

the solar projects accepted at the last CfD auction. The applicant states, however, that following the recent changes to the subsidy support for large-scale solar projects the applicant is not sure what level of revenue the project will receive and therefore wishes to reserve the right to review this figure once further clarity is given by the Department for Energy.

These matters are considered further within the rest of the report.

The application site is located to the west side of Sweeting Woods with a frontage to the A18 to the north and to Holme Lane to the south. To the south-west of the site is a parcel of land used for agriculture. To the north-west is an area of council-owned land which is used for informal recreational purposes with a number of formal and informal footpaths. To the north on the opposite side of the A18 is the TATA Steel site and to the west is the newly-constructed roundabout giving access to TATA with a spur to the south providing potential access to the council-owned land referred to above, and recently identified for employment purposes. The site measures around 37 hectares and is oblong in shape.

Most of the application site is used for arable crops with a section to the north having previously been used as part of a haulage yard with disused buildings still in situ. There is a large area of associated hard standing, with security fencing, to the north relating to the previous industrial use. To the east is a disused transport café, a residential property and agricultural/industrial buildings, and Sweeting Thorns Woods. Vehicular access and egress to the site exists onto the A18 which adjoins an existing layby. There are two field entrances to the site from Holme Lane. There are a number of drainage ditches within the site and along the boundaries of the site. Adjacent to part of the north-western boundary of the site is the Bottesford Beck watercourse which drains Scunthorpe's eastern and southern stretches. Along the entire length of the western part of the site next to the boundary is a public footpath (no. 211) which is accessed from the north next to the A18 and to the south at the junction with Holme Lane.

The application is for the erection of 109,876 solar photovoltaic (PV) modules for the generation of 25,989 MWh (per year) with associated infrastructure for export of electricity to the national grid, including 23 transformers houses, a high voltage switchgear building, one Distributive Network Operator (DNO) substation building and one storage container located in the north-east corner of the site adjacent to the main site entrance. The solar arrays would be 2.9 metres above ground level at the highest point and 1.1 metres at the lowest point and would be angled at 20% from horizontal.

The solar farm would be secured by green metal mesh fencing at a height of 2 metres and CCTV would be installed at intervals of 50-60 metres along the line of the fence. The cameras would be infra-red and would only illuminate if an intruder set off the CCTV system. The cameras would be installed at a height of 3 metres above ground level and would be fixed on posts.

The application has been amended to show the proposed cable route along the A18 and Brigg Road to the existing national grid substation positioned within an industrial park on the Queensway Enterprise Estate. The route would follow the highway verges and would cross the A18 at the location of the Morrisons roundabout.

The proposed access to the site has been amended and would be from the existing egress from the former haulage yard onto the A18 and the proposed egress would be from the existing ingress. A single access track would be created along the eastern side of the site

to provide access for construction and maintenance vehicles. This long-term access track would be surfaced using crushed hardcore.

There would be no change to site levels as a result of the development with the exception of a proposed bund to be created along part of the site nearest to Mendle farm. The bund would be 110 metres in length along the western boundary and would wrap around the southern boundary fronting Holme Lane by 35 metres; it would be 2 metres in height and would be landscaped. Other landscaping and biodiversity measures are included in the application. Appropriate buffer zones of 10 metres would be provided next to each of the watercourses within the site to allow maintenance access to the ditches. There would be sufficient space left to the east of Bottesford Beck to provide maintenance access to this watercourse for the Environment Agency.

The security fencing around the solar panels would be located at a distance of 8 metres from the northern, eastern and southern boundaries and a minimum of ten metres from the western boundary.

**The material planning considerations in the determination of the application relate to:**

- (1) Policy and principle**
- (2) Archaeology**
- (3) Highways**
- (4) Public Right of Way**
- (5) Landscape impact**
- (6) Biodiversity, landscaping and amenity**
- (7) Cumulative impact**
- (8) Flood risk**
- (9) Decommissioning**
- (10) Conclusion.**

**(1) Policy and principle**

Prior to the submission of the application the applicant submitted a formal screening request to the authority. The planning authority determined that an Environmental Impact Assessment was not required for the development as there would be no significant impact on the environment.

The Climate Change Act 2008 sets out a national legally binding target for UK countries to achieve an 80% reduction in greenhouse gas emissions by 2050 from a baseline of 1990.

The European Renewable Energy Directive came into force in 2009 and the UK has agreed to source 15% of its energy from renewable sources by 2020. The UK has also set an aim



in the UK Low Carbon Transition Plan 2009 to exceed the European targets by achieving 30% of its energy from renewable sources within the same timeframe.

In March 2015 revised Planning Practice Guidance states that the particular planning considerations that relate to large-scale ground-mounted solar farms include the following:

- encouraging the effective use of land by focusing large-scale solar farms on previously developed and non-agricultural land, provided it is not of high environmental value
- where a proposal involves greenfield land, whether:
  - (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
  - (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken in relation to heritage assets
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect
- the approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same for assessing the impact of wind turbines, however in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Recent government advice published in June 2015 states that identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example where councils have identified suitable areas for large-scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge those applications to be unacceptable. Examples of considerations for solar farms that can affect their siting include proximity of grid connection infrastructure and site size. North Lincolnshire Council has not allocated land in the Local Plan or in the emerging Development Framework for solar farms. Where such allocations do not exist the government states that in shaping local criteria for inclusion in local plans and considering planning applications in the meantime the following should be considered:

- the need for renewable or low carbon energy does not automatically override environmental protections

- cumulative impacts require particular attention, especially the increasing impact that solar farms can have on landscape and local amenity as the number of solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large-scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominantly flat landscapes as hilly or mountainous areas
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact on protected area, will need careful consideration
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Earlier this year the government also concluded that public acceptability of solar energy was being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively and energy goals should not be used to justify the wrong development in the wrong location and this included the unnecessary use of high quality farm land. The Minister at that time stated 'protecting the global environment is not an excuse to trash the local environment'.

The applicant has confirmed that the land was chosen as it is flat, well screened and is grade 3b agricultural land (moderate quality). The land could also potentially still be used for agricultural purposes and/or provide enhancements to existing on-site biodiversity features. The land is also close to and easily accessible from the A18 and M180 causing minimum disruption during the construction phase as no delivery vehicles would need to enter the main town. The site was also chosen because it is located within the semi-urban fringe of Scunthorpe and not within a designated landscape.

