

NORTH DORSET DISTRICT COUNCIL

MINUTES OF THE DEVELOPMENT CONTROL COMMITTEE MEETING HELD ON THURSDAY 28 APRIL 2011 AT 10.30 AM IN THE VILLAGE HALL, DURWESTON, DORSET

Present:

Committee Members:

Mervyn Jeffery (Vice Chairman)
Nigel Cook
Charles Dowden
Vic Fox
Joe Hickish
Su Hunt
Trish Lever
Geoffrey Miller
David Milsted
Val Pothercary
Deirdre Skipwith

Apologies:

Bill Batty-Smith MBE (Chairman)

Officers, North Dorset District Council:

Nick Fagan, *Development Control Manager*
John Hammond, *Development Control Team Leader*
Jacqui Andrews, *Democratic Services*

Officers, Dorset County Council

S Savage, *Senior Engineer, Development Liaison, Dorset County Council*

54. DECLARATIONS OF INTEREST

Cllr Geoffrey Miller declared a personal interest in application no. 2/2011/0304 as the landowner was an acquaintance.

55. MINUTES

Resolved

That, the minutes of the meeting of the Committee held on 12 April 2011 be confirmed as a correct record and signed by the Chairman.

56. PLANNING APPLICATIONS

Resolved

- i. With regard to applications for permission to develop, to make the decisions as set out in **Appendix A** to these minutes;
- ii. In respect of the above applications, where the 21 day consultation period has not yet elapsed, where approval is given, it is given subject to no adverse comments being received;
- iii. In respect of the above applications, where a developer is required to make a contribution towards community infrastructure, that contribution shall be received by the Local Planning Authority within eight weeks (minor and 'other' applications) or 13 weeks (major applications) of the application being submitted;
- iv. To delegate authority to the Development Control Manager to refuse the application if a contribution is not received in accordance with (iii) above.

The meeting closed at 11.20 am.

CHAIRMAN

NEW APPLICATION

APPLICATION:	2/2011/0304 Park Farm, IWERNE MINSTER Full Planning (Major)
Proposal:	Erect solar farm, comprising of solar arrays, equipment housing and ancillary/associated equipment. Continue use of land for agricultural purposes (grazing).
Applicant:	Low Carbon Solar Limited
Case Officer:	John Hammond

Officer Appraisal

The Development Control Team Leader presented his report showing all relevant plans and drawings. He explained that when the report was drafted the statutory consultation period had not expired and he gave detail of further representations that had been received. He said that Iwerne Minster Parish Council had no objection to the application but expressed concern about the unilateral undertaking and also in respect of the decommissioning of the solar farm. The latter concern was also one shared by Iwerne Courtney Parish Council. He reported that Natural England had raised the issues of biodiversity and the landscape impact and agreed with the views expressed by the AONB Partnership about the adverse impact the development was likely to have, but generally supported the application. The Committee were advised that English Heritage had considered the impact on heritage assets and did not object to the application.

The Applicant had provided a sample of a solar panel for the Committee to look at and the Officer advised that the development was proposed on a 9.7ha field in the west of Shroton. He then showed a series of photographs of the site taken from the surrounding areas at Iwerne Minster, from the trailway route at Shroton, Shroton Lines, Hambledon Hill and also photographs taken from the site itself.

He advised that the solar panels would be laid out comprehensively across the majority of the field in parallel lines facing due South and there would be additional landscape planting to provide screening of the site from users of the local rights of way. The Officer advised that Natural England had expressed a desire to be party to the discussions regarding planting. The panels would be installed at a 30° angle to the ground, and would be 2.2m at their highest point. The outbuildings on the site would be timber-clad and of small scale with the roof treatments yet to be agreed.

Concerns had been expressed about the reflective nature of the panels but the Officer advised that this was more likely to be a sheen as it was the purpose of the panels to absorb, not reflect the light. Officers suggested the addition of a condition that the frames should have a non-reflective finish. Beta fencing was to be used which was a light structure that was easily absorbed into the natural appearance of the area.

