

Notice of Meeting

Northern Area Planning Committee

Date: Thursday 22 October 2020

Time: 5.30 pm

Venue: Being held virtually by Microsoft Teams. The public can listen to a live stream here:
<http://www.audiominutes.com/p/player/player.html?userid=tvbc>

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Legal and Democratic Service

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The recommendations contained in the Agenda are made by the Officer and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Northern Area Planning Committee

MEMBER

WARD

Councillor C Borg-Neal (Chairman)	Andover Harroway
Councillor T Burley (Vice-Chairman)	Andover Harroway
Councillor I Andersen	Andover St Mary's
Councillor Z Brooks	Andover Millway
Councillor D Coole	Anna
Councillor C Donnelly	Andover Downlands
Councillor C Ecclestone	Andover Millway
Councillor V Harber	Andover St Mary's
Councillor L Lashbrook	Charlton & the Pentons
Councillor P Lashbrook	Bellinger
Councillor N Lodge	Andover Downlands
Councillor N Matthews	Andover Romans

Northern Area Planning Committee

Thursday 22 October 2020

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- | | | |
|----------|--|----------------|
| 1 | Apologies | |
| 2 | Public Participation | |
| 3 | Declarations of Interest | |
| 4 | Urgent Items | |
| 5 | Minutes of the meeting held on 30 July 2020 | |
| 6 | Information Notes | 4 - 9 |
| 7 | 20/01106/VARN - 26.05.2020 | 10 - 23 |

(OFFICER RECOMMENDATION: PERMISSION)

SITE: Solar Array, Lains Farm, Cholderton Road,

AMPORT

CASE OFFICER: Mr Luke Benjamin

ITEM 6

TEST VALLEY BOROUGH COUNCIL

NORTHERN AREA PLANNING COMMITTEE

INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Consideration

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees and this will happen if any of the following reasons apply:

- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights;

Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from Democratic Services at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Democratic Services within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application on the Council's website. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

The European Convention on Human Rights ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: "*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016), and 'made' Neighbourhood Plans. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 19th February 2019 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan,

but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

ITEM 7

APPLICATION NO.	20/01106/VARN
APPLICATION TYPE	VARIATION OF CONDITIONS - NORTH
REGISTERED	26.05.2020
APPLICANT	Lightsource BP
SITE PROPOSAL	Solar Array, Lains Farm, Cholderton Road, AMPORT Variation of Condition 1 (Time limit) of Planning Permission 17/02481/VARN - (Installation of 5MW ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; stock fencing; security measures; access gate; and ancillary infrastructure)
AMENDMENTS	Supporting information – 24.06.2020
CASE OFFICER	Mr Luke Benjamin

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Northern Area Planning Committee at the request of Cllr Coole, for the following reason: Amport Parish Council have objected to this application and it is considered that Solar Farm applications are both of local and national issues and as such, should be decided by the Planning Committee.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application relates to an existing solar installation on a site measuring approximately 11ha in size located to the north-east of Quarley, just south of the A303. The 5 Mega Watt (MW) capacity solar installation was approved in July 2015 with the development implemented and exporting electricity to the grid in March 2016.
- 2.2 The solar farm is sited on rising land, starting at 90m AOD at the northern end of the site and sloping down to 85m AOD at the southern end. The site is surrounded by predominantly rural and agricultural land and has mature hedges along the field boundaries. The site is not currently being used for animal grazing, but it available for such use if the need arises. The application site is accessed via an existing access from Lains Farm onto Cholderton Road which is located to the west of the site.
- 2.3 There are a number of heritage assets in the local area: Farleigh School lies to the north-west of the site and this includes a Historic Park and Garden (not nationally listed but on the Archaeology and Historic Buildings Register for Hampshire). There are various listed buildings in the local area, including barns and buildings at Long Barrow (Grade II), Oakcutts to the south-west (Grade II) and the North and South Lodges at Farleigh School (Grade II).

Danebury Hillfort is one of several Scheduled Ancient Monuments in the area and is located approximately 3km to the south of the site.

3.0 **BACKGROUND AND PROPOSAL**

3.1 Planning permission (ref. 14/03017/FULLN) was originally granted for this scheme in 2015 and was subsequently amended in 2017 (ref. 17/02481/VARN) due to the need for additional piles to support the solar panel framework due to the original scheme not being suitable. This current application to which this report relates seeks permission to vary Condition 1 of the planning permission for the site (ref: 17/02481/VARN) to extend the length of the planning permission from 25 years to 40 years, the permission has been implemented.

