

Egmere - RV/23/1241 - Variation of condition 4 (operational life and decommissioning period) of planning permission PF/19/1398 (Construction of 20 mw solar photovoltaic farm with associated works including inverter housing) to add an additional 13 years on the current planning consent, until 24 October 2052, at Solar Farm, Bunkers Hill, Wells Road, Egmere, Norfolk

Major Development

Target Date: 19th September 2023

Case Officer: Mr Mark Brands

Variation of condition

RELEVANT SITE CONSTRAINTS:

Within a Countryside Location

Grade 3 Agricultural Land Classification

Contaminated land

Landfill Gas Site

Gas Pipe Buffer Zone

Landscape Character Area- Rolling Open Farmland

Within multiple Zones of Influence as contained within the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

RELEVANT PLANNING HISTORY:

Reference **PF/19/1398**

Description Variation of condition 2 (plans) of planning permission PF/13/0168 (Construction of 20 mw solar photovoltaic farm with associated works including inverter housing) to allow installation of access tracks & two additional access gates

Outcome Approved 23.12.2019

Reference **PF/13/0168**

Description Construction of 20 mw solar photovoltaic farm with associated works including inverter housing

Outcome Approved 21.03.2013

Reference **NMA1/13/0168**

Description Non-material amendment request for modifications to layout including location of fences and location/design of panels, inverter stations and switchgear structures.

Outcome Approved 03.09.2013

Reference **NMA2/13/0168**

Description Non-material amendment request to vary the plans referred to in Condition 4 of planning permission ref: 13/0168

Outcome Approved 27.09.2013

REASONS FOR REFERRAL TO COMMITTEE:

This application is before members on the basis of the Council's Scheme of Delegation as the site area exceeds the 0.5 hectare threshold set out within paragraph 6.2 (4) (b).

CONSULTATIONS:

Walsingham Parish Council – No Comments received

Wighton Parish Council – Support

Landscape Officer – No objection

Norfolk County Council Highways - No objection

REPRESENTATIONS:

1 objection received from CPRE main concerns below (full comments available on public site);

- Loss of land for food production
- CPRE advocates use of buildings and brownfield sites for solar development over agricultural land

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES:

North Norfolk Local Development Framework Core Strategy (September 2008):

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside
Policy SS 4 - Environment
Policy SS 6 - Access and Infrastructure
Policy EN 2 - Protection and enhancement of landscape and settlement character
Policy EN 4 - Design
Policy EN 6 - Sustainable Construction and Energy Efficiency
Policy EN 7 - Renewable Energy
Policy EN 9 - Biodiversity and Geology
Policy EN 10 - Development and Flood Risk
Policy EN 13 - Pollution and hazard prevention and minimisation
Policy EC 1 - Farm diversification
Policy CT 5 - The transport impact of new development
Policy CT 6 - Parking provision

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)
North Norfolk Landscape Character Assessment (2021)
Conservation of Habitats and Species Regulations 2017 (as amended).

National Planning Policy Framework (July 2021):

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 6 - Building a strong, competitive economy
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment
Chapter 17 - Facilitating the sustainable use of minerals

Other material documents/guidance:

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy -
Habitats Regulations Assessment Strategy Document (2021)

National Planning Policy Guidance (NPPG):

Climate Change (March 2019)
Renewable and low carbon energy (August 2023)

Government Strategy Documents:

Net Zero Strategy: Build Back Greener (October 2021)
Industrial Decarbonisation Strategy (March 2021)

PROPOSALS

The proposal seeks to extend the permitted operational life of the solar farm by an additional 13 years. The solar array was originally approved under PF/13/0168 and varied under PF/19/1398, which comprises 82,280 panels on ground mounted frames, and associated infrastructure and paraphernalia. This is in situ, and there are no changes sought to the structures in situ.

Amendments made during the course of the application:

31st August 2023 – description amended.

The original description referred to the condition 5 of the original planning permission PF/13/0168. However, the additional works associated with the approved variation of condition application under PF/19/1398 have been implemented, as such this is the live decision covering the site, with the same operational life condition listed as condition 4 on the varied decision notice. The description was accordingly amended.

