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<b>APPLICATION NO.</b>	19/02397/VARN
<b>APPLICATION TYPE</b>	VARIATION OF CONDITIONS - NORTH
<b>REGISTERED</b>	04.10.2019
<b>APPLICANT</b>	Abbotts Ann Farm Solar Park Limited
<b>SITE</b>	Abbotts Ann Solar Park Photovoltaic Installation, Dipden Bottom Lane, Goodworth Clatford, <b>GOODWORTH CLATFORD</b>
<b>PROPOSAL</b>	To vary condition 1 (time limit) of 14/02110/FULLN (Proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing and ancillary equipment) to extend the length of planning permission to 40 years from the first export date (28/03/2015)
<b>AMENDMENTS</b>	18.12.2019 – Further justification for application received.
<b>CASE OFFICER</b>	Katherine Bundy

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee at the request of a Local Ward Member.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located within the countryside, surrounded by predominantly rural and agricultural land. The approved photovoltaic installation subject of this application has been implemented, together with its accompanying landscaping and access.

## 3.0 PROPOSAL

3.1 Planning permission has previously been granted for this scheme. Within this context, this application seeks permission to vary Condition 1 of the original planning permission for the site (ref: 14/02110/FULLN) to extend the length of the planning permission from 25 years to 40 years.

3.2 Condition 1 of 14/02110/FULLN states the following:

*The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 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 by the Local Planning Authority.*

*Reason: In order that the land is restored to its former 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 SET03 and DES01 of the Test Valley Borough Local Plan 2006.*

3.3 The justification provided by the applicant for seeking an extended life to this scheme is that solar farms do not cause material or long-term damage to the agricultural land on which they are sited, due to the fact that they are comprised of predominantly lightweight structures and fixings that are easily assembled, disassembled and removed. Furthermore, solar panels have been shown to be capable of operating longer than the 25-year Warranty period typically offered by manufacturers.

3.4 An 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 16/02707/SCRN - Screening Opinion under the Environment Impact Assessment Regulations 2011 - 16MW electricity PV Solar Farm. **EIA NOT REQUIRED:** 21.11.2016.

4.2 14/02110/FULLN - Proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing and ancillary equipment. **PERMISSION** subject to conditions and notes: 23.01.2015.

#### 5.0 **CONSULTATIONS**

5.1 **Landscape** – no objection on the following grounds:

Due to the existing permission, the extension in time has no further negative visual effect.

6.0 **REPRESENTATIONS** Expired 06.11.2019

6.1 **Goodworth Clatford Parish Council:** No objection.

6.2 **1 x letter of objection from Longbarrow, summarised below:**

- It is only five years since permission was granted and there are 20 years left for its use.
- The original permission repeatedly states that 25 years was deemed as 'temporary' and that land would be returned to agricultural use at the end of that period. Extending to 40 years would not be temporary.
- The extension would merely give the owners a higher value asset. A contribution to community funds should be required if permitted in return for the increased asset value.

- Technology is changing rapidly and as such, solar parks may be redundant in 15-20 years yet the Council will have committed the land to that use.
- The owners should apply for an extension nearer to the end of the initial time limit.

## 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)(TVBRLP)

Policy SD1 – Presumption in Favour of Sustainable Development  
Policy COM2 – Settlement Hierarchy  
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. This includes the local resident's concerns that the proposed development should make a greater financial contribution to the local community.

### 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 concluded that the installation would result in the temporary use of some good quality agricultural land for purposes other than agriculture, although the area would be limited. It was also noted that there had been no demonstration regarding the availability of sites of lower quality agricultural land. However, as the agricultural land would not be lost completely as a result of the scheme, it was considered that the use of agricultural land for the photovoltaic installation would not result in significant harm. It was addressed in the report for the original planning permission that the scheme would offer the opportunity for sheep grazing, which would mean that the agricultural use of the land was retained, albeit at a lower intensity than if the photovoltaic installation had not been installed. 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 7MW which is equivalent to more than 1200 average UK homes or approximately 2.5% of all residential properties in Test Valley per year. 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 this contribution over time.

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 and should be given significant weight.

8.7 **Impact on the character and appearance of the area**

The development is located in a position which is well screened from the public realm. Furthermore, as raised by the Landscape Officer, 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 there would be a slight adverse impact upon the farm land on which it is situated which would remain for a significant period of 25 years, but that the impact would be reduced to an acceptable level with mitigation. With this application, the period of time over which the installation would be situated on the agricultural land would mean that the appearance and character of the area would be altered for a significantly longer period.

- 8.9 The original permission concluded that although there would be a slight adverse impact upon the immediate landscape of the installation, the impact upon the appearance and character of the wider local area would not be significant given the level of existing screening and the mitigation which has now been implemented.
- 8.10 The local resident objection states that changes in technology may mean that the installation is redundant prior to the expiry of the time limit. 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.
- 8.11 Overall, although it is recognised that the installation of the photovoltaic installation has resulted in a change to the character and appearance of the site and its immediate landscape, it is considered that even with an extension of time from 25 to 40 years the impact would continue to be temporary and reversible. In light of the existing screening and the mitigation measures included in the original application, it is considered that the proposal would comply with policies E1 and E2 of the TVBRLP.
- 8.12 **Ecology**  
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 that this proposal seeks to vary. Subject to appropriate mitigation, it was considered at the time of the initial application that the installation would not adversely affect protected species and would enhance the biodiversity of the site.
- 8.13 This application does not seek to make any changes to the approved mitigation measures and a condition has been recommended to ensure that these remain in place for the new lifetime of the development. The proposal is thereby considered to accord with policy E5 of the TVBRLP.
- 8.14 **Heritage Impacts**  
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.
- 8.15 The relevant heritage assets in this case are the archaeological interest of the site and the setting of various listed buildings, including Longbarrow, Oakcutts and the North and South Lodges at Farleigh School, and Scheduled Ancient Monuments (SAMs), including Danebury Iron Age Hillfort. Although these are located within the local area, it is noted that none are on any part of the site itself. It was considered at the time of the previous application that the majority

would have no or limited views of the application site, and would not be seen in any views of the development. Furthermore, the installation would not be visible in views towards the majority of the listed buildings and as such would not detrimentally impact upon their 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. This position is not considered to change as a result of this proposal to extend the time limit of the development.