3.2 Condition 1 of planning permission ref. 17/02481/VARN states:
This permission shall be for a period of 25 years from the date that the development is first connected to the grid (the "First Export Date"). Two weeks notice of this first connection shall be given to the Local Planning Authority in writing.

The development shall be removed and the land restored to its former condition no later than the date 25 years from the First Export Date or within six months of the development failing to generate electricity for 12 consecutive months, whichever occurs first. All structures and materials, and any associated goods and chattels shall be removed from the site and the land shall be restored to its former condition in accordance with a scheme of decommissioning work and land restoration that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the land is restored to its original condition following the expiry of the period of time whereby electricity is likely to be generated by the proposed development and for which a countryside location has been shown to be essentially required, in accordance with policies COM2 and E2 of the Test Valley Borough Revised Local Plan 2016.

3.3 The following justification has been provided by the applicant for seeking to extended life the scheme:

Solar PV modules come with two types of warranty:

- *A 'product warranty' against manufacturing defects – this is typically 10 years*
- *A 'performance warranty' against excessive power output degradation – typically 25 to 30 years*

It is anticipated, and incorporated into solar operators financial models, that solar PV modules will experience gradual performance 'degradation' over time.

In this context, degradation refers to the gradual reduction in energy output overtime from a PV module, not a physical breakdown. Panel manufacturers provide 'performance warranties' guaranteeing a minimum level of performance after a specified time (typically at least 80% of 'as new' power output after 25 or 30years) – this is to provide technical and financial certainty for customers around the 'worst case' degradation that can be expected in that time period. It is critical to note that the panels do not stop working at the end of the performance warranty period – they will continue to generate electricity at a gradually degrading rate of performance, and can be expected to operate efficiently for many years beyond the end of the performance warranty.

It is common practice within the electricity and wider industrial sectors to extend project's operational life beyond equipment performance warranty periods through regular maintenance, operational monitoring and appropriate component refurbishment or replacement if faulty. This is also common practice with many consumer products as well – items such as washing machines, tv or cars are all typically used and expected to last well beyond their warranty periods with appropriate ongoing maintenance. Indeed it would be viewed as wasteful to replace or decommission items outside of warranty that are still operationally functional.

Lightsource BP currently manage over 2GW of solar assets in the UK, and have noted that across this portfolio, degradation rates in performance have been significantly less than would be predicted based on minimum performance warranties. This makes sense, as manufacturers commit to conservative performance warranties to avoid having to replace or refund customers if performance levels are not being met toward the end of the performance warranty period.

Regarding the planning permission term sought, in 2018 Lightsource BP engaged an independent technical advisor to the solar industry to assess the expected economically viable operational life of solar farms in the UK. This assessment concluded that with proactive monitoring and maintenance, it would be technically and economically feasible to operate ground-mounted PV projects for a period of at least 40years.

It is important to note, that the proposed condition wording makes clear that if the solar farm were to cease generating electricity prior to the end of the 40year period, decommissioning would be required at that stage.

With regard to concerns of permanence – whilst solar PV modules can be expected to continue operating efficiently beyond their performance warranty period, the nature of solar PV panels is such that they cannot operate on a permanent basis. Performance degradation overtime means that electricity output will eventually cease. The Council are perhaps concerned that individual panels could be replaced piecemeal overtime to allow a permanent operation, this is not the case. It is not just the modules that have a limited lifespan, none of the component parts of a solar farm are designed to operate indefinitely (from the mounting frames, to electrical cabinets and cabling) and it is only through proactive monitoring and maintenance that they will achieve a technically and economically feasible operational period of 40yrs.

- 3.4 An Environmental Impact Assessment (EIA) Screening Opinion was undertaken by the Local Planning Authority upon receipt of the current application, and it was determined that an EIA was not required.

4.0 **HISTORY**

- 4.1 **17/02481/VARN** - Vary condition 3 on 14/03017/FULLN (Installation of 5MW ground mounted photo-voltaic solar arrays with transformer stations, internal access track, biodiversity enhancement, landscaping, stock fencing, security measures, access gates and ancillary infrastructure) replacing approved drawings to allow additional supports - **PERMISSION** August 2018.