A photograph taken from Brooklands view showed that the site was considerably distant with no impact on the visual amenity of the Cranborne AONB. The views from Iwerne Minster village were not direct and were broken by mature trees and hedges that provided some screening of the site. The view from Shroton Lines and Green Lines would be of the panels in profile, again surrounded by substantial hedges and mature trees.

The view from Hambledon Hill saw the site surrounded by mature planting and the Officer pointed out that existing structures were visible from this view point with a range of colours and hues in the panorama but had to be considered as part of the wider landscape.

The Officer indicated to Members the access to the site and advised that construction traffic would be diverted off the main routes through the villages to minimise disruption.

He said that the Policy considerations were set out in detail in his report. It was clear that renewable energy targets had not been met locally or nationally and that the proposals before Members for consideration would not cause any over-riding harm to the environment or visual amenity of the area. The proposal was for low-lying panels that would not interrupt the skyline view.

The applicant had stated in a unilateral undertaking that it would provide a payment for community use from the energy stored. There was no policy requirement for this payment although it was now considered to be good practice but it was not a matter for the Council as Local Planning Authority to determine.

The anticipated output would be 3.24 MW, equivalent to the electricity needs of approximately 720 houses. It was clear that the contribution was significant within the district and this was a strategically important scheme.

The Officer referred to concerns about decommissioning which he said was dealt with by way of condition which Officers considered to be appropriate and enforceable. Reversion of the site was possible.

The Senior Engineer, Dorset County Council Highways said that there were no objections to the scheme. He said that once it was constructed there were only 1-2 visits per quarter anticipated. However, during the construction period there would be large vehicles to and from the site and also workers' vehicles. These would be directed along the C class road and away from the villages avoiding the settlements. He said that any remedial works required to the roads would be made at the applicant's expenses.

Public Participation

Mr Gibb, speaking for Iwerne Minster Parish Council said that the scheme was supported as the concerns about the environmental impact from Hambledon Hill had been addressed.

Cllr Nadan of Iwerne Minster Parish Council commended the professional approach of the applicant which had been impeccable and information requested during the

application period has always been supplied. Cllr Nadan said that he had visited a solar panel site in Cornwall and was impressed with what he saw.

Cllr Schweir of Child Okeford Parish Council said that the Council supported the application. However, some concern was expressed that this could set a precedent across the valley with applications for further sites in the future.

Cllr Jespersen of Child Okeford Parish Council said that she supported the application in principle. However, she still had concerns about the decommissioning of the site and was not satisfied that the condition was sufficient. She gave an example of the applicant's going into receivership and the land laying dormant for a number of years whilst legal processes were followed. She was concerned that this could leave the site open for future applications for development as a brownfield site and felt that a more robust condition was required to ensure its return to agriculture. The Officer advised that it would remain in agricultural use. He said that the solar farm development was only permissible on the land due to the high bar for renewable energy sites. He suggested that it would be possible to require a scheme for removal to be set out prior to commencement of the development, and how decommissioning would be funded if the applicant company went bankrupt.

Mr Homewood of Low Carbon Solar Ltd said that it was clearly not possible to rely on fossil and nuclear energy in the future. He said that solar energy was clean and renewable. It was intended that £5,000 per MW of electricity generated per annum (approximately £15,000-20,000 per annum) would be put into a Parish Trust for local use as set out in a Unilateral undertaking. He said that the solar panels were a clean and silent form of energy production that would run at 90% efficiency over a 25 year project. He said that the impact on the views from Hambledon Hill would be mitigated as far as possible but felt that any impact would be very minor on the view as a whole. With regard to decommissioning, Mr Homewood confirmed that a fund would be set up throughout the 25 years of the project and he felt that the solar farm would be a great asset for energy creation.

Mr Perrett, the landowner, felt that the size of the proposed site was appropriate for the area and he wouldn't want it to be expanded in this area. It was intended to graze sheep around the panels and the introduction of bees was also being considered.