The National Planning Policy Framework (NPPF) issued on 27 March 2012 is a material planning consideration in the determination of this application and has a presumption in favour of sustainable development. At paragraph 93 it states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. At paragraph 17 it also states that planning should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and to encourage the use of renewable resources.

The NPPF also supports the use of brownfield land. Loss of high quality agricultural land should be resisted. The site is mostly in use for agriculture but to the northern part is a vacant transport haulage yard, disused buildings and a large area of hardstanding where the existing accesses and parking are situated. The applicant has carried out an agricultural land classification study taking 12 soil samples across the site. The study concludes that the site consists of light sandy soil with irrigation requirements for agricultural use. The land without irrigation has severe limitations to its agricultural production in both the range of crops that can be produced and also the yield potential. The land has therefore been classified as grade 3b (moderate quality). In view of this there would be no objection in principle on grounds of loss of high grade agricultural land. The

proposal would therefore comply with national planning policy regarding the safeguarding of agricultural land.

The National Planning Practice (NPPG) is also material. At paragraph 5-013 the NPPG states that large solar farms can have a negative impact on the rural environment and encourages the use of previously developed land, provided that it is not high environmental value. This mirrors advice within the NPPF. Consideration should also be given to the Overarching National Policy Statement for Energy EN-1 dating from 2011. The site is not of high landscape value and is not designated as such.

The North Lincolnshire Local Plan 2003 shows that the site is within the open countryside, outside the development boundary for Scunthorpe, and is not allocated for development. This means that policies RD2 and RD7 are relevant in the determination of the application. Whilst a brownfield site would be preferred it is considered that by the very nature of solar farms open countryside sites can be suitable and still allow agricultural uses such as grazing to take place during the operational period of the solar farms or for biodiversity enhancements to be secured.

Policy DS21 supports proposals for renewable energy provided that any detrimental effect is outweighed by environmental benefits. These impacts will be referred to in the next section but this policy shows that there is support for renewable energy in principle.

Part of the site to the north is identified for inclusion in the emerging development framework within the Housing and Employment Land Allocations Development Plan Document as Employment Site ScuE-2 in conjunction with a parcel of land, outside the application site, to the west. The land to the west is in the ownership of the council and the two parcels of land are separated by the Bottesford Beck. The council's intention is to create a business park on the land which the allocation document confirms is in a sustainable site to the western edge of Scunthorpe with good transport and access links. Access would be from the spur off the newly constructed roundabout on the A18 which was funded by the council and by TATA Steel. A bridge would be constructed over the Beck to provide one access to the business park with the other accesses from the A18 being closed or utilised for future uses beyond the business park to the east.

The owner of the current application site has confirmed, however, that he does not wish to develop his parcel of land for employment purposes and intends to return the land to agricultural use after the end of the temporary solar farm use of the site. He also states that he was entirely unaware that the land had been designated for business purposes with the last contact from the council being in 2013 following an approach by the council to acquire the land from him.

Since the last committee meeting the landowner has confirmed in writing that his main concern regarding the land relates to flooding which he says the council is already aware of and that the farm has suffered continued water-logged conditions for many years. As a result of the flooding the landowner confirms that he has lost all his crops for the last five years on approximately 90 acres of the holding at a vast cost to his small farming operation (170 acres). The owner states that even if a crop could be sown he is unable to use fertiliser or chemicals as every time it rains the Beck floods the land and drains into the Beck thus leading to pollution.

North Lincolnshire Core Strategy policy CS11 identifies around 71 hectares of land to be provided in Scunthorpe and the allocation of this land in the Housing and Employment

Land Allocations DPD would conform with this policy. A location on the eastern approach to Scunthorpe of a high quality business park would be desirable given the good transport links and other infrastructure such as the new roundabout notwithstanding that there is a surplus of general employment land identified in Scunthorpe. Although the designation in a draft document is a material consideration this can be given limited weight and the development also needs to be assessed in relation to the adopted local plan. On this basis and given the employment land available elsewhere in Scunthorpe it is considered that a refusal of the current application could not be justified on the sole grounds that part of the site is identified in the draft allocations document for employment purposes. There were no objections raised to the allocation of the site in the Draft Document and it is likely that the allocation will be adopted.

The Draft SPD on solar development published by the council in October 2015 is a material planning consideration although the required public consultation has not yet been completed and there may be amendments to the policy before it can be adopted. Nevertheless the development needs to be assessed in relation to its policies but can be given little weight. The policies of the Draft SPD which relate to the main principle issues are considered below. The other Draft SPD policies are considered under the Environmental Impacts in the next section of the report.

**Policy A (Community Consultation)** states that the developer must provide evidence of community engagement and how this has shaped the proposal. Failure to demonstrate that robust consultation has taken place will be a material consideration in determining the application. The applicant states that concerted efforts were made throughout the design phase of the development to contact and engage in discussions with the local community. This engagement took the form of emails and telephone conversations with Holme and Bottesford Parish Councils and the nearest residential property to the site. A copy of the flyer circulated in 2014 has been submitted with the application. The applicant states that the flyer was circulated by the Holme Parish Clerk to residential properties in the nearby area. The parish council did not object to the proposal at the application stage although they raised concerns regarding any proposed footbridge. There was no support for a footbridge among the residents who commented at the application stage.

**Policy B (Community Benefits)** states that applicants should work with communities to identify the impacts on the area. This work should include any benefits that the community wish to pursue. The applicant states that no community benefits were identified at the design stage. This policy states that community benefits can be secured through planning obligations only if they are directly related to the development, necessary to make the proposal acceptable in planning terms, and fairly and reasonably related in scale and kind to the proposal. Where developers seek to provide community funds/investments these should be the subject of separate discussions and agreement between the developer and the community regarding the nature of the fund/investment and its management but the council should also be involved in these discussions, and if appropriate administer any community funds. These matters are referred to later in this report.

**Policy C (Site Selection and Agricultural Land Quality)** states that in line with national planning policy developers must locate solar arrays on previously developed and/or contaminated and industrial land and should avoid areas that are undeveloped. The policy goes on to state that proposals on agricultural land falling within grades 1, 2 and 3a (the best and most versatile) agricultural land will not be permitted. This land should be used for agricultural purposes. Where proposals are located on agricultural land they must be situated on land of poorer quality (grade 3b (moderate), 4 (poor) or 5 (very poor)).

Developers are required to demonstrate that there is a need for their development to be located on agricultural land and it falls within these classifications. The applicant has submitted an Agricultural Assessment which confirms that the land is within grade 3b (moderate).