- 4.2 **14/03017/FULLN** - Installation of 5MW ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; stock fencing; security measures; access gate; and ancillary infrastructure. **PERMISSION** July 2015.

5.0 **CONSULTATIONS**

- 5.1 None.

6.0 **REPRESENTATIONS** Expired 18.07.2020

- 6.1 **Amport Parish Council** - Objection:
There is a lack of detail and reasoned argument on why this application should be approved. The prematurity of extending permission from 25 to 40 years would lessen control of this site and maybe forgo advances in technology or controlling poor behaviours and lack of maintenance for example.

- 6.2 **Quarley Parish Council** – No comments received.

- 6.3 **Thruxton Parish Council** – No comments received.

7.0 **POLICY**

- 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

- 7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

Policy SD1 – Presumption in Favour of Sustainable Development

Policy COM2 – Settlement Hierarchy

COM15 – Infrastructure

Policy E1- High Quality Development in the Borough

Policy E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

Policy E5 – Biodiversity

Policy E9 – Heritage

Policy T1 – Managing Movement

Policy LHW4 – Amenity

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Use of agricultural land
- Energy generating potential
- Impact on the character and appearance of the area
- Impact on ecology
- Impact on heritage
- Highway safety
- Impact on amenity

8.2 **Principle of development**

The principle of development on this site in the countryside has already been established in the previous permission. As such, the main consideration is whether the proposed extension of time to the life of the permission from 25 to 40 years is acceptable and accords with policies in the development plan. Other matters which relate more fundamentally to the original decision to grant planning permission cannot be re-visited within this application.

8.3 **Use of agricultural land**

The photovoltaic installation involves the use of greenfield agricultural land. Both the NPPF and NPPG seek to ensure that safeguarding best and most versatile agricultural land is a key consideration in the assessment of proposals, however neither prevent it from being used.

8.4 The original report (14/03017/FULLN) which granted consent for the solar farm concluded that the installation would result in the temporary use of greenfield agricultural land and that the proposal would use the agricultural land for a less productive use. However, it is noted that the agricultural land would not be lost completely, as the land would be used for grazing. The agent has confirmed that the site is still available to be grazed, however the landowner currently does not have sheep on his farm/wider landownership therefore the site is not currently being grazed. Furthermore, the use of the land would revert to agricultural use at the end of the life of the installation. It is therefore concluded that the proposed extended life of the application would be acceptable in this regard.

8.5 **Energy generating potential**

The development has a generating capacity of 5MW which is equivalent to more than 1,515 average UK homes. The anticipated CO₂ displacement is 2,150 tonnes per annum. This makes a significant contribution to energy security, reducing the potential impacts of climate change and meeting national targets for renewable energy generation. The proposed extended lifespan of the permission would naturally increase the contribution of sustainable energy produced from this solar farm and would make a valuable contribution to meeting national targets for renewable energy generation.

- 8.6 Paragraph 151 of the NPPF seeks to increase the use and supply of renewable and low carbon energy and heat. Paragraph 154 of the NPPF states that Local Planning Authorities should approve applications for renewable and low carbon developments if its impacts are considered acceptable. Having regard to the approach set out in the NPPF, the renewable energy generated by the proposal over the longer term would represent a significant public benefit of the scheme. This weighs heavily in favour of the proposal.
- 8.7 **Impact on the character and appearance of the area**
The development is located in a position which is partially screened from the public realm. Furthermore, the proposed extension of time for the installation would not result in any further detriment to the appearance or character of the landscape as the installation is already in existence.
- 8.8 The original permission acknowledged that the proposal would result in a substantial change to the appearance of the application site, introducing an industrial element into the landscape, but the impact would be reduced by landscape mitigation which would improve with the progression of time. It was concluded that the proposal would result in adverse impacts on the local landscape character which would not be fully mitigated by the proposed landscaping. Therefore it is acknowledged that this application increases the period of time over which the installation would be situated on the agricultural land and the appearance and character of the area would be altered for a significantly longer period.
- 8.9 The original application concluded that there would be adverse impacts upon the immediate landscape and to date the installation can be seen from a number of close-up locations. It is also recognised that even with an extension of time from 25 to 40 years the impact would continue to be temporary and reversible. It is further considered that views of the solar farm are reduced to localised views, with glimpses of the site through the hedges which run adjacent to Cholderton Road.
- 8.10 It is therefore considered that the proposal would continue to have a detrimental impact on local landscape character of the area that would not be mitigated by the planting proposed. The proposal is therefore contrary to policy E2 of the RLP, which weighs against the proposal. It must be considered whether other material considerations would justify granting permission contrary to the Local Plan. This balance is considered in the Conclusion section below.

