

**GRESHAM - RV/24/1082 - Variation of condition 2 (approved plans) of planning permission PF/13/0960 (Installation of 3.6MW solar development) to allow installation of 2no. banks of inverters, associated replacement production substations and fencing (part retrospective), Solar Farm, New Road, Bodham, Norfolk**

**Major Development**

**Target Date:** 23rd August 2024

**Extension of Time:** N/A

**Case Officer:** Russell Stock

**Variation of Condition Application**

**RELEVANT SITE CONSTRAINTS:**

Within the Countryside location in planning policy terms

**RELEVANT PLANNING HISTORY:**

NMA/24/0947

Non-material amendment of planning permission PF/13/0960 (Installation of 3.6mw solar development) to allow installation of 2no. banks of inverters and associated replacement production substation

Refused: 22.05.2024

NMA1/13/0960

Non-material amendment request to permit re-positioning of solar panels, reduction to two, re-positioning and change of colour to inverter station structures and change of design and materials to substation structure

Approved: 18.12.2013

PF/13/0960

Installation of 3.6mw solar development

Approved: 15.11.2013

**THE APPLICATION**

This application seeks permission to vary condition 2 (approved plans) of planning permission PF/13/0960 to allow for the installation of 4 banks of inverters and 2 replacement production substations. Each bank of inverters would measure 13.2m in length, 2m in height and 4m in width. The replacement substations would be 7m in length, 3.1m in height and 2.46m in width. The applicant has stated that these changes/upgrades are to maintain the operational efficiency of the solar farm.

During the consideration of the application, amended plans were received which show the following changes:

- The containers reversed 180deg;
- Inverters relocated within site;
- The sheet fencing and gates added;

- Antenna added to top of container;
- Steps to container and foundations 700m from ground level added;
- Reseeding to old removal areas.

It is understood that some of these works have already been carried out which makes this application part retrospective. The changes are not considered to be substantial and can appropriately be considered as part of the current submission. The application description has been updated to reflect what is being proposed.

The 3.6MW solar farm was granted permission in 2013 and completed sometime before mid-2017. The solar farm is bounded to the West by hedging and New Road, and agricultural land to the North, East and South. A single wind turbine is located a short distance to the Southeast.

#### **REASONS FOR REFERRAL TO COMMITTEE:**

On the basis of the Council's Scheme of Delegation as the ground mounted solar panels have a capacity in excess of 250kw and the site area exceeds the 0.5 hectare threshold set out within paragraph 6.2 (4) (b).

#### **REPRESENTATIONS:**

**None received.**

#### **CONSULTATIONS:**

**Landscape (NNDC): No objection**

**Bodham Parish Council: No comments submitted**

**Environmental Health (NNDC): No comments submitted**

#### **HUMAN RIGHTS IMPLICATIONS:**

Art. 8: The right to respect for private and family life.

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

Having considered the above matters, 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 (2008)**

Policy SS 1 (Spatial Strategy for North Norfolk)  
Policy SS 2 (Development in the Countryside)  
Policy SS 4 (Environment)  
Policy SS 5 (Economy)  
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)  
Policy EN 4 (Design)  
Policy EN 7 (Renewable Energy)  
Policy EN 8 (Protecting and Enhancing the Historic Environment)  
Policy EN 9 (Biodiversity & Geology)  
Policy EN 10 (Development and Flood Risk)  
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)  
Policy CT 5 (The Transport Impact of New Development)  
Policy CT 6 (Parking Provision)

### Material Considerations

### **National Planning Policy Framework (December 2023)**

Chapter 2 (Achieving sustainable development)  
Chapter 4 (Decision-making)  
Chapter 6 (Building a strong, competitive economy)  
Chapter 8 (Promoting healthy and safe communities)  
Chapter 9 (Promoting sustainable transport)  
Chapter 12 (Achieving well-designed and beautiful 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)

### **Supplementary Planning Documents and Guidance:**

North Norfolk Design Guide (December 2008)  
North Norfolk Landscape Character Assessment (January 2021)  
North Norfolk Landscape Sensitivity Assessment (January 2021)

## **OFFICER ASSESSMENT:**

### **Main Issues for consideration:**

- 1. Environmental Impact Assessment**
- 2. Principle of development**
- 3. Impact on landscape, the character of the area and design**
- 4. Residential amenity**
- 5. Highways**
- 6. Ecology/trees**
- 7. Flood risk and surface water drainage**

- 1. Environmental Impact Assessment**

Application PF/13/0960 was screened at the time under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and guidance within Circular 02/99. This application to vary Condition 2 has been screening under the more recently published, 2017 Regulations. Officers continue to consider that the development would not be Environmental Impact Assessment (EIA) development and the potential impacts of the proposed variations can continue to be properly and rigorously assessed through the standard planning process.

## **2. Principle of development**

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary a condition imposed upon a decision already granted planning permission by the Local Planning Authority (LPA). Section 73 of the Act instructs the LPA to consider the variation to, or relief of conditions that are applied for, stating that "if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly" (s.73(1)(a)).