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle of development**
- 2. Landscape**
- 3. Biodiversity and ecology**
- 4. Amenity**
- 5. Highways**

1. Principle of Development

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) has demonstrated that 'human influence has unequivocally impacted on our changing climate'. The Government has set out its net zero by 2050 target in legislation under the Climate Change Act 2008 (as amended) (CCA). In addition to this, the Net Zero Strategy: Build Back Greener was published in October 2021, and the Industrial Decarbonisation Strategy in March 2021. These Strategies outline the steps to be taken to meet the legally binding net zero targets under the CCA. The Strategy indicates an intended direction of travel with regards to decarbonisation and climate change mitigation.

The principle for renewable energy projects in the countryside is supported by Policies SS 1 and SS 2 of the Core Strategy on the basis that such large-scale installations would require a rural location. Chapter 14 of the NPPF (paragraphs 152 – 158) set out that the supply of renewable and low carbon energy production should be supported in decision making and local plans. The local plan and the NPPF supports the principle of such schemes that make a positive contribution towards more sustainable energy generation and reducing greenhouse gas emissions. This includes opportunities for development to draw its energy supply from decentralised, renewable, low carbon energy supply systems. The NPPF sets out that the Local Planning Authority (LPA) should not require applicants to demonstrate the overall need and approve such applications where its impacts are or can be made acceptable.

Core Strategy Policy EN 7 sets out that renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking into account the wider environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the district. Proposals for renewable energy technology, associated infrastructure and integration of renewable

technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse impacts on the surrounding landscape and historical features, residential amenity, highway safety or designated nature conservation or biodiversity considerations. Additionally, for large scale renewable energy schemes, proposals should deliver economic, social, environmental or community benefits that are directly related to the proposed development and are of reasonable scale and kind to the local area.

The solar array was originally approved under PF/13/0168. There was a subsequent variation of condition application approved under PF/19/1398 (varying the approved plans to include the installation of access tracks and additional access gates). The works associated with this permission have taken place.

This decision included a number of conditions, including condition 4. This required the solar panels, mounts, substation, inverters and all other associated apparatus and equipment to be removed from the site within 25 years of when electricity is first exported from the solar farm. The solar farm has been in operation since 2014. The current application seeks to vary condition 4 to extend the life of the solar farm by an additional 13 years until 24 October 2052.

As this is a variation of condition application it is necessary to review the other conditions to check the status and reapply or amend the other conditions where relevant. The 2019 conditions are still relevant and were updated reflecting the details associated with discharge of condition applications and changes through non material amendments, so these conditions are for the most part relevant in their amended 2019 form. In addition to the main changes under condition 4, condition 1 with the approved details will be updated to make reference to the Landscape and Visual Assessment, and updated landscape and visual assessment (figure 8), and condition 5 to include the specific plan details for the additional landscaping works to be implemented by the next planting season.

The supporting statement sets out extending the life of the solar farm as requested would result in the generation of 264,992 MWh of additional renewable electricity. The current solar park generates enough electricity annually to power 5,213 households, displacing 7,166 tonnes of CO₂ per annum compared to a grid mix. Extending the period of operation would displace further CO₂, making a positive contribution towards reducing greenhouse gas emissions.

The proposal accords with Local Policies SS 1, SS 2, and EN 7. The PV array is an existing renewable energy project that is one of the exemptions permitted in countryside locations. There are no changes to the infrastructure or equipment on site, the application seeks to extend the permitted duration of the use. The solar park supports local and national objectives to decentralise and decarbonise power networks.

2. Landscape

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways. These include protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and wider benefits from natural capital and ecosystem, including the economic benefits of best and most versatile agricultural land, and minimising impacts on and providing net gains for biodiversity.