Ecology

- 8.11 The site forms part of the open countryside and therefore it is important to consider the impacts on biodiversity. An Ecological Assessment was submitted with the initial application (14/03017/FULLN). Where it was considered that subject to appropriate mitigation, the installation would not adversely affect protected species and the scheme would result in significant biodiversity enhancements through the new planting and management of habitats proposed.

- 8.12 This application does not seek to make any changes to the approved mitigation measures and a condition has been recommended to ensure that enhancement remain in place for the new lifetime of the development. As this proposal seeks to extend the permissions lifetime and the solar farm has already been implemented, it is considered that the proposal accords with policy E5 of the TVBRLP.

Heritage Impacts

- 8.13 Policy E9 states that development affecting a heritage asset will be permitted provided that it would make a positive contribution to sustaining or enhancing the significance of the heritage asset affected taking account of its character, appearance and setting.
- 8.14 The relevant heritage assets in this case are the archaeological interest of the site and the setting of various listed buildings and conservation areas in Quarley, Thruxton and Amport in addition to nearby Scheduled Ancient Monuments (SAMs), including Quarley Hill Fort.

The heritage statement identified that the site is of high archaeological potential, i.e. that it has potential to contain archaeological remains which are as yet unlocated. Archaeological features were discovered on the site including a ring ditch. As part of the original application the implications of foundations for archaeology were carefully considered. As this application does not seek to alter or include additions to the site it is considered that the archaeology onsite would remain protected.

The previous planning officer's report (14/03017/FULLN) acknowledged the presence of the other heritage features within the vicinity.

Quarley Hill Fort is a SAM located to the south-west of the site. The site is far enough away from Quarley Hill that it is not considered to make any significant contribution to its setting, other than as part of the overall landscape that the Hill Fort was designed to survey. The impact of the proposal on this heritage asset would be minimal and would not adversely affect its significance.

There are conservation areas in local villages however due to topography and vegetation screening the development would not have any impacts on the setting of any conservation area.

There are various other SAMs in the local area, including barrow sites and Thruxton medieval fortified manor house, none of which would be affected by the proposed development.

Amport Park is to the south-west of the site at lower level. The site is screened from the Park by intervening vegetation and topography, and there would be no views between the two. There are unlikely to be any points where both the Park and the site would be seen in the same view. As such it is not considered that the proposal would affect the setting of the Historic Park and Garden.

- 8.15 The heritage considerations remain unchanged and the extended life of the permission would not change the previous conclusions reached and the proposal would comply with policy E9 of the TVBRLP.

Highways

- 8.16 The access arrangement proposed under the previous application were considered suitable subject to a visibility splay condition and that the hedge adjacent to the access is maintained at a certain height to provide the visibility. Under the previous permission (14/03017/FULLN) the visibility splay was secured via a planning condition and as such it is considered reasonable to continue with this condition.
- 8.17 As part of the original application the applicants proposed that the construction and decommissioning traffic should be routed to the site via the A303 rather than the country lanes around the site. Without this routing there would be a detrimental impact on the local highway network as a result of the traffic associated with the development. It is therefore considered necessary to secure this routing by means of a planning obligation. A Deed of Variation to the approved section 106 agreement will need to be entered into by the applicant in order to secure the continuation of the agreement for the extended duration of the development and this has been agreed by the applicant. As a result of this, it is considered that the proposal is in compliance with Policy T1 of the TVBRLP.

Amenity

- 8.18 The amenity impact of the installation was considered acceptable under the original planning permission granted for the development. The current proposal seeks to extend the time period of the development and as such no amenity harm has been identified, it is considered that the extension of time to the lifetime of the site is acceptable. As such the proposal is considered to comply with LHW4 of the TVBRLP.

