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(via Planning Portal only)

27 April 2023

Dear sir or madam,

Re; Land at Hall Farm Solar Farm, Hall Farm, Main Street, Newbold Vernon, Leicester, LE9 9NL

18/01243/CONDIT: S73 application relating to changes to approved details

Introduction

We are writing to you in connection with the above operational solar farm to apply for planning permission under s73, to effectively secure changes to the detailed approved under planning permission 18/1232/CONDIT. The original planning consent for the solar farm was granted under 14/00660/FUL.

We are acting on behalf of the applicant, NextPower Bosworth Limited, who own and operate the solar farm. They have identified following a recent audit of the operational solar farm, there are a number of minor changes to the approved layout that need regularisation under this s73 planning application.

It should be noted that the solar farm has been constructed in two discrete phases. This application (and the associated S73 application) relates to Phase II only (northern field, and eastern fields either side of the PROW – see submitted diagram). Phase I is the older portion, located on the field in the south-west of the overall area of development (see submitted diagram). For clarity, the plans and drawings relating to Phase I are not affected, so there are no direct drawing/plan replacements.

Planning History

Below is a brief summary of the planning history of the site since it gained consent in 2015. The planning history is quite complex but the we have detailed the most recent applications for ease of reference.

- 14/00660/FUL. Erection of a 10MW solar farm and associated infrastructure. Granted 03.06.2015

- 15/01077/NOMAT. Non-material amendment to planning permission 14/00660/FUL to adjust the inverter locations, adjust the solar panel arrangement, reduce the size of the substation and make an adjustment to the line of the fence. Granted 25.11./2015
- 16/00095/NOMAT. Non material amendment to planning permission 14/00660/FUL to replace the transformers from holly green to pure white. Granted 08.03.2016
- 16/00432/NOMAT. NMA to 14/00660/FUL to add 4No bunded oil tanks to each inverter. Granted 08.07.2016
- 17/01008/NOMAT. NMA to 14/00660/FUL to encase an 11kv transformer within housing. Granted 06.11.2017
- 18/00492/CONDIT. Variation of Condition No4 (14/00660/FUL) to extend operational solar farm to 45yrs. Granted 15.08.2018
- 18/00966/NOMAT. NMA to planning consent 14/00660/FUL to amend fence layout including new gate and 11kv transformer. Granted 25.10.2018.
- 18/00980/FUL. Installation of 8.0m comms tower and associated infrastructure and 13No CCTV cameras. Granted 26.11.2018. It is noted that this is a 'stand alone' full permission which sits in parallel to the string of consents which starts with 14/00660/FUL.
- 18/01243/CONDIT. S73 application of planning consent 18/00492/CONDIT to seek approval for amendments to module layout including perimeter fencing, gates and transformers. Granted 13.03.2019.

As stated above, we understand that the extant planning consent for the operational solar farm is detailed under planning reference, 18/01243/CONDIT. As such, the approved module layout for the solar farm is detailed under plan reference *JT04/PA002P (12/12/18)*. This plan shows the position of the solar PV tables and panels, perimeter fence line, internal access tracks and the position of the various transformer units and inverter units and substation building. See extract below in Figure 1.



Figure 1 Extract from JT04/PA002P showing approved module layout, as per planning consent 18/01243/CONDIT

Following a review of the operational solar farm in January 2023, it was concluded that there are a number of minor amendments with the approved module layout (as detailed above), that need to be regularised and approved under this application.