The Planning Practice Guidance states that where a proposal involves greenfield land consideration should be given as to whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. Consideration should also be given as to the continued use of the site for agriculture and/or biodiversity enhancements.

The applicant has been requested to demonstrate why agricultural land has been chosen as opposed to previously developed land and non-agricultural land. Prior to the site being selected the developer wrote to three thousand land owners across the country within viable distances from the required HV lines. More visible sites were dismissed. As a result of this process the site was selected. This report explains elsewhere that the site has been chosen for its flat topography, proximity to the grid connection and because of the agricultural grading and flooding problems experienced by the landowner. The applicant also states that the proposal includes targeted biodiversity enhancements and new habitat creation which is in line with government policy. The applicant also confirms that the use would be temporary and the land would be returned to arable use afterwards.

In view of the above it is considered that the proposal is acceptable in principle and meets the criteria set out in the latest revisions to planning policy guidance. There are no allocations for renewable energy land within the local plan or within the emerging development framework and so each application needs to be determined on its merits as required by government policy. In addition the landowner has confirmed that he has no intention of developing the land for employment purposes and wishes to return the land to agricultural use once the solar farm is removed at the end of the temporary permission.

## **(2) Archaeology**

The applicant identified, from a desk-based assessment and geophysical survey, evidence for dispersed prehistoric activity in the search area with two Neolithic axe heads recovered from the site itself. Extensive cropmarks recorded to the south of the site are assumed to represent later prehistoric to Roman settlement and agriculture. The geophysical survey did not identify any evidence to suggest that this activity extended into the proposed development area. The pre-application assessment found evidence for Anglo Saxon activity in the study area and medieval settlement in the area was determined to be focused on the historic core of the scheduled Raventhorpe deserted medieval village to the north-east of the site, and Holme to the south-west. The submission concluded that the site has a low archaeological potential of local significance, with the greatest potential being scattered prehistoric finds and features peripheral to the cropmarks recorded to the south of the site and would be unlikely to affect the setting of the scheduled monument of Raventhorpe deserted medieval village due to screening by the intervening Sweeting Thorns woodland.

The council's archaeologist has required the applicant to carry out further work since the application was submitted including a walk-over survey and submission of a report of the findings. This work has now been completed and the council's archaeologist agrees with the conclusion of the report which states that the development of the site for the solar farm would not detrimentally affect archaeological finds of any significance locally or nationally.

### **(3) Highways**

The main consideration regarding transport issues relates to the construction phase of the development. The solar panels would be delivered to the site in palletised form on 40 tonne HGVs. Each lorry would carry approximately 630 panels. This would result in 169 deliveries of modules to the site. Switchgear and transporters would also be delivered on HGVs together with transport mounting systems, electrical equipment and inverters amounting to a further 109 HGVs giving a total of 278 HGVs. Employee vans would amount to around 15 per day. The applicant anticipates that the solar farm would take about 18 weeks to complete and there would be a peak of 25-30 traffic movements a week for the delivery of the main items over a 12-week period.

The proposed access and egress for the site for construction and operation would be from the A18 using existing infrastructure for the former haulage yard, café and industrial buildings to the north-east of the site. The Highway Authority has requested that the existing ingress and egress points be reversed, however, to improve the safety for the access arrangements with the existing deceleration lane being available for HGVs to slow down before turning into the site and could be used for HGVs to accelerate when leaving. The applicant has agreed to this reversal and has resubmitted amended details to confirm this provision.

The applicant has identified an area of land adjacent to the site which is intended to be used for a construction compound. This area of land is not within the application site but would be permitted development provided it is cleared and restored to its previous condition as soon as the solar farm construction is complete.

The Highway Authority is now satisfied that the proposal for the solar farm is acceptable and has confirmed that there are no objections in terms of glint and glare based on existing levels of vegetation screening the site from the A18. The Highway Authority has also confirmed that there would be no glint and glare issues in relation to Holme Lane. It should be remembered that along the southern boundary of the site there are a number of mature trees giving some screening to the site from Holme Lane. The plans also show that a new traditional field boundary hedge would be planted along this boundary to improve screening. This could be secured by condition.

Highways England has raised an enquiry as to whether the orientation of the solar panels would impact on the safety of drivers using the highway network in terms of glint and glare. The M180 motorway to the south of the site is a distance of 400 metres from the southern boundary and the applicant has confirmed that at this distance any possible glint and glare would not detrimentally affect the safety of road users. Highways England has not requested any formal assessment from the applicant but has recommended a condition be attached to any approval requiring the angle of the solar panels to be limited to a maximum of 20 degrees to the horizontal, in order to safeguard against possible glint and glare towards the motorway users. A condition is recommended to this effect and the applicant has agreed to this but has asked if the condition can be worded to allow a change to the angle if necessary. This would only be agreed following further consideration and following the agreement of Highways England and the Highway Authority. The impact on aircraft would also need to be considered.

The applicant has put forward a scheme for directional and red warning traffic signage to be displayed and retained during the whole construction period. The Highway Authority has

no objections to this proposal but separate highway consent would be required for this temporary signage from the Highway Authority.

The proposed cable route has been considered and the Highway Authority has advised that any street works along Mortal Ash Hill would be disruptive due to the fact it is a high speed dual carriageway and traffic sensitive requiring traffic management for the safety of operatives and travelling public. This is reflected in times the authority allows work to be conducted at this location and may have an impact on the developer. The main concern of the Highway Authority is that another tranche of street works would be coming on line soon after both the council and another solar farm developer have finished work.

Whilst the potential congestion would have an impact on users of the A18 it is not considered that this would be grounds for refusing the application.

#### **(4) Public rights of way**

Adjacent to the western boundary of the site is a public right of way (211) which extends from the most northerly point of the site to the most southerly point giving access from the council-owned land to the west and to Holme Lane to the south. The Public Rights of Way Officer has requested that the public right of way (PROW) be increased in width to 15 metres to form a bridleway and that a foot bridge over the Bottesford Beck is provided by the applicant to link footpath 211 with the footpath on the council-owned land to the west. The applicant originally declined to provide such enhancements to the footpath network on grounds of site security. According to the applicant the farmer has already suffered damage to his crops from vandalism including fire. The applicant originally argued that the site already has suitable access from the existing footpath and that any enhancement would be unreasonable and unjustified in terms of the proposed development.