While the broader landscape has an open character with uninterrupted views, as set out in the supporting landscape documents, within the locality of the site there are a number of woodlands, copses, shelterbelts and examples of tall hedging. While a large site area, the built form of the solar equipment is of a low height. The combined effect of local variations in the rolling landform and the vegetation has a significant effect in limiting the visibility of the site and its impacts on the wider landscape. The Landscape and Visual Assessment has found that the proposed development will have a residual beneficial effect on the character of the Airfield sub-area through the planting and restoration of hedges. Mitigation planting to accompany the 2013 scheme was concluded to assist in assimilating the development into the surrounding landscape.

The site covers a large area, around 48 hectares. The siting was originally considered acceptable on landscape grounds in part by virtue of existing landscaping which helps screen this area. A significant proportion is away from public view and barely perceptible from the main B1105 Fakenham to Wells Road. Great Walsingham Footpath 9 runs close to the northern boundary of the site. This follows the line of a shelterbelt, screening views along this section of path other than filtered views in winter and two breaks within the shelterbelt. This minimises the visual impact from this public right of way. An updated Landscape and Visual Impact Assessment has been submitted and concludes the solar farm can continue to operate without significant impact on the overall landscape of the area. The landscape strategy has been mainly implemented and maintained in accordance with the previously approved details, with the planting fulfilling its intended purpose of screening the development.

No objections have been raised by the landscape team to the proposals to extend the life of the operation. Most of the mitigation planting forming part of the original permission has established, apart from areas on the north boundary where a shelter belt has not been planted to its full width, and the south-east boundary which has a missing section of hedge. Planting in the form of mixed native hedgerow and woodland edge mix is proposed in the planting scheme to address this shortfall, which is considered suitable mitigation. The landscape team recommend conditioning this be implemented by the next planting season, with any failures replaced for a 10 year period, in addition to the other landscape conditions being carried over from the original permission.

The proposal accords with Local Policies EN 2 and Chapter 15 of the NPPF. The proposal would conserve and enhance the natural and local environment. The planted landscaping mostly accords with the approved scheme, which is effective in screening the development from the wider landscape. Subject to the further planting which is to be secured by condition, extending the life would not result in any adverse impacts on landscape grounds.

3. Biodiversity and Ecology

Policy EN 9 states that development proposals should protect the biodiversity value of land and minimise habitat fragmentation, maximise opportunities for natural habitat restoration and

enhancement, and incorporate beneficial biodiversity conservation features. The policy further requires proposals not to have a detrimental effect on designated habitats sites or protected species, unless any harm can be satisfactorily mitigated.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways, including minimising impacts on and providing net gains for biodiversity. Paragraph 180 further states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

NPPF Paragraph 177 states that 'Planning...decisions should contribute to and enhance the natural and local environment by...b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...' {emphasis added}.

Additional landscape planting was provided as part of the original 2013 permission, and as noted in the landscape section above, this has mostly established apart from a couple of areas where further mitigation planting to accompany the 2013 scheme has been recommended. The completion of these proposals would additionally contribute to and promote local ecology. This is in addition to the previous ecological mitigation and enhancements provided with the original application. Subject to the landscape proposals being implemented in full including mitigation planting, the proposal would accord with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the NPPF.

4. Amenity

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The solar park is not sited directly adjacent to residential amenity. Egmere Farm (New Cottages) is located due south, but there are trees in the intervening space between the solar farm and cottages. There are few residential properties at Bunkers Hill to the east, some 150m from the array and separated by a field. As previously addressed in the original report whilst the proposed solar farm may be visible from some properties, there is a significant distance between residential properties and the application site. Additionally, having regard to the height of the panels, it is not considered that the proposal solar farm would in any way result in overbearing impacts of loss of daylight or sunlight. Furthermore, the panels are designed to absorb sunlight and therefore glare from the sun is not likely to be an issue.

Given the spatial distance and intervening landscaping and scale of the development, there would be a negligible impact on neighbouring amenity from the extending the lifespan of the solar farm. Officers consider the proposal to be in accordance with Policy EN 4.

5. Highways

Policy CT 5 requires that developments will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. NPPF (Chapter 9) Paragraph 111 further states that developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or

the residual cumulative impacts on the road network would be severe. Policy CT 6 requires that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development.