Proposed Amendments

- Customer Substation and Spare Parts Container. There are a number of additional containerised structures within the approved solar park development that do not appear to have gained consent. There is a spare parts container and a customer substation (each 6.1m long, 2.45m wide, 3m high) located in the northern western part of the central field. See *General Layout, HLF-GL-01 (Revision 3 dated 15/04/20)*, *Spare Parts Container Layout, HLF-D-10 (Dated 15/04/20)* and *Customer Substation (Revision A1, dated 05/04/2023)*. These plans confirm the as built location and nature of both structures.
- Transformer and Inverter Station units. There are 2no inverter and transformer station units that have been located within the central field within the operational solar farm that do not align with the currently approved module layout as detailed under 18/01243/CONDIT (plan reference *JT04/PA002P*). Furthermore, the operational transformer and inverter units are different in scale and form to the approved transformer/inverter unit that was granted under a non-material minor amendment 16/00095/NOMAT (refer to previously approved plan reference *JT04/PA006E*). The location of the as built transformer and inverter units is shown on *General Layout, HLF-GL-01 (Revision 3 dated 15/04/20)*. *Transformer and Inverter Sled (Revision A1, dated 05/04/2023)* confirms the dimensions of the as built unit. The overall dimension of the transformer and inverter unit is 10.8m long, 4.4m wide and c. 2.4m high. The transformer unit is enclosed within a metal fenced compound being c. 3.5m high max.
- Variations to approved module layout/footprint. The operational solar farm does have a number of minor changes and variations to the approved module layout/footprint as previously approved under 18/01243/CONDIT (plan reference *JT04/PA002P*). There are a number of distinct areas within operational the solar farm where additional solar tables and panels have been installed and where panels have not been deployed. Please refer to as built module layout plan referenced *General Layout, HLF-GL-01 (Revision 3, dated 15/04/20)* to confirm the as built layout of the operational solar farm PV layout.

Planning Review & Analysis

The proposed changes as detailed above are relatively inconspicuous and modest in scale and nature. It is our belief that such variations and amendments to the approved layout can be considered under the s73 application. The proposed changes are not visually intrusive and do impact on the wider setting of the rural landscape in this area.

It is considered that the changes are necessary to help in the efficient running and operation of the solar farm. The proposed changes will not harm existing levels of ecology, flood risk or heritage impacts. Furthermore the proposed changes will not impact on the adjacent road network serving the solar farm.

The recent 'Armstrong' court ruling established that the scope to effectively amend a planning permission is not, in fact, restricted to aforementioned 'minor material' amendments¹. Nonetheless, the amendments proposed are very minor in nature and in terms of potential effects, so it is considered that they should be approved.

EIA Screening

We formally request an EIA Screening Opinion under section 6 of the Town & Country Planning (Environmental Impact Assessment) regulations 2017. Previously the potential for significant impacts has been considered by the Screening Opinion 14/00454/SCOPE which assessed the likely impact of significant environmental effects and confirmed that an EIA was not required as the solar farm was 'unlikely in the particular location proposed for the development to result in significant effects on the environment which would require an EIA to be submitted with the planning application.

The proposals for the as described above are very similar to the inverter stations as approved under 18/01243/CONDIT. As such the baseline on the site and its surroundings is considered to be similar. The solar layout is marginally different to the approved module layout and the addition of the transformer units and customer substation and spare part container does require planning consent, they remain the same in nature and will be a temporary feature in the landscape and removed from site after 40yrs.

Moreover, the effects are likely to be well understood and not complex and will be low in intensity and will not directly affect sensitive areas or designations. The probability, onset, duration and frequency of effects are likely to be accurately determined. The proposals are fully reversible and the site will be restored to its current condition in accordance with the approved decommissioning statement which was submitted in support of the original application 14/00660/FUL in July 2014. No significant transboundary effects are anticipated and no significant cumulative effects are anticipated.

Overall, the installation of the as built solar panel layout, transformer units, customer substation and spare parts container will not result in the proposals now having a significant effect on the environment and the application does not need to be accompanied by an Environmental Statement, based on the feedback and response as per Screening Opinion 14/00454/SCOPE.

We trust that the Local Planning Authority agrees that the proposals will not result in the significant effects on the environment and look forward to receiving a screening opinion in due course.

Conclusion

We are of the opinion that the proposed changes are acceptable and can be considered acceptable under this s73 application. The overall impact on the surrounding area is negligible and will not harm the character and setting of the surrounding environment.

¹ <https://www.localgovernmentlawyer.co.uk/planning/401-planning-news/52930-litigant-in-person-wins-high-court-planning-dispute-over-house-design>

A separate document proposed amendments to Conditions 1 and 12 of permission 18/01243/CONDIT which I am happy to discuss.

We hope that the above explanation of our proposals are clear and acceptable to your Officers. If you need any further explanation or you have any further questions or queries please do not hesitate to contact me at the address detailed above.

Yours faithfully,

[Redacted signature]

James Jamieson
Planning & Development Manager

[Redacted contact information]