Flooding

- 8.19 When the original application was determined the site was located mostly in Flood Zone 1 (low risk), but partly in Flood Zone 3b (functional floodplain). Since the determination of the application the flood risk areas have been revised and the whole of the application site is now sited within Flood Zone 1, which has a low probability of flooding (less than 1 in 1,000 annual probability of river or sea flooding). However, as the site is greater than 1 hectare in size the NPPF advises that a Flood Risk Assessment should be submitted and this was provided under the original application (14/02110/FULLN). It was considered that solar installations generally do not significantly increase impermeable surfaces as there is little hardstanding involved other than for the bases of buildings. The solar panels do however prevent rain from falling directly onto the ground and concentrate rainwater in front of each table of panels. This can have minor implications for soil compaction, surface water run-off and flood risk. The Flood Risk Assessment submitted concludes that there would be no increase in flood risk as a result of the development and that no mitigation measures are needed. The Environment Agency concurred with this conclusion. As such it is considered that the application accords with policy E7 of the RLP.

8.20 Conditions carried forward from 14/02110/FULLN

The relevant conditions from the planning permissions (14/03017/FULLN and 17/02481/VARN) have been carried forward to this application and the conditions which are no longer relevant have been removed. These relate to actions required prior to the commencement of the original works including the construction of access, and archaeological conditions.

Other

- 8.21 The Parish Council objection states that the prematurity of extending permission from 25 to 40 years would lessen control of this site and maybe forgo advances in technology or controlling poor behaviours and lack of maintenance. It is noted that Condition 1 requires the land to be restored to its former use no later than the time limit or within six months of the installation failing to generate electricity for 12 consecutive months, whichever occurs first. This would mean that if solar energy were to become redundant, the installation would not necessarily remain on site for the full time limit. As such, it is considered that this condition recognises future technological advances so that should such technology not produce electricity for 12 consecutive months, the site must be restored back to agricultural use. Furthermore the application has also detailed in an additional email that the solar panels are monitored and maintained to ensure that they operate effectively and efficiently to ensure the maximum return.

9.0 CONCLUSION

Planning balance and conclusion

- 9.1 It is recognised that the solar farm changes the character and appearance of the immediate surrounding area and harm is caused to the local landscape through the introduction of man-made character into the countryside. It is therefore considered that the development is contrary to policy E2 of the RLP, which weighs against the development. It is however recognised that these impacts would endure for a temporary, but relatively long period, which would be increased by an additional 15 years by the granting of this permission. The impacts would remain reversible as the development can be removed at the end of its 40 year life or if the site fails to generate electricity for 12 consecutive months. It is also considered that the impact of the development in the landscape is reduced with distance from the site and that the impact in wider views would not be significant. These factors are considered to reduce the degree of harm identified in respect of the local landscape.
- 9.2 The NPPF is a significant material consideration and supports sustainable development and renewable energy development. The proposal is considered to be sustainable development as it would result in economic, social and environmental benefits.
- 9.3 The public benefits of the scheme, remain as those set out within the original officer's report (14/03017/FULLN), which include securing the generation of renewable energy and the biodiversity enhancements resulting from the additional landscaping and landscape management associated with the proposal. It is considered that these benefits strongly weigh in favour of the

development and that the benefits outweigh the adverse landscape impacts identified upon the localised landscape. This conclusion agrees with the case officer's original report in determining application 14/03017/FULLN.

- 9.4 The development is considered acceptable with regards to the impact on the highway network, the amenities of neighbouring residential properties and flooding. Having regard to the Local Plan and all other material considerations, it is considered that the significant benefits of the development, including supporting the delivery of sustainable energy production and localised biodiversity enhancements, would continue to outweigh the increased temporary harm to the character and appearance of the localised landscape. As such it is recommended that this application be approved, as the benefits of the scheme outweigh the identified harm.

10.0 **RECOMMENDATION**

PERMISSION subject to the following conditions, notes and the prior completion of a Deed of Variation to the section 106 agreement secured under planning permission reference 17/02481/VARN to secure traffic routing:

1. **This permission shall be for a period of 40 years from the date that the development is first connected to the grid (the "First Export Date").**
The development shall be removed and the land restored to its former condition no later than the date 40 years from the First Export Date (24.03.2016) or within six months of the development failing to generate electricity for 12 consecutive months, whichever occurs first. All structures and materials, and any associated goods and chattels shall be removed from the site and the land shall be restored to its former condition in accordance with a scheme of decommissioning work and land restoration that shall have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In order that the land is restored to its original condition following the expiry of the period of time whereby electricity is likely to be generated by the proposed development and for which a countryside location has been shown to be essentially required, in accordance with policies COM2 and E2 of the Test Valley Borough Revised Local Plan 2016.
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SK02B, COMPOUND, BRS.5141_11-C, V10, PV-0154-01, SOL-023, SOL-55 Rev D01, SOL-56 Rev D01, SOL-57 Rev D01 PV-0154-02 V5, PV-0154-03 V8, PV-0154-04 V3, PV-0154-04 V9, PV-0154-06 V2**
Reason: For the avoidance of doubt and in the interest of proper planning.
3. **The external surfaces of the substation and inverter station structures shall be finished in a matt dark green finish. The structures shall thereafter be maintained and retained in this colour.**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenity in accordance with Test Valley Borough Revised Local Plan 2016 policy E1.

