

Delegated Report

Planning Ref: 23/00410/CONDIT
Applicant: NextPower Bosworth Lmtd
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Photovoltaic Installation Hall Farm Main Street
Newbold Verdon

Proposal: Variation of condition 1 and 12 of Planning Application
18/01243/CONDIT. Amendments to approved layout and substation
plan to include customer substation, spare parts container,
transformer and inverter station units.

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks to vary planning conditions 1 and 12 of planning permission 18/01243/CONDIT to enable the development to be implemented in accordance with amended details.

- 2.2. Condition 1 of 18/01243/CONDIT states:
'The development hereby permitted shall not be carried out otherwise than in accordance with the submitted applications details, as follows and received by the local planning authority on the given dates:-

Site Location Plan Dwg No. JT04/PA001D received 11 February 2015
Site Layout Plan Dwg No. JT04/PA002P received 12 December 2018
Proposed PV Layout Dwg No. JT04/PA003A received 11 February 2015
Proposed Mounting System Details Dwg No. JT04/PA004A received 11 February 2015
Substation Plan and Elevations Dwg No. JT04/PA005D received 5 October 2015
Inverter/Transformer Plan and Elevations Dwg No. JT04/PA006E 5 February 2016
Proposed Grid Connection Cabinet Dwg No. JT04/PA007B received 11 February 2015
Proposed Fencing and Gate Elevations Dwg No. JT04/PA008 received 11 February 2015
Proposed Noise Pattern Plan Dwg No. JT04/PA009B received 11 February 2015
Proposed Comms Cabinet Dwg No. JT04/PA011A received 11 February 2015
11Kv Pad Mount Plan and Elevations Dwg No. JT04/PA012A received on 12 October 2017
Construction Traffic Access Dwg No. JT04/PA013B received on 10 November 2015
Appendix 2 Traffic Management received on 27 August 2015
Archaeology - Final report & Archive received on 26 October 2015

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)'.

- 2.3. Condition 12 of 18/01243/CONDIT states: 'The development shall be implemented and thereafter maintained in accordance with the latest approved Site Layout Plan Drawing No. JT04/PA002P; CCTV Poles and Camera Details Drawing No. 33/PA305 submitted 4 October 2018 under planning reference 18/00980/FUL and Fencing and Gate Details Drawing No. JT04/PA008 submitted 11 February 2015 under the original planning reference 14/00660/FUL.

Reason: To ensure the rural nature and visual amenity of the site and its surroundings is preserved in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)'.

- 2.4. The proposed amendments include:

- 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 north 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 the operational 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

- 2.5. Additional information has been submitted to support the proposed amendments.

3. Description of the Site and Surrounding Area

- 3.1. The solar farm application site measures approximately 17 hectares and is comprised of two adjacent fields in the countryside to the south west of Newbold Verdon. The largest field is to the south and the small field is to the north.

- 3.2. The largest field runs alongside the southern edge of a small wood known as Botany Bay Spinney and is enclosed by hedging to the west then hedging with trees and Botany Bay Spinney to the north. Its eastern edge follows a streamside with some hedging and trees, but with some open sections. The edge of the approved solar installation stops some way short of the end of the field, however, at the current time only the western part of the large field has been implemented along with a site servicing compound located in the smaller field to the north comprising a sub-station, communications cabinet and other cabinets finished in dark green. There are also two existing ancillary structures finished in grey located at the north side of solar panels.
- 3.3. Access to the site is via a loose surfaced track leading from Bosworth Road which lies to the west.

4. **Relevant Planning History**

14/00454/SCOPE	Screening request - Solar Farm	Opinion Issued	19.05.2014
14/00660/FUL	Erection of a 10 MW solar farm and associated infrastructure	Permitted	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	Permitted	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	Permitted	08.03.2016
16/00432/NOMAT	Non material amendment to planning permission 14/00660/FUL to add four bunded oil tanks one next to each inverter	Permitted	08.07.2016
17/01008/NOMAT	Non-material amendment to planning permission 14/00660/FUL to encase an 11kV transformer within its associated housing	Permitted	06.11.2017
18/00492/CONDIT	Variation of condition 4 of planning permission 14/00660/FUL to allow the solar farm to operate for 45 years	Permitted	15.08.2018
18/00966/NOMAT	Non-material amendment to planning permission 14/00660/FUL to amend the fence layout and fencing line including a new gate; addition of approved 11kv auxiliary transformer; update drawing PA007B to relocate a single door; update the mounting system plan to ensure compliance	Permitted	25.10.2018
18/00980/FUL	Installation and operation of associated infrastructure to solar farm comprising 8 metre high communications antennae and a meter cabinet on the sub-station, a satellite dish and CCTV camera on the communications cabinet , storage container and 13 CCTV cameras mounted on 10 x freestanding 2.6 metre high poles (part retrospective)	Permitted	26.11.2018
18/01178/NOMAT	Non material amendment to planning	Withdrawn	13.12.2018