The Highways Authority has raised no objections to the proposed scheme as its not considered to significantly impact existing vehicular movements on the local highway network.

OTHER MATTERS

Habitats Regulations Assessment

This application does not provide overnight accommodation nor does it contribute to water quality concerns within the River Wensum Special Area of Conservation (SAC) or the Broads SAC and Ramsar site catchment and is therefore not qualifying development in relation to GIRAMS or Nutrient Neutrality. Therefore, there is no requirement for additional information to be submitted to further assess any potential effects. The application can be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

Loss of Grade 3 Agricultural Land

NPPF (Chapter 15) Paragraph 174(b) requires that developments should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

In respect of loss of agricultural land, the land is designated as a mixture of grade 2 and 3 agricultural land. Whilst the loss of farming land for crop growing is regrettable, this has to be balanced against the potential environmental and biodiversity benefits of reduced nitrogen use on the land for the duration of the solar farm and the potential for biodiversity enhancement. Additionally, the chalk grassland is managed by sheep grazing so aspects of diversified farming is retained on the site. Whilst commercial crop growing would be prevented for the duration of the development and its extended use, the loss is only temporary and would be reversible.

The objections from CPRE are noted, however this relates to an existing solar farm. Extending the operation where this is viable to do so and where there are no wider impacts from its continuation is a rational sustainable approach. The land can be used for grazing purposes and is reversible when the solar farm is decommissioned.

Flood Risk

While the area covered by the development is large the raised panels are supported on a steel frame, with only the support posts driven into the ground. The rest of the land including under the panels remains permeable to allow surface water to drain naturally. The proposal therefore will not increase on-site or off-site flood risk, complying with Policy EN 10.

Planning Balance and Conclusion

This application seeks to extend the lifespan of the existing solar farm. The proposal would enable the operation to continue producing renewable energy, displacing carbon dioxide emissions, and continue making a positive contribution towards reducing greenhouse gas emissions.

There are no adverse impacts arising from the proposal on amenity, landscape or ecology. The existing landscaping effectively mitigates the impact from the solar farm in situ from the wider landscape. The outstanding additional landscaping will be secured via condition. The proposal is considered to be in accordance with Policies SS 1, SS 2, SS 4, SS 6, EN 2, EN 4, EN 6, EN 7, EN 8, EN 9, EN 10, EN 13, CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

RECOMMENDATION:

APPROVAL subject to the conditions listed below (and any others subsequently considered necessary by the Assistant Director – Planning):

Suggested Conditions/Reasons:

1. Except as where required by other conditions attached to this permission, the development hereby permitted is granted in accordance with the following plans/details:

The plans and details submitted as part of application RV/23/1241

Landscape and Visual Assessment

Updated Landscape and Visual Assessment (Figure 8)

The plans submitted as part of application PF/19/1398 - drawing numbers:

03337D2301-01 'Site Track Installation Proposal'

9785/EGM/OCV/003 Rev.A 'Fence Detail',

The plans approved as part of application: PF/13/0168 - drawing numbers:

CAPL/262719/001/CF/RW/06.02.13

LCS-EGC-002

34523-01-00 (Issue B)

001 (Issue 01)

002 (Issue 01), and

The plans approved as part of application NMA1/13/0168 - drawing numbers:

1019-0201-01 (Issue: 30)

1019-0201-90 (Issue 01)

1019-0206-02 (Issue: 01)

1019-0207-00 (Issue: 01)

1019-0208-90 (Issue: 02)

1019-0208-70 (Issue 01)

Reason:

To ensure the satisfactory layout and appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

2. Except in relation to Closed Circuit Television (CCTV) details approved as part of this permission, no CCTV, public address or speaker system shall be operated from the site at any time unless planning permission has first been granted for such items.

Reason:

In the interests of protecting the amenity of surrounding residents in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

3. Closed Circuit Television (CCTV) to be installed on site shall be installed only in strict accordance with the details indicated within the CCTV Details document (ref: CAPL/262719/A6.CF/RevB) and in accordance with details provided on the planning layout plan (Drawing number 1019-0201-01 (Issue 30)), as received by the Local Planning Authority on 14 Aug 2013 under NMA1/13/0168.