In 2013, the council dedicated in perpetuity a public bridleway along the northern bank of Bottesford Beck between Messingham Road and Lakeside Parkway, a distance of 3,340 metres. At the same time the council dedicated a public footpath (Public Footpath 2) between where this bridleway terminates on Lakeside Parkway and a point adjacent to Bottesford Beck immediately opposite Public Footpath 211 and the application site. All of this land is in council ownership.

The PROW officer considers that the proposal presents an opportunity to upgrade Public Footpath 211 to a bridleway and to provide a suitable bridge over Bottesford Beck linking it to a bridleway, thus creating a continuous traffic-free thoroughfare for walkers, horse riders and cyclists from Messingham Road to both Holme Lane and the A18. At present Public Footpath 211 traverses a semi-rural landscape. The PROW officer considers that the change of use of land to an array of solar panels would transform the landscape through which the footpath passes, diminishing its attractiveness. The suggested enhancements would mitigate this impact.

The NPPF states that planning policies should protect and enhance public rights of way and access advising that local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks. The council's SPD on Renewable Energy states that where developments adversely affect public rights of way and/or landscapes, new public rights of way should be provided where possible to offset any disadvantages to the public. The council's SPG on Public Rights of Way states that accessibility is a crucial element in allowing the public to enjoy fully the

opportunities of the countryside. It is also important to provide linkages from built-up areas to open spaces, woodland, riverside and water areas and wider countryside.

Policy R5 (Recreational Paths Network) of the local plan states that the creation of a strategic network of recreational paths to provide linkages from the built-up areas of North Lincolnshire to open spaces, woodland, riverside and water areas and the wider countryside will actively be pursued.

Additional footpath links are to be created over the local plan period. In determining applications which may have implications for the maintenance of the footpath network or offer opportunities to expand this network the policy sets out criteria to be considered in reaching a decision which states that the council will seek to negotiate additional linkages to the recreational network, where appropriate, and give favourable consideration to proposals which improve the condition and appearance of existing linkages.

A strip of land measuring around 10 metres in width for most of the length of the footpath would be retained outside of the security fencing and would therefore provide an acceptable environment for walkers. The applicant has agreed to plant a hedge next to the security fence which, once established and maintained at a minimum height of 3 metres, would also screen most of the development from the western views.

Letters from local residents in Holme Lane and referred to by the parish council indicate that there is no local support for a bridge over Bottesford Beck nor is there any support for a bridleway.

The creation of the bund would result in a minimum 4 metre wide strip of land retained for the footpath along the south-western boundary. The section of footpath to the north of the bund and south of Bottesford Beck would lie within a 10 metre strip of land but would have four pinch points reducing this again to 4 metres where the security fencing wraps around the end of the existing ditches which cross the site. Adjacent to Bottesford Beck the design allows a much wider strip of land for the footpath of around 28 metres in width and 420 metres in length.

As referred to above, members deferred the application in order for community benefits to be agreed as part of the application. The owner of the land has now agreed to a bridge being constructed across the Beck but would like the bridge positioned at a point around 190 metres to the south of the A18 whereas the PROW officer has stated that the bridge should be at a position to meet the existing public footpath on the opposite side of the Beck. This is 440 metres to the south of the A18. This is considered to be in the best location for the public allowing access to both the A18 and Holme Lane without having to double back. The PROW officer has advised that if the public need to double back this should be for a logical reason from their perspective, not the landowners and even then over the minimum distance possible. If the bridge was in the position put forward by the applicant the public would have to walk 240 metres along one side of the Beck then back down the same length which would be unreasonable when an alternative location exists. The bridge in this location would not meet up directly with a PROW on the western side and for this reason would also be unsuitable and would mean the public having to access land without any designated route.

If the land on the western side of the Beck is developed for a business park by the council the bridge would need to be in a suitable position for this reason as well. The location put forward by the applicant would mean the business park would have a bridge to the north-



east side leading to no designated route and could lead to further planning implications for the council development. Similarly, if the northern part of the application site was ultimately developed for a business park, the bridge would not be in the best position given that a road bridge would be required between the two sections of the park. For these reasons it is considered that if a bridge is agreed it needs to be in the position put forward by the PROW officer.

Members may take the view that a compromise could be reached but the landowner is clear that a bridge would not be acceptable in any other position further south on security grounds as he feels that access near to the A18 would be more visible and therefore more secure. Whilst security grounds are a material planning consideration it is considered that the landowner already has a public footpath along the western side of the site providing access to his land. The development of the solar farm would include CCTV and secure fencing with regard to the solar farm itself but this would increase levels of surveillance for the adjoining site which could perhaps be increased further to include the owner's buildings providing a more secure site for the landowner as well. On these grounds it is considered that the bridge in the location put forward by the applicant would be unacceptable and that any bridge should be located opposite the existing PROW on the other side of the Beck.

Members will be aware from the report that a number of objections to a bridge and to the upgrading of the footpath to a bridleway have been received from local residents.

## **(5) Landscape impact**

The applicant has submitted a Landscape and Visual Report with the application which concludes that the principal effects of the development would arise in the immediate vicinity of the site and changes in landscape character would be evident within approximately 0.2 to 0.4 kilometres of the site. Further from the site changes in view would be likely to be heavily filtered by intervening woodland and hedgerow vegetation. Significant changes in views would occur for residents for Mendle Farmhouse to the south-west of the site. As a result of this assessment the applicant proposes an earth bund along the south-west side of the site with landscaping on top to protect the amenities of the occupiers of this property.

The report also concludes that users of the public right of way to the western side of the site would be affected by changes of view from the footpath. The report states that changes of view would be significant and that these effects would be difficult to mitigate with landscape measures due to the proximity of the footpath to the site. This matter is referred to in the previous section.

The report also concludes that there would be no significant effects on views in the wider area due to the characteristics of the surrounding landscape, where the gently undulating topography combines with the field boundary vegetation or woodland to screen middle and long-distance views.

It is considered that one of the main visual impacts would be in terms of views from the west when approaching along the A18 which is on higher land. This view would mainly be of the side and rear view of the panels which would be angled to the south. When the vegetation is in full growth such views would be limited and fleeting given the trees and hedges along the northern and western boundary of the site and other vegetation to the west of the site. Planning Policy Guidance, as referred to above, states that with appropriate landscaping and, given that the site is flat, the impact of the development in the wider landscape could readily be mitigated by appropriate landscaping. The site would be

visible from any future business park to the west of the site but again this would not be a major impact given the topography and intervening vegetation.