As such, the LPA can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The variation to the planning permission would not revoke the development, however, the grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan.

Since the grant of planning permission PF/13/0960 on 15.11.2013 there has been a change in national planning policy as contained within the NPPF. The changes made to the policies do not significantly differ from those contained within the previous versions of the NPPF with regard to the matters relevant in this case. The assessment below has had regard to the latest version of the NPPF which was published in December 2023. The assessment has also had regard to the Development Plan and all relevant guidance, some of which has been updated since the consideration of application PF/13/0960.

The principle of development on the site has been established following the grant of planning permission under application PF/13/0960 and NMA1/13/0960. Those permissions were subsequently implemented, and the development has now been in situ for a number of years. This application seeks permission to amend the scheme approved under PF/13/0960 and NMA1/13/0960. As noted above, these changes relate to the provision of banks of inverters and replacement substations.

## **3. Impact on landscape, the character of the area and design**

The proposed amendments relate to changes within the centre of the existing solar farm. Whilst the replacement substations, and to a lesser extent, the inverters and fencing, would be visible from outside of the site, they would be seen in the context of the existing development and would not materially increase the solar farm's visual impact. Whilst the proposed replacement substation would be of a similar scale to that of the existing, the latest plans show it raised 700mm off the ground on concrete foundations. The applicant has stated that this is due to a fire exhaust flue, which exits the transformer housing from the underside. The reason

for the raised foundations is required to allow any potentially explosive gases to escape the housing as quickly as possible. Whilst this would increase the substation's prominence within the site, it is not considered that the change would result in significant harm to wider views.

The Landscape Officer has raised no objection to the proposed development for the reasons noted above.

It is considered that the proposed amendments would accord with Policies EN 2 and EN 4 in this respect.

#### **4. Residential amenity**

The proposed amendments would not result in significant adverse impacts upon nearby residential amenities. The development would remain acceptable in these regards in accordance with Policy EN 4.

#### **5. Highways**

Other than during the construction phase, the proposals would not alter the existing traffic associated with the development. The traffic associated with the construction would not have significant impacts on the surrounding highway network. The development would accord with Policy CT 5 in this respect to these matters.

#### **6. Ecology/trees**

The inverters, substation and fencing would be located within areas of grassland within the site. The development would not have an adverse impact upon the site's ecological value, nor would it have any impact upon trees. The proposals would accord with Policies EN 2, EN 4 and EN 9 in respect to these matters.

#### **7. Flood risk and surface water drainage**

Whilst the development would add built form, surface water would continue to be able to naturally infiltrate the ground in the areas immediately surrounding the development. There would be no material change in surface water run-off and the development would accord with Policy EN 10 in this respect.

#### **Other matters**

##### Conditions

The grant of a planning permission under Section 73 enables the LPA to impose planning conditions that are deemed appropriate and meet the relevant tests as cited within the NPPF (paragraph 57). Given that the application provides a new planning permission, it is considered necessary and reasonable to continue to impose those planning conditions attached to

planning permissions PF/13/0960 that remain relevant to the development for clarity and completeness, with amended phrasing where applicable.

### **Conclusion and planning balance**

The proposed amendments have been found to be acceptable in the context of the existing development at the solar farm. The proposals do not seek to amend PF/13/0960 beyond that set out above. Consideration has been given to the latest policy position and relevant guidance when assessing this submission.

### **RECOMMENDATION:**

**APPROVAL subject to the following conditions.**

#### Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as where amendments or further details may be required in order to discharge specific condition(s) attached to this decision:

24002\_0EE002 Rev 03 'Layout of PV Farm with New HV Substations' dated 24/07/2024

Reason:

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

2. The development shall be carried out in accordance with FS-DWG006 (CCTV Camera Elevations), SCL-01 (Security Camera Layout) and the Security Measures document (produced by Genatec, dated July 2013), and no additional 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 and to protect the rural character of the area in accordance with Policies EN 2, EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

3. Within 25 years from 03/07/2014, the date when electricity was first exported from the solar farm to the electricity grid network 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 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 (PF/13/0960).

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.

4. The planting, as set out on drawing number 17756/002 Rev. E shall be managed and maintained in accordance with the Landscape Management Plan, prepared by Genatec, dated July 2013 for the operational duration of the development hereby permitted.

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.

5. The development hereby permitted shall be undertaken in strict accordance with the mitigation and habitat enhancement recommendations set out within Section 6 of the submitted Ecological Report carried out by Wild Frontier Ecology dated March 2013, submitted and approved under application PF/13/0960.

Reason:

To ensure that the development does not adversely affect biodiversity interests in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy.

6. 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.

7. 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.

8. The existing substations shown to be replaced on 24002\_0EE002 Rev 03, shall be removed from site, and the ground made good in accordance with the plan, within one (1) month from the date which the replacement substations are first brought onto site.

Reason:

To ensure compliance with the intended development and to protect the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

#### Informatives:

1. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure 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.

2. The applicant's attention is drawn to the fact that the above conditions (if any) must be complied with in full. Failure to do so may result in enforcement action being instigated.

**Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning**