

# PLANNING COMMITTEE



**16 SEPTEMBER 2015 - 1.00PM**

**PRESENT:** Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor M G Bucknor, Councillor D W Connor, Councillor A Hay, Councillor D Laws, Councillor Mrs F S Newell, Councillor C C Owen, Councillor W Sutton, Councillor M Davis (Substitute for Councillor Cornwell).

**APOLOGIES:** Councillor M Cornwell, Councillor Miss S Hoy, Councillor P Murphy

Officers in attendance: S Manley (Development Manager), G Taylor (Development Officer), G Nourse (Head of Planning), Mrs J Webb (Member Services & Governance Supervisor)

## **P33/15      MINUTES OF THE MEETING OF 19 AUGUST 2015**

The minutes of the meeting of 19 August 2015 were confirmed and signed with the following amendment:

Minute P27/15 interests should have included Councillor A Hay as a Member of Chatteris Town Council, but took no part in planning matters.

## **P34/15      F/YR15/0429/F CHATTERIS - LAND EAST OF HONEYSOME FARM BUNGALOW, HONEYSOME ROAD CONSTRUCTION OF A 4.34MW SOLAR ENERGY FARM, TO INCLUDE THE INSTALLATION OF SOLAR PANELS, ANCILLARY PLANT, 2.0M HIGH SECURITY FENCING, 24 X POLE MOUNTED 2.4M HIGH CCTV CAMERAS AND ASSOCIATED WORKS INCLUDING UNDERGROUND CABLES**

Members considered three letters of objection and one letter of representation.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed Members that:

- Comments have been received from the Police Architectural Liaison Officer who raises no objection to the proposal;
- Comments received from Middle Level Commissioners (MLC) raising the following concerns:
  - Pre-application discussion has taken place although discussions have not captured the entire scope of the development;
  - Consents have not yet been sought by the applicant;
  - The proposed layout would not be recommended for consent due to encroachment onto maintenance access strips;
  - Requirement for a construction and transport statement;
  - Bunding or an alternative formal drainage solution with attenuation is required;
  - If soakaways are proposed, the IDB would expect grounding testing to be undertaken

- to test for suitability;
  - Nature conservation issues in respect of protected water voles;
- MLC are not opposed to the principle of the development but request that the LPA consider the above points;
- In respect of comments from MLC it is considered that, a pre-commencement condition requiring full layout details including details of bunding to be submitted and agreed in writing by the local planning authority prior to the commencement of development would sufficiently capture this element;
- Additionally a pre-commencement condition could also be included to ensure that surface water drainage management is first agreed in writing in consultation with MLC prior to the commencement of development;
- Matters in respect of nature conservation are considered to be sufficiently captured within proposed Condition 12;
- Therefore the following conditions are proposed:
  - Amendment to Condition 5 to now read:
    - *No development shall commence until full details of the layout, design and materials (including colour) to be used for the solar panels and fixings, sub-station buildings, inverter and transformer buildings and site bunding has been submitted to and approved in writing by the Local Planning Authority.*
    - *Reason - to protect the character of the countryside, the visual amenities of the locality and in the interests of flood protection in accordance with LP14, LP16 and LP19 of the Fenland Local Plan 2014.*
  - Including separate Condition to deal with surface water drainage:
    - *No development shall commence until a scheme for the provision and implementation of surface water drainage has been submitted and agreed in writing by the Local Planning Authority (LPA) in consultation with the Local Drainage Authority. The scheme shall subsequently be implemented in accordance with approved details before the development is first brought into use and thereafter retained in perpetuity.*
    - *Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with policy LP14 of the Fenland Local Plan (adopted May 2014).*
- The applicant has raised some points regarding the proposed conditions as listed in the report and has requested consideration of some amendments to these as follows:
- Condition 4:
  - Proposed a blanket restriction of all Permitted Development (PD) rights. However the applicant has advised that certain PD rights will be required by the statutory undertaker e.g. UK Power Network in order to provide continual maintenance to the site. The removal of all PD rights be onerous requiring an application to be submitted and agreed by the LPA every time basic maintenance tasks are required to be carried out.
  - It is considered reasonable therefore to remove PD rights under part 2 only which would restrict the ability to erect fences, walls and gates and create additional

accesses around the site. It is considered that the LPA would wish to control this aspect in the interest of landscape, amenity and surface water drainage protection.

- Condition 4 is proposed to now read:
  - *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that order with or without modification) no fences, gates, posts, hardstanding, accesses or other operations otherwise permitted under schedule 2, part 2 shall be carried out;*
  - *Reason - To protect the character of the countryside and the visual amenities of the locality and also to retain the value of the land for agriculture and wildlife in accordance with LP16 and LP19 of the Fenland Local Plan and section 11 of the National Planning Policy Framework 2012;*
  
- Condition 6:
  - Requires planting to be carried out prior to the first exportation of solar derived energy. The applicant has advised that the completion of the development may fall outside the planting seasons and therefore requests that the condition required planting to take place in the first season following the first exportation of electricity. This is not considered to be unreasonable and therefore the condition is now recommended to read:
  - *Notwithstanding the information submitted, no development shall commence until, a detailed Landscape Management Plan and scheme for the hedge and tree planting and boundary treatments (including the location, design and height of any access gates, fences, fence opening details for wildlife movement and measures for their protection) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size, height and layout. The approved details shall then be implemented prior to the first exportation of solar derived energy from the site and planting to be carried out within the first planting season following the first exportation of solar derived energy from the site. The approved management plan shall be adhered to throughout the life of the development;*
  - *Reason - To ensure effective screening of the development in the interests of landscape character and amenities and to protect and enhance biodiversity interests in accordance with policy LP16 and LP19 of the Fenland Local Plan 2014.*
  
- At the site visit carried out on 9 September 2015, a Member enquired as to what consultation had taken place with local residents.
  - Consultations have been carried out fully in accordance with the statutory requirements and in-line with the Council's Statement of Community Involvement. These include statutory consultees and addresses which utilise the access, Honeysome Road for residential and employment. There are 3 residential addresses which utilise this access. Additionally, 3 site notices have been displayed for a period of 21 days; at the entrance to Honeysome Road, directly at the site along Honeysome Road and at the access to First Furlong Drove adjacent to the the Alan Bartlett & Sons Ltd site. An advertisement announcing the proposal was also placed in the Fenland Citizen newspaper.

## **RECOMMENDATION:**

**GRANT** subject to new and amended conditions as above and as per 10.1 of Agenda Item 5.

Members received a presentation in accordance with the public participation procedure, from Mr Mead, the applicant's agent. Mr Mead thanked Members for allowing him to speak and stated he would like to give some background to the application and the link with Alan Bartlett & Sons Ltd. In 2013 Alan Bartlett & Sons installed a large number of solar panels, 4,000 producing 0.8mw of power which was only 25% of what was needed; a further 3.6mw is required. Even with these panels they still pay a £600,000 electricity bill per year and are therefore trying to identify additional land for further panels as there is no further room left at the site; this land would need to be viable being suitable for connection to the grid, for transformers, invertors, landscaping, fencing and security of which all costs a lot of money. The current proposal is for 14,500 panels that will generate up to 4.34mw; more than required but not significantly which is a good balance. With regard to Grade 1 Agricultural land; the issue in Fenland is that the vast majority of land is in the best higher quality land of Grade 1, 2 and 3a and therefore the opportunity to try and find the preferred choice of non-agricultural land was not an option; other parcels of land could be considered but there would still be the same issue with regard to the grade of the land. This chosen site was an ideal opportunity within 600m of the factory and with a willing landowner happy to provide the location. The other issues considered regarding agricultural land is that there is a lot of pressure on land generally to reduce greenhouse gasses and provide renewable energy; in this case it would be a temporary loss of agricultural land and can be returned to it's original state as the panels could easily be lifted out of the ground; also the land under the panels will be grazed. Middle Level Commissioners have had no issues with the proposed conditions, permits and licences and support has been welcomed from Chatteris Town Council with discussions around community funding and access to the site for school trips.

Members asked questions of Mr Mead as follows:

Councillor Owen asked if the land would be grazed to which Mr Mead responded stating the intention was for the area to be grazed by sheep and therefore would continually be used, to a certain extent, for agricultural purposes.

Councillor Mrs Newell asked about the archaeological importance of the site to which Mr Mead stated that county archaeologists have asked for an investigation, this should happen today. A geophysical survey is planned for next week and depending on those results, there may be some trial trenching.

Councillor Mrs Laws stated that sequential testing had not been included in the report yet this was part of the Local Plan to which Gavin Taylor responded stating that because the site was in Flood Zone 3 then sequential testing will need to take place but this had not been mentioned because as yet the applicant had not submitted one. However, whilst there may be some policy conflict, material matters can be considered; the site itself has been looked at in terms of flood risk and the vast surrounding areas, except the settlement areas, are all in Flood Zone 3 therefore the preferred location of lower flood risk has to be balanced against the distance of the site to its delivery to the intended target. To achieve an area of lower flood risk would mean having more of an impact encroaching onto the main highways which would create a landscape visual impact therefore sequentially the site would be the preferred location.

Councillor Mrs Laws stated she appreciated where the settlements were but some of these were historically built before the flood risks were fully known and therefore she wanted to highlight that there was a need to be very mindful of the points raised by Middle Level Commissioners.

Councillor Owen asked what would cause the flooding as the solar panels were only poles in the ground to which Gavin Taylor responded stating there would be certain development carried out

with the sub-stations having to be set onto concrete; Councillor Owen stated this would mean there was minimal risk. Mr Mead stated that the PPT states that solar farms are essential infrastructure and are permitted within Flood Zone 3; it will consist of mostly poles with just four bases for the buildings, which are shipping container size units and apart from that, no raising of levels at all.

Members made comments, asked questions and received responses as follows:

Councillor Mrs Newell stated that Fenland is known for high grade land and grows 60% of the agriculture of the whole of England and if this land is continually used for anything other than agriculture then there will be a need to start importing food from other countries; which has already started. There is also no mention that this land is the bed of an old river and a river also runs behind Stainless Metalcraft therefore she was concerned that this was not being taken into consideration and that rivers are known to revert back their original path.

Councillor Mrs Hay asked if there were any guarantees that this land would be reinstated as the reports states that "it could be" to which Gavin Taylor responded stating that the conditions are only approved for 30 years after which they would expire. He expected that there would be a management plan for the decommissioning of the land which would contain details of how the land would be cleared and reverted back to its original state. Councillor Mrs Hay added that her concern was that once the panels were there; this would set a precedent and if the application was not reapproved then Alan Bartlett & Sons would be in a position where they would need to find alternative means of power which could then make it unprofitable. Gavin Taylor responded stating that technology was evolving in terms of renewable energy and therefore the position in 30 years' time is not known. Sim Manley added that it was important to recognise that the application today was one to be determined for 30 years and if in the future this required renewal, then that application would be considered at that point in time and assessed based upon the current need for high grade agricultural land and as to whether or not the need for sustainable energy outweighed the need to bring back the use of the high grade agricultural land at that point.

Councillor Mrs Law stated she was grateful to hear that the levels would not be increased as this was a worry in Flood Zone 3 and that she would like to raise a point that the drainage board had already raised which was the strip of land that was essential for maintenance and she feared this could be potentially harmful to drainage on the local area and contrary to the aims of the government regarding flood risks therefore she asked Members to be mindful that the comments regarding the maintenance strip do actually happen. Graham Nourse responded stating that Middle Level Commissioners themselves have their own bible to ensure this would happen.

Councillor Sutton stated he had no problem with the application or the loss of agricultural land as there were acres of land in Fenland alone that was not being farmed and therefore supported it but added that they must comply with the Middle Level Commissioners Bylaws on maintenance strips.

Members thanked Gavin Taylor for the extensive report.

Proposed by Councillor Sutton, seconded by Councillor Bucknor and decided that the application be:

**Granted as recommended, subject to amendment to Conditions 4, 5 and 6:**

- **Condition 4** is proposed to now read:
- *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that order with or without modification) no fences, gates, posts, hardstanding, accesses or other operations otherwise permitted under schedule 2, part 2 shall be carried out;*
- *Reason - To protect the character of the countryside and the visual amenities of the locality*

and also to retain the value of the land for agriculture and wildlife in accordance with LP16 and LP19 of the Fenland Local Plan and section 11 of the National Planning Policy Framework 2012;

- **Amendment to Condition 5** to now read:
- *No development shall commence until full details of the layout, design and materials (including colour) to be used for the solar panels and fixings, sub- station buildings, inverter and transformer buildings and site bunding has been submitted to and approved in writing by the Local Planning Authority;*
- *Reason - to protect the character of the countryside, the visual amenities of the locality and in the interests of flood protection in accordance with LP14, LP16 and LP19 of the Fenland Local Plan 2014;*
- Including separate Condition to deal with surface water drainage:
  - *No development shall commence until a scheme for the provision and implementation of surface water drainage has been submitted and agreed in writing by the Local Planning Authority (LPA) in consultation with the Local Drainage Authority. The scheme shall subsequently be implemented in accordance with approved details before the development is first brought into use and thereafter retained in perpetuity;*
  - *Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with policy LP14 of the Fenland Local Plan (adopted May 2014);*
  
- **Condition 6:**
  - Requires planting to be carried out prior to the first exportation of solar derived energy. The applicant has advised that the completion of the development may fall outside the planting seasons and therefore requests that the condition required planting to take place in the first season following the first exportation of electricity. This is not considered to be unreasonable and therefore the condition is now recommended to read:
  - *Notwithstanding the information submitted, no development shall commence until, a detailed Landscape Management Plan and scheme for the hedge and tree planting and boundary treatments (including the location, design and height of any access gates, fences, fence opening details for wildlife movement and measures for their protection) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size, height and layout. The approved details shall then be implemented prior to the first exportation of solar derived energy from the site and planting to be carried out within the first planting season following the first exportation of solar derived energy from the site. The approved management plan shall be adhered to throughout the life of the development;*
  - *Reason - To ensure effective screening of the development in the interests of landscape character and amenities and to protect and enhance biodiversity interests in accordance with policy LP16 and LP19 of the Fenland Local Plan 2014.*

Members vote recorded as: 8 in support of the recommendation, 1 against the recommendation, 0 abstentions.

(Councillors Mrs Hay and Mrs Newell stated that they are Members of Chatteris Town Council, but take no part in planning matters.)

**P35/15**

**F/YR15/0489/F**

**DODDINGTON/WIMBLINGTON - LAND EAST OF FENGRAIN HOOK LANE  
ERECTION OF AN ANAEROBIC DIGESTER PLANT WITH ASSOCIATED 3 X  
SILAGE CLAMPS WITH 2.63M PERIMETER GRASS SEEDED BUND, 3M HIGH  
ACOUSTIC FENCING , SITE OFFICE, CAR PARKING AREA, FORMATION OF A  
SURFACE WATER LAGOON, WEIGHBRIDGE AND FORMATION AND  
IMPROVEMENT OF AN ACCESS TRACK**

This item was withdrawn from the Agenda.

**P36/15**

**APPEAL DECISIONS**

Officers informed Members of the Appeal Decisions for their information.

1:56pm

Chairman