The submitted details show that the solar modules would be blue-dark grey in colour. The modules chosen would have an anti-reflective coating and a matt grey metallic trim so glint and glare would be minimised. It should be noted that the solar panels would be 2.9 metres above ground level at the highest part compared to 2.5 metres for the other application on the agenda at Manton and 2.2 metres for the solar farm already built at Raventhorpe village. It is considered, however, that the impact of the solar farm on the surrounding landscape would not be significant. Proposals for landscaping are considered below.

## **(6) Biodiversity, landscaping and amenity**

The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils. It should also recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible, thereby contributing to the Government's commitment to halt the overall decline in biodiversity including coherent ecological networks that are more resilient to current and future pressures. The NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Planning Policy Guidance states that if land is to be used for large-scale solar energy farms the land under and around the solar arrays should be used either for grazing land or should be enhanced by the creation of suitable habitats to improve biodiversity. The applicant has been asked to consider using the land for grazing but has confirmed that the owner does not wish to commence any grazing operation as the land is presently used for arable purposes. The council's ecologist has advised that the site is largely seasonally wet sandy arable land. Other existing habitats are tall and relatively species-rich hedgerows with hedgerow trees, ditches with tall emergent plants and sandy field margins. Some of the field margins have been identified as acid grassland habitat, though no detailed target notes or species lists have been submitted.

Surrounding habitats and land uses include Bottesford Beck, the woodland to the west, acid grassland, open water and open mosaic habitats of Ashbyville Local Nature Reserve, Sweeting Thorns mixed broadleaved woodland and two main roads. The applicant has put forward a proposal to establish acid grassland in the area under and around the solar arrays which would result in a biodiversity enhancement compared to arable monoculture. Other proposals put forward by the applicant include the creation of a wildflower meadow, sensitive ditch and hedgerow management, tree planting and the installation of a small number of nest boxes and bat boxes.

Bottesford Beck and Ashbyville Local Nature Reserve adjoin the proposed site in the north-west corner of the site. Sweeting Thorns Local Wildlife Site adjoins the proposal along the eastern boundary. Both these designations are protected by policy LC4 in the local plan. Bottesford Beck is currently the focus of measures to reduce flood risk and to improve water quality in accordance with the Water Framework Directive. If it goes ahead, this proposal would need to be implemented in such a way that run-off is not increased and the impact of silt, pesticides and fertilisers on the Beck is minimised.

The council's ecologist confirms that the application site is currently the focus of a combined application for the Entry Level Scheme and Higher Level Scheme. It would be

important to ensure that the proposal is put together so as to enable the benefits of these agri-environment schemes to be realised. The council's ecologist has advised that the tall hedgerows and tree lines within the site provide important habitats which should not be excessively cut back to increase the solar radiation within the site. The proposal for wildflower meadows creation on the area known as Emmanuel Strip would minimise the risk of silt and diffuse pollution entering Bottesford Beck.

The submitted landscaping details include proposals to plant native hedge plants within the existing gaps along the hedgerows which lie along the northern and southern boundaries of the site and to plant new hedges along the line of the ditches which cross the site. The Landscape and Ecological Management Plan proposes that the existing hedges and newly planted hedges would be left to grow and would be managed at a minimum height of 3 metres from ground level. The width of the hedges would not be reduced. This would provide significant screening for the site and maximise habitat creation. The applicant has confirmed that there are no plans to cut back existing trees within or next to the boundaries of the site.

The current high nutrient levels on the arable land may limit the diversity of established grasslands but the applicant is proposing the addition of sulphur to aid establishment. This is considered to be acceptable. The council's ecologist has advised that whilst the proposals for habitat creation and ecological management plans put forward are acceptable some amendments would be required if the proposal is implemented. Such amendments could be secured through the imposition of a planning condition. The Lincolnshire Wildlife Trust has advised that the proposed spacing of 2 metres between the rows of solar panel arrays appears to be too small compared to other solar farms where the spacing is 5-6 metres. This may affect the establishment of the grassland and in view of this a condition is recommended to secure further evidence from the applicant that the grassland would not be detrimentally affected by any overshadowing.

Letters from local residents express concern that the proposal would lead to a loss of wildlife and would detrimentally affect the appearance of the area. It is considered that the proposals for biodiversity enhancement and landscaping of the site would protect and enhance wildlife and would protect the appearance of the area.

The designation in the Employment Land Allocation Document identifying the northern part of the site and the adjacent council-owned site as a Business Park is a material planning consideration. The intention is for the land to be developed for a high quality business park and it is important to ensure that such a development is adequately protected in terms of its future setting and appearance. The proposed hedge along the security fencing would in time screen the site from the western views. In addition it is considered that the planting of trees along the line of the proposed hedge would provide greater levels of screening and would soften the appearance of the site in years to come. To secure this additional planting it is recommended that a condition be attached to any approval to require a revised planting proposal to be submitted and approved in writing. If the business park is developed it would of course be set within its own landscaped park which would provide benefits for the park and for surrounding area.

The site can also be viewed from residential properties to the west. These properties lie at a distance of around 450 metres from the nearest boundary of the site and it is considered that the existing and proposed landscaping would protect these views.

The applicant has submitted a revised Construction Management Plan and states that the construction of the development would be carried out seven days a week. No activities audible from the boundary of the nearest noise sensitive receptor would take place on Sundays during the construction period or at times outside 7am to 7.30pm. No vehicular deliveries, including all HGV movements, would arrive, be received or despatched from the site outside the hours of 7am to 7.30pm (or dusk if earlier) Monday to Friday and 7am to 5.30pm on Saturdays. These proposals are considered to be acceptable. It is considered, however, that work should not be allowed on public/bank holidays without the prior agreement of the council in order to protect residents from noisy activities. It is recommended that a condition be imposed on any approval to make sure that once development commences the whole site is finished within a reasonable period. This aims to limit the impact of the construction period on the road network and on nearby residents. It also ensures that the benefits of the scheme put forward by the applicant and the arguments put forward are realised within the time set out by the applicant

It is expected that the main activity which could cause noise and disturbance for nearby residents involves the piling of the posts which support the solar panels. The applicant states that 300 posts would be piled per day and that noise created by the piling would not exceed 80 decibels. Vibration is not considered to be an issue for nearby residents as it would be limited to the site itself with an area of 5 square metres being affected around each pile. The council's Environmental Health Officer has no objections to the proposal provided a condition is attached stating that the noise level emitted from the operation of all plant shall not exceed 35dB measured at any residential boundary.

External lighting would be restricted to the construction phase only and so there would be no light pollution for residents and the wider area during the operational phase. The Environmental Health Officer has no objections to these restrictions and recommends that a condition is imposed to secure this.