23/00414/NMA

permission 14/00660/FUL to remove the use of swales as a surface water drainage system on the solar farm
Non material amendment to planning application 18/01243/CONDIT.
Amendment to include CCTV, access tracks, fence and gate, table racking system and string inverters.

Live
Application

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. No objection has been received from Environmental Health (Drainage).

6.2. Leicestershire County Council (LLFA Drainage) refers to standing advice.

6.3. Leicestershire County Council (Ecology) - No objections.

6.4. Leicestershire County Council (Highways) - No objections

6.5. HBBC Conservation Officer- No objections

6.6. Leicestershire County Council (Drainage) - No formal comments- Standing advice

6.7. HBBC Pollution- No objections.

6.8. Environment Agency- No formal comments.

7. Policy

7.1. Core Strategy (2009)

- Spatial Objective 12: Climate Change and Resource Efficiency

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. The principle of a solar farm in this location has been established by the original application (reference 14/00660/FUL) and the approved solar farm has been partially implemented. The key issues in respect of this application are therefore:

- Impact on character of the area
- Impact on ecology
- Impact on Highways
- Conditions

Impact on the character of the area

- 8.2. Policy DM4 seeks to protect the intrinsic value, beauty and open character and landscape character of the countryside and supports proposals that contribute to the National Forest Strategy. Policy DM10 of the SADMP seeks to ensure development reflects the character and appearance of the area.
- 8.3. The proposed changes to the layout of the scheme are relatively inconspicuous and modest in scale and nature & would have no adverse impacts upon the character of the site or surrounding area and would enhance the visual appearance of the wider landscape and the revised scheme would therefore remain in accordance with Policy DM4 of the adopted SADMP.

Impact on Ecology

- 8.4. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation and long term future management. The policy seeks biodiversity gains through opportunities to create valuable habitat.
- 8.5. The original scheme was supported by an Extended Phase 1 Habitat Survey Report which proposed a number of biodiversity enhancement measures in and around the solar farm site. One of these measures proposed the planting of 95 standard oak trees at 30 metre intervals within existing hedgerow lines with the intention of increasing the number of trees within the wider landholding.
- 8.6. For application 18/01243/CONDIT the applicant's ecologist considered that the hedgerows were unsuitable for planting oak saplings. The existing hedgerows are very well established and are around two metres tall in places, and some run directly below overhead power lines. For these trees to survive in these locations large gaps of hedgerows would need to be removed to allow for the planting and growth of these trees. This went against the original permission which stated that all hedgerows will be retained.
- 8.7. For application 18/01243/CONDIT as an alternative enhancement measure, the applicant proposed the creation of 2000 square metres of new woodland copse, comprising 253 native specimens in an area currently surfaced with species poor grassland vegetation. This was in addition to all the other previously approved biodiversity enhancement measures. The revised ecology report suggests that the species mix has been chosen to allow a canopy of oaks to develop, in amongst smaller growing trees and scrubby species. The species selected are of local provenance, and have ecological value, for example a proportion of nut and berry bearing species have been included, to provide food for birds and other wildlife over the winter. As the planting matures, it will also provide enhanced conditions for invertebrates, herpetofauna, foraging bats and nesting birds. An establishment and future maintenance programme is included.
- 8.8. Although no changes to the agreed upon ecological measures were proposed in this current application Leicestershire County Council (Ecology) were consulted and they have no objection to the proposed. The proposal would remain in accordance with the aims of the original scheme and in accordance with Policy DM6 of the adopted SADMP.