- 4. No tree or hedge within and adjacent to the boundary of the application site shall be removed other than those identified on drawing number BRS.5141_17-B submitted as part of the Arboricultural Survey, Impact Assessment and Tree Protection Plan by TechArborA dated 4th February 2015 and on drawing SK02 B. All other trees and hedges within and adjacent to the boundary of the application site shall be retained for the duration of the planning permission or until the site is decommissioned, whichever is the sooner.**

Reason: To safeguard the existing trees and to improve the appearance of the site and enhance the character of the development, and to assist in the development successfully integrating with the landscape, in the interest of visual amenity, and to contribute to the character of the local area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016.

- 5. All soft landscaping shall be implemented in full in accordance with the approved drawing BRS.5141_11_C and in accordance with the planting/seeding programmes set out in the Landscape and Ecological Management Plan V2.0 by Michael Woods Associates received 16th July 2015. The landscaping shall thereafter be managed in accordance with the specification set out on that plan. Any plant or tree that dies, becomes diseased, damaged or is otherwise removed within the first 5 years from the First Export Date shall be replaced within the next planting season with a plant or tree of the same species and size or another species that has first been approved in writing by the Local Planning Authority.**

Reason: To improve the appearance of the site and enhance the character of the development, and to assist in the development successfully integrating with the landscape, in the interest of visual amenity, and to contribute to the character of the local area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016 and to ensure that appropriate biodiversity enhancements are incorporated into the development, in accordance with policy E5 of the Test Valley Borough Revised Local Plan 2016.

- 6. The passing place approved under condition 9 (drawing SP02) shall be provided and maintained as such at all times.**

Reason: Passing provision is required to ensure construction vehicles do not wait on the highway in the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.

- 7. Visibility splays shall be provided and maintained in accordance with drawing SK02 B. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation,**

shall exceed the height of 1 metre above the level of the existing carriageway at any time. The visibility splays shall thereafter be maintained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.

8. The development shall be carried out in accordance with the Construction Traffic Management Plan Revision D dated May 2015 by Transport Planning Associates. The construction compound shall be contained within the area shown on drawing PV-0154-01 V10.

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.

9. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995, no lighting shall be installed at the site unless in accordance with details that have first Reason: To safeguard the amenities of the area in accordance with Test Valley Borough Revised Local Plan 2016 policies LHW4, and E8, to ensure that no harm is caused to protected species or their habitats, and the biodiversity interests of the site in accordance with policy E5 of the Test Valley Borough Revised Local Plan 2016.

10. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Landscape and Ecological Management Plan by Michael Woods Assessment dated December 2014.

Reason: To ensure adequate protection is afforded to protected species and their habitats in accordance with Test Valley Borough Revised Local Plan 2016 policy E5, and to ensure that appropriate biodiversity enhancements are incorporated into the development, in accordance with policy E5 of the Test Valley Borough Revised Local Plan 2016.

11. No works to the hedge to the south of the access necessary to form visibility splays in accordance with condition 07 shall be carried out other than between November and March inclusive, unless an alternative programme of works (accompanied by up to date survey data) has first been submitted to and approved by the Local Planning Authority.

Reason: To safeguard dormice and nesting birds from disturbance having regard to policy E5 of the Test Valley Borough Revised Local Plan 2016.

12. No part of any solar panel, its frame or support shall exceed 2.32 metres in height measured from adjacent ground level.

Reason: In the interests of visual amenity having regard to policy E2 of the Test Valley Borough Revised Local Plan 2016.

13. There shall be no more than 8 no. CCTV cameras located on the application site, to be sited on poles not exceeding 5m in height as measured from adjoining ground level.

Reason: In the interests of visual amenity having regard to policy E2 of the Test Valley Borough Revised Local Plan 2016.

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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