HDTV (or equivalent) cameras identified within Appendix 1 of the CCTV Details document shall only be installed in the three locations marked on drawing 1019-0201-01 (Issue 30) as 'Park/Field Entrance with Fixed CCTV' cameras. All other cameras to be installed shall be thermal network cameras (or equivalent) as identified within Appendix 2 of the CCTV Details document. Any pan or tilt functions for the approved thermal network cameras (or equivalent) shall be installed in accordance with the details set out at Appendix 3 of the CCTV Details document.

Reason:

In the interests of protecting the amenity of surrounding residents in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

4. After 24 October 2052 or, if before that date, when the solar farm hereby permitted is no longer reasonably necessary for the purposes of generating electricity from solar energy, the generation of electricity from solar energy shall cease and all solar panels, mounts, substation, inverters and all other associated apparatus/equipment shall be removed from the site within six months of the cessation of operation and the site shall be restored to the condition it was prior to the implementation of the permission, except as may otherwise be approved in writing by the Local Planning Authority.

Reason:

To ensure that the land is returned to its previous condition once the solar equipment is no longer required for electricity generation purposes, in the interest of the visual appearance of the area in accordance with Policy EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

5. Landscape mitigation planting shall be carried out in accordance with the details set out on drawing number 01 Rev.A 'Planting Plan' - prepared by the Landscape Partnership (Job No. N12631)

The additional planting in the form of mixed native hedgerow and woodland edge mix shall be fully implemented in accordance with Figure 8 Planting Scheme, TLP, July 2022, in the next planting season following the date of consent

The approved landscaping scheme shall be retained thereafter.

Reason:

To ensure that the landscape scheme is carried out so as mitigate the visual impacts of the proposal and to accord with the requirements of Policies EN 1 and EN 2 of the adopted North Norfolk Core Strategy.

6. Any new tree or shrub which within a period of ten years from the date of planting dies, is removed or become seriously damaged or diseased, shall be replaced during the next planting season with another of a similar size and species to the Local Planning Authority's satisfaction, unless prior written approval is given to any variation.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

7. For the operational life of the development hereby permitted (or unless an alternative plan is subsequently approved) maintenance of all areas of soft landscape on site shall be carried out in accordance the Landscape Management & Maintenance Plan prepared by the Landscape Partnership dated August 2013.

Reason:

To ensure that the landscape management and maintenance plan is carried out so as to mitigate the visual impacts of the proposal and to accord with the requirements of Policies EN 1 and EN 2 of the adopted North Norfolk Core Strategy.

8. Except in relation to the construction phase of the development hereby permitted, no external lighting whatsoever shall be installed on site unless planning permission has first been granted

Reason:

To protect the dark skies from unnecessary light pollution in accordance with Policies EN 1 and EN 13 of the adopted North Norfolk Core Strategy.

9. No transformer proposed to be installed on the site as part of this permission shall be audible above background noise level beyond the boundaries of the site.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

10. The development hereby approved shall be carried out in strict accordance with the recommendations contained in Section 5 of the Ecological Appraisal carried out by the Landscape Partnership, dated Jan 2013, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that the works are carried out in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy.

11. The airfield interpretation boards installed on site, detailing the history of RAF North Creake, as prepared by Archaeological Project Services dated August 2013 shall thereafter be regularly cleaned and maintained to ensure they remain operational for their intended purpose.

Reason:

To ensure that the historical context and history of the site is captured and communicated for the benefit of future generations in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy.

12. The proposed fencing, inverter station buildings, switchgear building and electricity grid connection substation building shall have an external colour of RAL 6005 - Moss Green.

Reason:

To ensure that buildings and structures on site are of an appropriate colour to merge with their surroundings in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

Applicant Notes and Informatives:

- 1) Whilst discussion with the applicant or their representative was not required in the determination of this application, the Local Planning Authority considers that it has worked positively and proactively to approve a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).