Impact on Highways

- 8.9. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 requires all development to provide appropriate parking provision.
- 8.10. LCC Highways have been consulted on the proposal and had no objections. LCC Highways believe the proposed will not have a material impact on the public highway.
- 8.11. The proposal will result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Conditions

- 8.12. The latest variation to the original planning permission for the site (reference 18/00492/CONDIT) was subject to 12 conditions.
- 8.13. Condition 1 required the development to be implemented in accordance with a list of approved plans and details and would need to be updated to reflect the latest approved plans and details submitted with this application to define the permission and ensure satisfactory development.
- 8.14. Condition 2 granted the development for a temporary period and would need to be repeated.
- 8.15. Condition 3 required the submission of a decommissioning and restoration scheme for the site for approval and would need to be repeated in the interests of visual amenity.
- 8.16. Condition 4 required decommissioning and restoration of the site should electricity generation cease and would need to be repeated in the interest of visual amenity.
- 8.17. Condition 5 required the development to be implemented in accordance with the recommendations within the submitted Ecology Report and would need to be repeated to protect biodiversity and secure the proposed enhancements.
- 8.18. Condition 6 required the development to be implemented in accordance with the originally approved landscaping scheme in the interests of visual amenity and would need to be repeated as the scheme has not been fully implemented.
- 8.19. Condition 7 required the approved landscaping scheme to be implemented and maintained in accordance with the approved details and timescales and would need to be repeated as the scheme has not been fully implemented.
- 8.20. Condition 8 required the development to be implemented in accordance with the approved Traffic Management scheme and Access Plan and would need to be repeated in the interests of highway safety.
- 8.21. Condition 9 required that no gates be erected at the vehicular access in the interests of highway safety and would need to be repeated.
- 8.22. Condition 10 required further investigation and remediation of any land contamination if found during construction works to protect the water environment and would need to be repeated as the development has not been fully implemented.

- 8.23. Condition 11 required the development to be implemented in accordance with the approved Archaeological Written Scheme of Investigation and would need to be repeated as the development has not been fully implemented.
- 8.24. Condition 12 required the development to be implemented and maintained in accordance with the approved fencing, CCTV and camera details and specifications in the interests of visual amenity. The currently proposed amendments are for phase II, not phase I. The current proposal is to amend Condition 12 to now read-
- 'Phase I of the development shall be implemented and thereafter maintained in accordance with the latest approved Site Layout Plan Drawing No. JT04/PA002P; CCTV Poles and Camera Details Drawing No. 33/PA305 submitted 4 October 2018 under planning reference 18/00980/FUL and Fencing and Gate Details Drawing No. JT04/PA008 submitted 11 February 2015 under the original planning reference 14/00660/FUL.
 - Phase II of the development shall be implemented with the plans approved to date other than where they are updated by the following: General Layout, HLF-GL-01 (Revision 3 dated 15/04/20), Spare Parts Container Layout, HLF-D-10 (Dated 15/04/20), Customer Substation (Revision A1, dated 05/04/2023), Transformer and Inverter Sled (Revision A1, dated 05/04/2023).
- 8.25. No additional conditions are necessary to ensure satisfactory development.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposed amendments to the approved layout and substation plan to include customer substation, spare parts container, transformer and inverter station units would not result in any adverse impacts in respect of the character of the area,

ecology, highways and would be in accordance with the aims of the originally approved scheme and Policies DM1, DM2, DM4, DM6, DM7, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019). The proposal is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted applications details, as follows and received by the local planning authority on the given dates:-

Site Location Plan Dwg No. JT04/PA001D received 11 February 2015
Phase I: Site Layout Plan Dwg No. JT04/PA002P received 12 December 2018
Phase II: General Layout, HLF-GL-01 (Revision 3 dated 15/04/20)
Proposed PV Layout Dwg No. JT04/PA003A received 11 February 2015
Phase I: Proposed Mounting System Details Dwg No. JT04/PA004A received 11 February 2015
Phase I: Substation Plan and Elevations Dwg No. JT04/PA005D received 5 October 2015
Phase II: Customer Substation (Revision A1, dated 05/04/2023)
Phase I: Inverter/Transformer Plan and Elevations Dwg No. JT04/PA006E 5 February 2016
Phase II: Transformer and Inverter Sled (Revision A1, dated 05/04/2023)
Proposed Grid Connection Cabinet Dwg No. JT04/PA007B received 11 February 2015
Phase I: Proposed Fencing and Gate Elevations Dwg No. JT04/PA008 received 11 February 2015
Proposed Noise Pattern Plan Dwg No. JT04/PA009B received 11 February 2015
Proposed Comms Cabinet Dwg No. JT04/PA011A received 11 February 2015
11Kv Pad Mount Plan and Elevations Dwg No. JT04/PA012A received on 12 October 2017
Construction Traffic Access Dwg No. JT04/PA013B received on 10 November 2015
Appendix 2 Traffic Management received on 27 August 2015
Archaeology - Final report & Archive received on 26 October 2015.
Phase II: Spare Parts Container Layout, HLF-D-10 (Dated 15/04/20)