8.16 The only listed building from which there would be views of the installation is Longbarrow. Longbarrow is a Grade II listed barn converted to a dwelling, with associated outbuildings (formerly known as New Barn). It was considered at the time of the previous application that the proposal would have an adverse impact on the setting of Longbarrow and thereby on its significance. However it was also considered that this impact would be temporary and reversible, and would not seriously affect a key element of its special interest. It was considered that the development would result in less than substantial harm to the significance of Long Barrow. It was considered that the proposal would have a minor impact on this heritage asset, taking into account the mitigation proposed, and that the less than substantial harm that would result would be outweighed by the public benefit of generating renewable energy. The extended life of the permission considered as part of this application would not change this position and as such it is considered that the proposal complies with policy E9 of the TVBRLP.

#### 8.17 **Highways**

Access to the site will remain unchanged. The access arrangement was considered to be suitable as part of the initial application and, subject to a section 106 agreement in respect of HGV movements, the proposal was considered acceptable in highway safety terms. 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.

#### 8.18 **Amenity**

The amenity impact of the installation was considered acceptable under the original planning permission granted for the development due to the reversible nature of the proposal, the existing screening, and the mitigation measures proposed. It was acknowledged that the outlook from Longbarrow would be impacted, however it was considered that the impact would not significantly impact the amenity of the occupants. Although the current proposal would seek to extend the time period of the development it is considered that they would still be temporary and reversible in nature. No changes to the mitigation measures are also proposed as part of this application. As such the proposal is considered to comply with LHW4 of the TVBRLP.

#### 8.19 **Conditions carried forward from 14/02110/FULLN**

The relevant conditions from the original planning permission 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 planting of landscape features and construction of access, and restrictions in relation to construction work.

#### 9.0 **Planning balance and conclusion**

9.1 The proposed extension of time from 25 to 40 years is considered acceptable and in accordance with the policies of the TVBRLP. Although it is recognised that the proposal changes the character and appearance of the immediate surrounding area of the site, it was considered in the original planning permission that this impact was acceptable in light of the proposed mitigation. The proposed extension of time subject of this application is not considered to fundamentally change this view. Furthermore, the additional renewable energy generated by the proposal over the longer term would represent a significant public benefit of the scheme. It is considered that this public benefit would outweigh the temporary change to the character and appearance of the area, and the less than substantial harm to the significance of neighbouring Grade-II listed property Longbarrow. As such it is recommended that this application be approved.

#### 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 14/02110/FULLN 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 (28/03/2015) 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 approved shall be carried out in accordance with the drawing numbers listed on the decision notice issued for application reference 14/02110/FULLN: 2605\_4, 2605\_5, 2664\_6, 2664\_7, 2664\_8, 1214-0201-29, 1214-0200-05, 1214-0204-00 Rev. 02, 1214-0201-27, 1214-0500-01 and 2664-100 F.  
Reason: For the avoidance of doubt and in the interest of proper planning.**
- 3. The external surfaces of the DNO Switchgear, private switchgear and fence shall be maintained and retained in Moss Green (RAL: 6005) and the external surfaces of the spares container shall be maintained and retained in Bottle Green (RAL: 6007), in accordance with the approved details.  
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. The development shall be managed in accordance with the approved landscape management plan, titled 'Landscape & Landscape Management Plan,' Rev D, and dated 24.03.2015, and any subsequent amendments to the landscape management regime as have first been agreed in writing by the Local Planning Authority as part of the approved review process.  
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.**
- 5. Visibility splays of 2.4m by 120m metres shall be provided at the access onto Stockbridge Road and maintained as such at all times. 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.  
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.**
- 6. The gates on the access track will be set back at least 16.5 metres from the edge of the carriageway of the adjoining highway, and will be maintained for the duration of the development.  
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.**
- 7. At least the first 16.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing for the purposes of construction of the approved development, and shall be retained 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 Environment Management and Construction Traffic Management Plan dated December 2014 (ISS2) by British Solar Renewables. The construction compound shall be contained within the area shown on drawing 1214-0500-10.**

**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 been submitted to and approved by the Local Planning Authority.**

**Reason: To safeguard the amenities of the area in accordance with Test Valley Borough Local Plan 2006 policy LHW4, and to ensure that no harm is caused to protected species or their habitats, and the biodiversity interests of the site in accordance with policies E5 and E8 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 Section 8 of the Abbots Ann Solar Park Preliminary Ecological Appraisal (The Landmark Practice, September 2014).**

**Reason: To ensure adequate protection is afforded to protected species and their habitats, 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 new vehicular or pedestrian access to the site shall be formed other than in accordance with the approved plans.**

**Reason: In the interest of visual amenity having regard to policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016.**

- 12. No part of any solar panel, its frame or support shall exceed 2.45 metres in height measured from adjacent ground level.**

**Reason: In the interests of visual amenity having regard to policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016.**

- 13. There shall be no more than 4 no. CCTV cameras located on the application site, to be sited on poles not exceeding 4m 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.**

- 14. All landscaping shall be maintained in accordance with the approved details on plan 2664-100 Rev. F.**

**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 E2 and T1 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.**

**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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