

**EAST BECKHAM - PF/19/1009 - Variation of condition 3 of planning permission PF/15/1486 (a variation of PF/13/0772 for Installation of a 10.15mw solar development) to extend the maximum operational lifetime of the solar farm from 25 years to 40 years; Solar Farm, Church Road, West Beckham, Holt, NR25 6NX for Hall Solar Ltd**

**Major Development**

**- Target Date: 18 September 2019**

Case Officer: Mr G Lyon

Full Planning Permission

**CONSTRAINTS**

Countryside

Landscape Character Type: Tributary Farmland (TF1)

SFRA - Detailed River Network

SFRA - Risk of Flooding from Surface Water + CC

Public Right of Way

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

Adjacent site:

Mineral & Waste ALLOCATED Sites

Mineral Waste and Wastewater Safeguard Sites

Mineral Safeguard Area

East Beckham Hall (Grade II Listed)

**RELEVANT PLANNING HISTORY**

PF/13/0772 PF

land at Hall Farm, East Beckham

Installation of a 10.15mw solar development

Approved 23/09/2013

NMA1/13/0772 NMA

Land at Hall Farm, East Beckham

Non material amendment request to permit revisions to alignment of access tracks, positions and appearance of electricity infrastructure, panel arrangement, security fence design and change of capacity of solar farm

Approved 16/12/2013

PF/15/1486 PF

Land at Hall Farm, East Beckham, HOLT, NR11 8GA

Variation of conditions 2, 10 and 18 of planning permission ref: PF/13/0772 to permit additional lights, to remove the scrapes and amend site layout

Approved 22/01/2016

**THE APPLICATION**

Seeks permission to extend the permitted life of the solar farm from 25 years from first export date of electricity (permitted till 29 March 2039) to 40 years from first export date of electricity (till 29 March 2054).

No other physical works are proposed.

The Applicant has included a Planning Supporting Statement.

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

The Council's Constitution currently requires applications for ground mounted solar panels to be determined by the Development Committee.

### **PARISH/TOWN COUNCIL**

Beckham East/West Parish Council - Supports the Proposal  
Upper Sheringham Parish Council - Supports the Proposal  
Gresham Parish Council - No Objection

### **REPRESENTATIONS**

No Representations have been received.

### **CONSULTATIONS**

Norfolk Coast Partnership - Supports the Proposal  
Landscape Officer - No Objection

### **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.

### **POLICIES**

North Norfolk Core Strategy (Adopted September 2008):

Policy SS2: Development in the Countryside (*prevents general development in the countryside with specific exceptions*).

Policy SS 4: Environment (*strategic approach to environmental issues*).

Policy EN 2: Protection and enhancement of landscape and settlement character (*specifies criteria that proposals should have regard to, including the Landscape Character Assessment*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy EN 7: Renewable energy (*specifies criteria for renewable energy proposals*).

Policy EN 8: Protecting and enhancing the historic environment (*prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings*).

Policy EN 9: Biodiversity and geology (*requires no adverse impact on designated nature conservation sites*).

Policy EN 10: Flood risk (*prevents inappropriate development in flood risk areas*).

National Planning Policy Framework (2019):

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment

### **MAIN ISSUES FOR CONSIDERATION**

- Principle of Development
- Effect on Landscape Character
- Effect on Heritage Assets
- Effect on Residential Amenity
- Effect on Ecology and Biodiversity
- Effect on Highway Safety
- Renewable Energy and Community Benefits
- Planning Obligations

### **APPRAISAL**

#### **Principle of Development**

The site is situated in the countryside policy area where Core Strategy Policy SS 2 permits renewable energy projects which accord with other relevant Core Strategy policies including Policy EN 7 (Renewable Energy).

Permission has already been granted for a 10.15 MW solar farm at the site which has been implemented and first exported electricity on 29 March 2014. The solar farm was granted with a 25 year permission and therefore the principle of such development on this site has been established. A time limited permission was required to ensure that, at the end of its operational life, the solar panels and associated equipment are removed from the site by the landowner/applicant. This is a similar approach used for many renewable energy projects across the country.

The key issue to consider with this application is whether the proposal to increase the operational life of the solar farm by a further 15 years raises any additional planning matters including, amongst other things, those relating to landscape, heritage, residential amenity and ecology and biodiversity. Subject to these issues being favourably assessed, the principle of development would be considered acceptable. The grant of any permission would create an entirely new planning permission and so would be required to include all relevant planning conditions in addition to any amendments proposed to condition 3.

#### **Effect on Landscape Character**

The site is located within the Landscape Character Type known as Tributary Farmland (TF1) which extends across a large central portion of the District. This landscape type is characterised by:

- Undulating terrain dissected by small river valleys with elevated, and occasionally expansive, open plateau areas;
- A rural landscape in which arable land use predominates with pasture more common around the edges of villages and in proximity to the river valleys;
- Hedgerows and mature hedgerow trees are frequent features within the landscape
- Woodland cover is locally prominent across the area in a variety of forms;
- Historic parks and estates are a distinctive feature of the Landscape Type;
- Settlement is typically rural villages with dispersed large houses and farmsteads in the wider landscape;

- A network of quiet rural lanes linking settlements; and
- Strong visual relationship between the valleys that dissect the landscape, the coast around Morston and the Wooded Glacial Ridge to the north

Having now been constructed, it is possible to get a sense of the visibility of the solar farm within the landscape. Set across two distinct areas, the eastern section of the solar farm has limited visibility in the landscape with limited fleeting views from the A149 near the junction with Holway Road into Sheringham. However, the western field is more prominent especially from the A148 to the north. Even so, the solar farm is a recessive colour and, at the distance from the A148, does not wholly detract from the character and appearance of the area. Both solar fields are visible from public footpaths running adjacent to the site. Whilst retaining the solar farm for an additional 15 years would retain the solar equipment on site and prevent alternative uses of the land, on balance, subject to ensuring that landscape mitigation planting is developing on site as set out within the approved Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan, the proposal would be unlikely to give rise to significant adverse landscape impacts and would accord with the requirements of Core Strategy Policy EN 2.

### **Effect on Heritage Assets**

When considering the impact on historic assets, the Committee is advised to take account of advice within Core Strategy Policy EN 7 (Renewable Energy) and Policy EN 8 (Protecting and Enhancing the Historic Environment) together with the advice contained in the National Planning Policy Framework Section 16 - Conserving and enhancing the historic environment, in particular paragraphs 193, 194, 196 and 197.

In making its decision the Committee needs also to have regard to its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 including Section 66 (listed buildings - special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses) and Section 72 (Conservation Areas - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area).

In assessing the original solar scheme (PF/13/0772) it was considered that the proposed solar farm would not harm the setting of the Grade II Listed entity that is East Beckham Hall. Although the solar farm would be visible from the Hall, views in this direction were considered to be intermittent and distant. It was considered that this separation distance, allied to the changes in topography, the intervening hedge lines and the existing farm buildings, would all ensure that the development would not affect the appreciation of the heritage asset within its rural setting. In the reverse direction, the solar panels would not impinge upon any of the existing views of the Hall complex from the public footpath to the north. Whilst they would form the backdrop to these views, it was considered that this co-existence would not in itself result in demonstrable harm being caused to the setting of the heritage asset. This assessment of heritage impacts still remains valid even though the panels would now be in situ for a further 15 years. As such it is considered that the proposal would accord with the requirements of Core Strategy Policy EN 8 and only very limited public benefits would be required under NPPF para 196 to outweigh the very limited harm identified by the proposal to the setting of East Beckham Hall.

### **Effect on Residential Amenity**

In respect of impact on residential amenity, the nearest properties to the site are located approximately 230m due north on the southern side of the A148 (six properties). Approximately 500m to the east is the Grade II listed Abbey Farm with a further nine properties due east of this.

To the south of the site lie approximately 40 residential properties along Church Road and The Street. These properties are in excess of 600m from the application site.

To the west of the site lie approximately 50 residential properties along Sheringham Road and Back Lane. These properties are in excess of 500m from the application site.

Whilst the proposed solar farm may be visible from some properties, given the distance between residential properties and the application site and 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. The panels are designed to absorb sunlight and therefore glare is not likely to occur from the panels themselves.

The proposal would therefore accord with Core Strategy Policy EN 4.

### **Effect on Ecology and Biodiversity**

Application ref: PF/13/0772 which established the original solar permission included a number of planning conditions relating to ecology and biodiversity. Conditions 6 and 7 of that permission relating to the submission and agreement of a Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan. A Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan (dated August 2014) produced by Richard Morrish Associates Ltd was approved and this set out periods for monitoring.

During the first year of implementation the applicant was to report on tasks and activities completed at the completion of sowing and planting works (winter 2014/2015), and then at completion of the first grazing season (October 2015). Reports were then to be subsequently submitted annually in October until 2020 and then biennially (every two years) until 2026 and then further reporting was to be agreed between the site operator and NNDC at that time. To date, one monitoring report has been received from the applicant in June 2015 and therefore additional monitoring reports are still awaited. As such, the Local Planning Authority cannot say with confidence that the objectives of the agreed Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan are being met. Ultimately, this is matter for consideration as to the expediency of enforcement under the suitably worded condition imposed on the original planning permission.

Subject to demonstration by the applicant that the approved Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan is meeting its stated aims or through the imposition of a planning condition to secure further biodiversity improvements on site through an updated Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan with an additional monitoring period, the proposal would accord with Development Plan policy EN 9.

### **Effect on Highway Safety**

Whilst the solar farm generates some traffic movements during its operational life associated with management and maintenance, the primary highway impacts occurred when the solar farm was constructed with materials brought to site and associated construction traffic. Highway impacts will also occur at the end of its life at the decommissioning phase. The extension of the life of the permission by a further 15 years will increase the period of management and maintenance traffic but these would not give rise to significant highway objections. As such the proposal would accord with Development Plan policy.

## **Renewable Energy and Community Benefits**

In considering application PF/13/0772 (and subsequent application PF/15/1486), the applicants indicated that the proposed solar farm would generate approximately 7.8GWh (7,881,840KWh) of electricity per annum based on a stated capacity of the solar farm of approximately 9.84MW. It was predicted that the proposed solar farm would generate enough electricity to power approximately 1,671 homes annually, which was considered would make a significant contribution towards meeting national renewable energy targets, for which significant weight was attached in the decision making process.

Whilst it is understood that solar panel performance can reduce over time (most panels have a 25 year warranty to deliver at least 80% of their rated output over the life of the warranty), extending the life of the solar farm by a further 15 years will still enable the generation of a significant amount of renewable energy. The applicant has indicated a carbon saving of over 3,500 tonnes of carbon dioxide per annum as a result of the extended life. Continued use also negates the need to dispose of the panels before the end of the useful working life and this offers another benefit of delaying the generation of waste from decommission. In most cases solar panels can be recycled at the end of their life and are currently classed as e-waste in the Waste Electrical and Electronic Equipment (WEEE) Directive which requires solar cell manufacturers to fulfil specific legal requirements and recycling standards in order to make sure that solar panels do not become a burden to the environment.

In summary, extending the life of the solar farm would continue to make a significant contribution towards meeting national renewable energy targets, to which significant weight can be attached.

In terms of community benefits, the applicant has set out that a Community Benefit scheme is already in place with East & West Beckham in relation to the existing scheme and this would be extended further if permission is granted

Whilst these community benefit contributions are commendable and are undoubtedly welcomed by the local community, consideration has to be given as to whether the suggested Community fund complies with Government advice at paragraph 56 of the National Planning Policy Framework (the NPPF) and CIL Regulation 122 tests in respect that section 106 planning obligations "should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development"

Officer advice would be that the Community fund cannot legally be considered as a material consideration in the determination of the application. Therefore, the Committee should not give any weight to the Community Fund when determining the application.

## **Summary**

Extending the life of the solar farm by an additional fifteen years is considered acceptable in principle and would continue to make a significant contribution towards meeting national renewable energy targets. The proposal will not result in any significant adverse incremental impacts to residential amenity, Subject to demonstration by the applicant that the approved Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan for the site is meeting its stated aims or through the imposition of a planning condition to secure further biodiversity improvements on site through an updated Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan with an additional monitoring period, the proposal would accord with Development Plan policy.

## **RECOMMENDATION:**

**Delegated Authority to the Head of Planning to approve the proposal subject to:**

- **subject to demonstration by the applicant that the approved Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan for the site is meeting its stated aims or, in the event this is not possible within a reasonable timeframe, to include the imposition of a planning condition to secure further biodiversity improvements on site through an updated Landscape and Ecological Mitigation Scheme and Landscape Management and Maintenance Plan LEMP with an additional monitoring period and**
- **subject to imposition of the following condition topics:**
  1. **40 year permission till 29 March 2054;**
  2. **No Closed Circuit Television (CCTV) other than that approved as part of condition 4 of PF/13/0772**
  3. **In accordance with approved plans**
  4. **Replacement planting if failed within 10 years of planting;**
  5. **No external lighting;**
  6. **No transformer installed on site to be audible above background noise levels beyond the boundaries of the site**

**and any other conditions considered necessary by the Head of Planning.**