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The planning permission hereby granted is temporary for a period of 45 years from the 9th December 2015 (the confirmed date of the first export of electricity to the National Grid from the solar farm hereby approved). After such time the use shall cease and the solar farm and associated equipment shall be removed from site in accordance with Condition 3.

Reason: This permission is temporary for a period of 45 years following first export to the National Grid.

3. Not less than 12 months prior to the expiry of this permission a decommissioning Method Statement & Site Restoration Scheme shall be submitted to and in agreed in writing by the local planning authority. This shall include details of:-
 - a. The works for the removal of the solar panels, ancillary equipment and structures;
 - b. works for the restoration of the site;
 - c. the management and timing of any works;
 - d. a Traffic Management Plan;
 - e. an Environmental Management Plan to include measures to be taking during decommissioning to protect wildlife and habitats;
 - f. identification of access routes; and
 - g. a programme of implementation.

The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme during the 12 months of the expiry of this permission.

Reason: In the interests of visual amenity and to order to ensure the site is restored to a satisfactory appearance following decommission of the solar farm in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Should the solar farm hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months, a Decommissioning Method Statement & Site Restoration Scheme as per the requirements of Condition 5 shall be submitted to and agreed in writing by the local planning authority within 3 months after the end of the 6 months cessation period. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme.

Reason: To ensure the development is used for sustainable renewable energy generation in accordance with Policy DM2 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development shall be fully implemented in accordance with the details and recommendations contained within the Revised Ecology Report SLR reference: 424.04990.00031 Version 1 dated February 2019.

Reason: To protect, conserve and enhance biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Notwithstanding the landscaping details as shown on the site layout plan, the development shall be carried out in complete accordance with the approved Landscaping Plan Drg. No. JT04/SK001 submitted to the Council on 3 May 2016 under reference 14/00660/FUL. The development shall thereafter be maintained in accordance with the approved details.

Reason: To ensure adequate landscape screening is in place in accordance with Policies DM2 and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The approved landscaping scheme shall be fully implemented in accordance with the approved details in the first available planting season after the commencement of development. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.

Reason: To ensure adequate landscape screening is in place in accordance with Policies DM2 and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence other than in complete accordance with the Traffic Management (Appendix 2) submitted to the Council on the 27th August 2015 and Construction Traffic Access Plan JT04/PA013 B submitted to the Council on the 10th November 2015 under reference 14/00660/FUL. The development shall be fully implemented and maintained in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. If any gates, bollards or other obstructions are to be erected at the vehicular access to the site they shall be set back a minimum of 15 metres from the highway.

Reason: In the interests of highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be fully implemented in accordance with the agreed details.

Reason: To protect the water environment in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. No development shall take place other than in complete accordance with the approved archaeological Written Scheme of Investigation submitted to the Council on 14th September 2015. The scheme must be fully implemented and maintained in accordance with the approved details.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The development shall be implemented and thereafter maintained in accordance with the latest approved Site Layout Plan Drawing No.

JT04/PA002P; CCTV Poles and Camera Details Drawing No. 33/PA305 submitted 4 October 2018 under planning reference 18/00980/FUL and Fencing and Gate Details Drawing No. JT04/PA008 submitted 11 February 2015 under the original planning reference 14/00660/FUL.

Phase II of the development shall be implemented with the plans approved to date other than where they are updated by the following: General Layout, HLF-GL-01 (Revision 3 dated 15/04/20), Spare Parts Container Layout, HLF-D-10 (Dated 15/04/20), Customer Substation (Revision A1, dated 05/04/2023), Transformer and Inverter Sled (Revision A1, dated 05/04/2023)

Reason: To ensure the rural nature and visual amenity of the site and its surroundings is preserved in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

NOTES TO APPLICANT :-

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.