The Construction Management Plan refers to the control of dust and soil/mud spillage on the highway but it does not propose controls of emissions of dust off site to residential properties. In view of this it is recommended that a condition be attached to any approval requiring an amended Construction Management Plan to be submitted to include suitable details of dust control.

## **(7) Cumulative impact**

Members will be aware that another solar farm has recently been constructed at Raventhorpe village on land adjacent and to the north of the A18, to the east of the application site. The applicant has assessed the cumulative impact of both developments and concludes that the overall cumulative landscape character effect on the Lincolnshire Edge Landscape Character Assessment would be of slight significance. Both schemes are located within a 2 kilometre stretch of the A18 and for users of this highway this impact could go unnoticed but concludes that this effect would be frequent and of low to medium magnitude and of negligible/slight significance. There would be no likely significant combined visual effects arising from the Cumulative Assessment Scheme. It should be remembered that Sweeting Thorns Woods lies between the two sites thus limiting the cumulative impact.

## **(8) Flood risk**

When the application was originally submitted the Environment Agency objected to the proposal on grounds of flood risk. The applicant has now submitted a revised Flood Risk Assessment (FRA) showing additional swales across the site to provide increased water storage capacity in times of heavy rainfall. The Environment Agency has now removed its objection and has recommended a condition to secure the full implementation of the revised FRA. The council's drainage officer has also recommended a condition designed to minimise flood risk.

## **(9) Decommissioning**

The applicant has requested a full planning permission for the development as the solar modules are designed to have a lifetime of over 40 years. The Government considers solar energy to be a temporary use of land, however, and expects that land used for solar energy will be returned to a productive agricultural use after the temporary use ends. In this case the applicant has agreed to the imposition of a condition giving temporary permission and has asked for a period of 31 years. It is considered that this would be acceptable and in line with other large-scale solar farms. A condition is recommended to secure a suitable decommissioning scheme to be implemented after the end of the 31 years or after a period of 12 months non-continuous generation. The removal of the solar farm would take around 18 weeks and the applicant has confirmed that the installations would be fully reversible and the land would be returned to agricultural use. The majority of the component parts could be recycled or re-used increasing the sustainability of the scheme.

## **(10) Community benefits**

As referred to above, since the last meeting the applicant has offered a one-off payment to the parish council as a community benefit. The applicant has explained that the offer would be £1000 per MW of electricity produced and that the payment would be made upon the commissioning of the solar farm. The applicant reserves the right, however, to review this level of payment depending on the subsidies for solar energy which are expected to change by the government within the next few months. Any agreement with the local community would need to be worded to reflect this qualification by the applicant. The applicant has been requested to discuss this proposal with the parish council to identify what the payment might be used for. The applicant has confirmed, however, that since this offer was suggested the parish council has declined to accept any community benefit in the form of a one-off payment. The applicant has confirmed that he is now in discussion with the Friends of Bottesford Beck regarding possible community benefits and further information will be provided at the committee meeting.

## **(11) Conclusion**

The use of agricultural land for renewable energy which is not high quality (Grade 1, 2 or 3a) or most versatile is considered to be acceptable in principle and provided that there are no significant environmental impacts the application should be supported in order that global and government targets can be met in terms of reducing greenhouse gases and the reduction in use of fossil fuels with the consequent impact on climate change. The development would supply low carbon renewable energy into the local electricity distribution network which would be utilised locally when demand exists. This would be the equivalent to the household consumption of 5,950 homes.

The applicant has agreed to provide interpretative boards on site to explain the use of the land and the details of how the solar farm operates. A condition requiring the details of these boards is recommended.

Whilst there would be some visual impact to residents and users of the A18 and Holme Lane, together with users of footpath 211, it is considered that sufficient screening would be secured to minimise the impact of the development.

The allocation in the Draft Housing and Employment Land Allocation Development Plan Document envisages a high quality business park on the northern part of the site and on the council-owned land to the west. It is considered that a refusal of the application could not be justified given that there is already a good supply of land identified for employment purposes for Scunthorpe within the Employment Land Review and the emerging Housing and Employment Land Allocations DPD and the council land could still be developed independently of the application site. The applicant has advised that leaving the draft allocated land on the site vacant pending any future business park development would not be a viable option due to viability issues. The cost of the grid connection is very high and the reduced subsidies means that the applicant needs to build out all of the site. The problem with the flooding of the land means that the farmer would also be left without an income from this part of the site for years to come given that the western side of the allocated land would be developed first.

The business park would be screened for the solar farm by existing and proposed hedge and tree planting. In years to come the northern part of the application site could still be developed as an extension to any business park after the temporary use ends or if the applicant decides to develop the site for this purpose at any time in the future.

The applicant has agreed to a one-off community payment and to fund a footbridge across the Beck and the landowner has agreed to a footbridge, albeit the location put forward is considered to be inappropriate, and members will need to consider whether these community benefits are adequate to meet their concerns expressed at committee. It is considered that any community payment would be outside the decision-making process of the application but that the provision of a footbridge should be required by way of a Section 106 agreement in order to mitigate the impact of the development and to enhance the public right of way as part of the scheme as encouraged by national and local planning policies referred to above. The applicant considers, however, that the provision of the footbridge would not be in mitigation for any detriment in order to make the application acceptable and would not, therefore, meet the tests required for the use of Section 106 agreements. The applicant also considers that if the footbridge is provided as a community benefit this would be outside the decision-making process and would therefore mean that the location of the footbridge would be irrelevant.

It is considered that the application is acceptable, provided that the footbridge is provided by way of a Section 106 agreement and is located in a suitable position. The agreement would also need to include the provision of a 3 metre wide bridleway which the applicant has agreed to.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure funding and land ownership agreement to the construction of a bridge over Bottesford Beck located to link the existing public**

**footpath, and the enhancement of the existing footpath to a 3 metre wide bridleway, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 1 March 2016 the Head of Development Management be authorised to return the application to the Planning Committee for further consideration; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby approved shall be completed in its entirety within six months of the commencement of development or within such longer period as may be approved in writing by the local planning authority.

Reason

To ensure that the whole of the development is created in accordance with the submitted details to secure the benefits of the predicted renewable energy targets and to maximise the levels of carbon reduction in accordance with government guidance.

3.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period. The ingress and egress to and from the site shall be as agreed in the amended Construction Management Plan dated April 2015.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

The angle of the solar panels hereby approved shall not at any time exceed 20 degrees to the horizontal unless a variation is agreed in writing by the local planning authority.