Local Member

Cllr Deborah Croney said that the proposed application was presented to the Parishes in January which was very informative and largely supported. She said that the local Parish Councils openly discussed the proposals and attended each others' meetings. Concerns were expressed about the impact on the landscape and decommissioning. She commended the work of the applicants in answering the local community's questions and offering solutions and Cllr Croney asked that the Committee ensure that it was satisfied that the conditions were sufficiently robust with regard to decommissioning.

The Chairman told Members that Cllr Angus Campbell was unable to attend the meeting but had advised that he had no objection to the application provided that the decommissioning concerns of the Parish Councils were accommodated.

Members' questions and debate

Cllr Milsted asked about any archaeological observations. The Officer advised that there were 4 conditions required by the County Council's Archaeological Officer with regard to the requirement for an Archaeological Observation Brief, a Landscape Management Plan, a materials condition to clarify the frame structure and a decommissioning plan.

Cllr Milsted said that he felt the AONB Partnership should limit their representations to those that they were willing to attend a Committee meeting to defend. He felt their comments with regard to this application were extraordinary. He felt it was a wonderful scheme and commended the applicant's approach. This sentiment was supported by Cllr Hunt.

Cllr Miller felt that the reduction in Government subsidy towards this type of development would prevent a lot of future activity with regard to solar energy. He was pleased that the local community would benefit from the development and although he was concerned about the loss of Grade 2 Agricultural land the fact that this was a 25 year project made it acceptable.

RESOLVED: To **APPROVE** planning permission subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans - block location plan, transformer shed elevations and roofplan, inverter shed elevations and roof plan, elevation and section of pv module, site section, detailed table structure, received on 22nd March 2011 together with revised site layout plan ref 1085-GA-01A, typical fence detail, CCTV post & infra red unit elevation, ground mounted radar monitor elevation together with extended Phase 1 Habitat Survey, additional Flood Risk Information Report, Glint & Glare Report, Electricity Production Calculations & Farm Business Report.

Reason: For the avoidance of doubt and to clarify the permission.

3. Notwithstanding the provisions of Class A of Part 2 of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure shall be erected around the site unless details of such means of enclosure have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure ancillary development is not harmful to the rural character of the area

4. Prior to the erection of perimeter fencing, further details shall be submitted to and approved by the Local Planning Authority that demonstrates permeability to small mammals such as badgers. The approved details shall be implemented and maintained in completed form for the duration of the consent unless as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology in accordance with Planning Policy Statement 9.

5. Prior to their installation on the site a plan showing the location of the security measures set out on the drawings CCTV post & infra red unit elevation and Ground Mounted Radar Monitoring Elevation to be incorporated into the solar farm shall have been submitted to, and approved in writing by the Local Planning Authority, and the development shall thereafter accord with the approved details and scheme.

Reason: In the interests of site safety, boundary security and to minimise visual and landscape impact.

6. The development hereby permitted shall not commence until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include: construction vehicle details (number, size and type), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The plan shall also include:

- Inspection of the highways serving the site jointly between the developer (or his contractor) Highways Engineers staff prior to work commencing and at regular, agreed intervals during the construction phase so that any damage to the edges of the carriageway and verges can be identified and suitable remedial works, to be paid for by the developer agreed.

- A scheme of signing of the heavy vehicle route to the site agreed with advice/warning signs at appropriate points. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of maintaining a safe and efficient highway network.

7. Prior to the commencement of development a site preparation methodology, construction methodology and decommissioning methodology shall be submitted to and approved in writing by the Local Planning Authority. The methodology shall include details of ground anchoring, any ground re-profiling works to be undertaken, and any temporary storage compound areas. Development and decommissioning shall be undertaken in accordance with these approved details.

Reason: In the interests of surrounding environmental and amenity interests and to ensure the site develops in accordance with approved layout.

8. All existing hedges on the site shall be retained and prior to the commencement of development a detailed scheme for their management together with additional landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method of protection to trees and hedgerows during the construction period; the size, species and spacing of vegetation to be planted at the site; arrangements for their protection and maintenance during the duration of the construction and operational periods of the solar farm, and a timetable for the implementation of the scheme. The approved scheme shall thereafter be implemented in full in accordance with the approved programme and shall be maintained as approved for the duration of the approved development.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area.

9. In the event of failure of any vegetation to become established and to prosper for a period of five years following the completion of the approved planting scheme, such vegetation shall be replaced on a like for like basis.

Reason: To improve the appearance of the site in the interests of visual amenity and ecology

10.No external artificial lighting shall be installed during the operation of the site as a solar pv facility without the prior written agreement of the Local Planning Authority upon the submission of a planning application in that behalf.

Reason: To minimise the potential for pollution and disturbance to local amenity and wildlife

11.Unless otherwise approved in writing by the Local Planning Authority no construction or decommissioning works shall take place except between the following hours:-
08.00 - 18.00 Monday to Friday
08.00 - 13.00 Saturday

No construction or decommissioning works shall be undertaken outside these hours or on Sundays, Bank or Public Holidays without the prior written agreement of the Local planning authority.

Reason: To minimise the potential for disturbance to local amenity.

12.The development hereby approved shall not be brought into operational use until full details of the proposals to de-commission the site, to include the timing for de-commissioning, the measures proposed to secure the removal of all buildings, plant, fencing and equipment involved in the operation of the solar farm, the financial measures to be secured to ensure the satisfactory delivery of such decommissioning and the timetable for decommissioning following the cessation of operational use, or the expiry of a period of 26 years from the date of this permission, whichever shall be the sooner, shall have been submitted to and approved in writing by the Local Planning Authority and the subsequent operation of the site and its de-commissioning shall thereafter accord with the approved schemes.

Reason: To ensure the achievement of satisfactory restoration.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or reenacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority.

Reason: To protect the landscape character of the area.

14.Before the development hereby permitted is first brought into use a management plan shall be submitted for the approval of the Local Planning Authority in writing to demonstrate how vegetation in the site area will be managed during the duration of the permission. The vegetation in the site area shall thereafter only be managed in accordance with the approved plan or the variation of that plan as may be agreed in writing by the Local Planning Authority.

Reason: To ensure that the land remains in agricultural / nature conservation usage.

15.The development hereby approved shall not be brought into use until a scheme for the promotion of biodiversity to include species, mix, densities and management regimes to be undertaken over the life of the solar farm's operation at the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme

shall thereafter accord with the approved details and management schemes.
Reason: To ensure and improve biodiversity within the site in accordance with Planning Policy Statement 9.

16.No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedence pathways and overland flow routes;
- a timetable of construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Planning Policy Statement 25.

17.No works should take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to , and approved in writing by the Local Planning Authority. The scheme shall cover archaeological fieldwork together with post - excavation work and publication of results and the development shall thereafter accord with the approved scheme.

Reason: to secure the protection of nationally important archaeological remains in accordance with policy 1.28 of the Adopted North Dorset District Wide Local Plan (First Revision).

18.No development shall commence until a sample solar panel and supporting frame has been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved panel and frame.

Reason: to ensure the finish minimises the potential for glint and glare in the interests of the character of the wider landscape in accordance with policies 1.8 and 1.33 of the Adopted North Dorset District Wide Local Plan (First Revision).

Reason for Decision:

1. The proposed development, subject to the appropriate conditional controls over panel frames, fencing types and controls over other structures is considered to adequately respect the landscape character and its setting, including the setting of the Dorset AONB insofar as the harms to landscape impact identified under Policies 1.8 & 1.33 are not considered to be of such magnitude as to represent overriding harm as required by Policy 3.12 all of of the Adopted Local Plan. The temporary nature of the proposals and the recent use of the land indicates that the loss of grade 2 agricultural land is not of a permanent nature and could return to use in an improved condition. The scheme will make a significant contribution to the targets for

renewable energy provision within Dorset and this benefit is considered to represent the key material consideration in support of the application. On balance therefore the scheme is considered to accord with national and local planning policy guidance.

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.