Reason

To minimise the effects of glint and glare on users of the highway network in the interests of highway safety in accordance with policy DS21 of the North Lincolnshire Local Plan.

5.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), report number 1441-4230 V2, compiled by Ardvark EM Limited, March 2015. The mitigation measures detailed within the FRA include:

- the incorporation of swales as shown in the Indicative swale cross section, appendix 6.2 and figure 2, the proposed development layout plan. These swales should provide a minimum surface water attenuation volume of 312 square metres;
- the construction of any related access tracks with a permeable substance as detailed within section 3.3.4.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason

To prevent flooding by ensuring the satisfactory attenuation of surface water from the site and reducing the surface water run-off generated by the proposed development in accordance with policy DS16 of the North Lincolnshire Local Plan.

6.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on site.

Reason

To protect the environment from contamination in accordance with policy DS7 of the North Lincolnshire Local Plan.

7.

The total rating level of noise emitted from the operation of all plant shall not exceed 35dB measured as LAeq,15min at any residential boundary. The definition of rating level shall be as described in BS414:2014.

Reason

To protect nearby residential occupiers from noise in accordance with policies DS1 and DS21 of the North Lincolnshire Local Plan.

8.

External lighting during the construction stage of the development shall not be used before 7am or after 7pm. There shall be no external lighting during the operational phase of the development other than an emergency light on the DNO substation and switchgear container.

Reason

To protect the environment and nearby residents from unnecessary light pollution in accordance with policies DS1 and DS12 of the North Lincolnshire Local Plan.



9.

No development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. This shall include details of mitigation measures for the control of pollution including noise, vibration, dust and light. The CEMP shall include details of the proposed piling. Details of analysis results and subsequent disposal of contaminated wastes off site shall be provided within the CEMP. All construction and site clearance work shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

Reason

To protect the environment and nearby residents from pollution in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

Construction and site clearance operations shall be limited to the following days and hours:

7am to 7pm Monday to Sunday.

No construction or site clearance operations shall take place on bank/public holidays without prior written agreement with the local planning authority.

No vehicular deliveries, including all HGV movements, shall arrive, be received or despatched from the site outside the hours of 7am to 7pm Monday to Friday and 7am to 5.30pm on Saturdays without prior written consent from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without the prior written approval of the local planning authority.

Reason

To protect local residents from noise and disturbance in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

Notwithstanding the submitted landscape proposals, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority prior to any development commencing on site. Such details shall include numbers, species, sizes and spacing of plants. Such a scheme shall also include details of a new native hedge and trees to be planted along the entire western boundary of the site on the western side of the proposed security fencing. The scheme shall also include new hedge planting along the southern boundary of the site.

Reason

To ensure appropriate landscaping to minimise the appearance of the development within the local area and to screen the development from public footpath 211 in accordance with policies DS1 and R5 of the North Lincolnshire Local Plan.

12.

No development shall take place until a revised Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- details of measures to avoid harm to nesting birds, water voles, hedgehogs and other protected species during construction and ongoing management;
- details of existing and target acid grassland plant communities, including details of any seed mixes to be used;
- details of grassland, field margin and other habitats to be created, with prescriptions for habitat creation techniques and ongoing management and detailed evidence to show that the grassland can be established around and under the proposed panels given the proposed separation distances between the solar arrays and the consequent shadowing that would result;
- details of enhanced tree and hedgerow management measures with hedges to be maintained at a minimum height of 3 metres above ground level and details of any coppicing, gapping up with mixed native species and sensitive hedge trimming;
- details of enhanced ditch management measures, including sensitive cutting especially to protect and create water vole habitats, de-silting and re-profiling where necessary;
- details of the number, type and position of bat boxes and nest boxes to be installed;
- proposed timings for the above works;
- restrictions on external lighting to avoid impacts on bat foraging areas and sensitive habitats.

Reason

To protect and enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

13.

The Landscape and Ecological Management Plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the Landscape and Ecological Management Plan. The approved landscaping scheme shall be carried out during the next planting season following completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation. All hedges shall be allowed to grow and shall be maintained at a minimum height of 3 metres above ground level at all times and shall not be reduced in width.

Reason

To protect and enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy, section 11 of the National Planning Policy Framework and policies LC5, LC6, LC7 and LC15 of the North Lincolnshire Local Plan.

14.

No site clearance shall take place during the bird nesting period unless otherwise agreed in writing with the local planning authority.

Reason

To protect the nesting birds in accordance with policy LC5 of the North Lincolnshire Local Plan and Wildlife and Countryside Act.

15.

No development shall take place until an arboricultural impact assessment, trees and hedge protection plan and an arboricultural method statement have been submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details including the timing of works.

Reason

To protect trees and hedges from damage during construction in accordance with policy LC12 of the North Lincolnshire Local Plan.

16.

No trees or hedges shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees/hedges without the prior written consent of the local planning authority. Any trees or hedges removed without such consent, or dying or being severely damaged, or becoming seriously diseased, shall be replaced with trees/hedges of such size and species as may be agreed with the local planning authority.

Reason

To ensure satisfactory landscaping of the site to provide adequate screening of the development in accordance with policies LC6 and LC7 of the North Lincolnshire Local Plan.

17.

Prior to development commencing, a scheme to show the details of the construction compound, details of the proposed earth bund, including materials, cross-sections and drainage, details of any soil stripping, storage of sub soil and top soil, and existing and proposed ground levels shall be submitted to and approved in writing by the local planning authority. All work shall accord with the approved details. The bund shall be created within one month of the completion of the solar panel construction phase and prior to the erection of the security fencing.

Reason

To ensure suitable separation of soils to ensure future agricultural use is not compromised and to ensure an appropriate bund is created in the interests of the amenity of residents in accordance with policies RD7 and DS2 of the North Lincolnshire Local Plan.

18.

No development shall take place until details of the proposed external finishes of all proposed buildings and structures have been submitted to and approved in writing by the local planning authority. All work shall accord with the approved details.

Reason

To protect the appearance of the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

19.

Public Right of Way 211 shall be protected against obstruction and damage during the construction period in accordance with a scheme to be submitted to and approved in writing with the local planning authority prior to work on site commencing. Such an approved scheme shall be implemented and retained at all times during construction works.

Reason

To protect access for the public in accordance with policy T6 of the North Lincolnshire Local Plan.

20.

Within two months of work on site commencing a scheme to show details of the number, content, size, position, fixing, materials and maintenance of the proposed interpretative boards shall be submitted to and approved in writing by the local planning authority. Such an approved scheme shall be implemented in full within one month of the solar farm commencing operation and shall be thereafter retained and maintained for the life of the development.

Reason

In the interests of community benefits and education in accordance with policy DS2 of the North Lincolnshire Local Plan.

21.

The development hereby approved shall be carried out strictly in accordance with the following plans: Location plan - 1441-2910 rev1, Location plan extra detail - 1441-2300 revV2, Existing site plan Extra detail Plan 1 -1441-D005 V1, Plan 2 - 1441-D006 V1, Plan 3 - 1441 D007, Indicative solar PV layout - 1441-2913 rev V4, Inset Plan 1 1441-2976 Rev V2, Inset Plan 2 - 1441-2977 Rev V2, Inset Plan 3 - 1441-2978 Rev V2, Indicative solar PV Layout Plan 1- 1441-D002 V1, Plan 2 -1441-D003 V1, Plan 3 1441-D004 V1, Location plan with cable route - 1441-2300, Proposed site plan 1441-2930 Rev V2, Panel Cross Section 1441/2939 V1, Landscape and Ecological Enhancement Plan 1441-2945 Rev V3, Plan 1 1441-2301 V1, Plan 2 1441-2302 Rev V1, Plan 3 1441-2303 Rev V1, Swept path analysis of existing access 14760/AT01, Existing access and egress 14759/T01, Existing access visibility splays 14759/T02, DNO substation Rev V1, Storage container - 1441/292 Rev V1, Fence and gate detail 1441-2944 Rev V1, Inverter Transformer building Rev V1, substation building rev V1, Satellite pole elevation plan Rev V1, CCTV pole, elevation plan Rev V1.

Reason

In the interests of proper planning and for the avoidance of doubt.

**Informative 1**

The proposed development is close to National Grid apparatus and the developer is advised to contact National Plant Protection Team on [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com).

**Informative 2**

Robin Hood Airport has advised that if pilots report issues of glare from the installation the airport may take action under the air navigation order 2008.

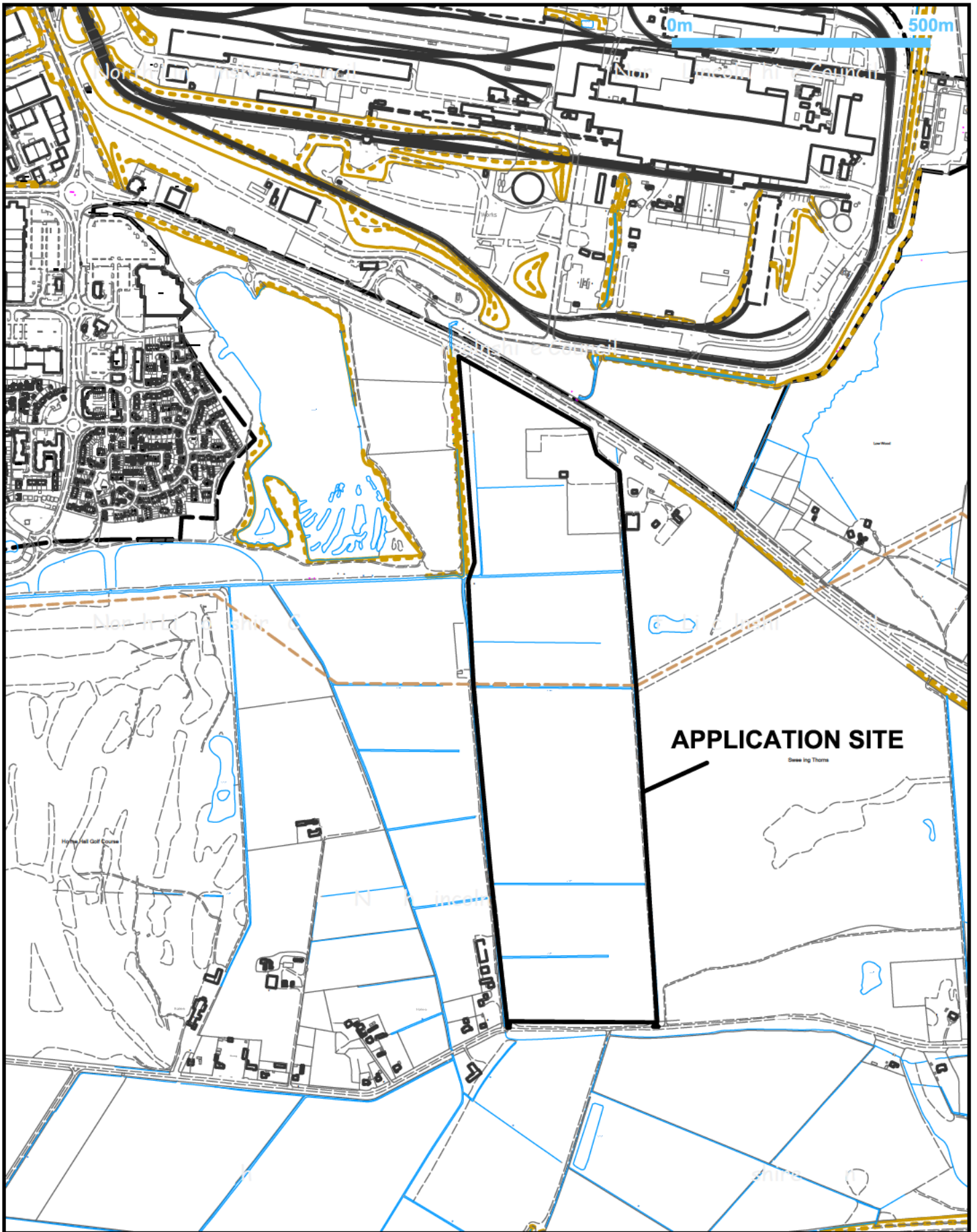
**Informative 3**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 4**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2015/0114

Drawn by: [REDACTED]

Date: 27/10/2015

Scale at A4 1:10000



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Ordnance Survey 0100023560



Director of Places

[REDACTED]  
BSc,DMS,CEng,MEI,MCM1,AMIMechE



Inset Plan 1  
Drawing number  
1441/2976

# PA/2015/0114 Indicative Layout - Not to scale

Inset Plan 2  
Drawing number  
1441/2977

Inset Plan 3  
Drawing number  
1441/2978



PA/2015/0114 Cross section of proposed panel and mounting system - Not to scale

