

SECTION 73 APPLICATION VARIATION OF PLANNING CONDITION NUMBER 3: DECOY SOLAR FARM

Planning Statement

Abstract

Supporting information relating to the Section 73 Application to vary Condition 3 of Decision Notice
H02-1004-15, Decoy Solar Farm



Document Title	Section 73: Decoy Solar Farm - Planning Statement		
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Appendices

Appendix 1 – Decision Notice Reference H02-1004-15

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1 Introduction

1.1 Introduction

NextEnergy Solar Fund is a publicly listed, specialist renewable energy investment company that owns and operates solar power plants throughout the UK. Its objective is to secure long term, sustainable returns to its investors who include institutional funders and pension providers. The NextEnergy Solar Fund has invested more than £481.4m since its initial public offering in April 2014 during which time it has acquired 413.7MW of solar assets which, due to its ever-green nature, it intends to own and operate throughout the remainder of its operational lifetime. The fund continues to grow in size but currently delivers renewable green power to in excess of 50,000 homes each year.

NextEnergy have appointed Push Energy Ltd, in the quality of operation and maintenance contractors of Decoy Solar Farm, to assist NextEnergy on the variation of planning condition number 2. Push Energy has been established from roots in the Commercial Scale Solar Photovoltaic (PV), Biomass Heating, and Combined Heat and Power sectors. Its exposure to the fast-changing solar power market has led Push Energy to naturally progress into development of field scale solar farms on carefully selected sites.

Push Energy prides itself on developing projects from conception to completion. Every stage of the process is managed by an in-house team from the first site meeting with the customer to the planning, construction and commissioning of the project. This hands-on approach throughout allows us to maximise the efficiency of this process.

1.2 The Proposal

Planning permission was granted for the Decoy Solar Farm with a capacity of up to 15.5MW on the 15th August 2014 (reference H02-0454-14). With three subsequent non-material amendments submitted and approved (references H02-0448-16, H-02-0131-16 and H02-0430-15), and a Section 73 Application (reference H02-1004-15) all of which link back to the original planning application. This document seeks to vary condition 3 of the Section 73 Application (reference H02-1004-15), the decision notice for this can be found in Appendix 1;



This Variation of Condition Application seeks to remove the temporary aspect of the planning permission detailed within condition 3 of planning permission reference H02-1004-15.

Condition 3 currently states;

'The planning permission is for a period not exceeding 25 years from the date that the development is first connected to electricity grid. The date of first connection to the grid shall be notified in writing to the Local Planning Authority within 28 days of this event occurring'

As per the reasons listed in section 2 below, it is proposed to amend the above condition so that it read as follows:

'The planning permission will expire when the use shall cease due to operational or other such factors. The date of first connection to the grid shall be notified in writing to the Local Planning Authority within 28 days of this event occurring'

The solar farm would remain unchanged in terms of siting, panel numbers and associated infrastructure. The landscape and habitat management in place would also remain unchanged.

2 Justification and Benefits

2.1 Background

In April 2010, the Feed in Tariff (FiT) scheme was introduced, its aim was to promote renewable energy schemes, including solar PV. The FiT was initially set for 25 years, dropping to 20 years in 2012. It was from the formation of the FiT and respective initial warranty terms that solar PV panel providers gave that led to the 25-year lifespan.

It should be noted that the FiT is not the only subsidy regime used to support solar farms, though it was the first. Other support frameworks include Renewable Obligation Certificates which provide a market price for certificates awarded for electricity generated from renewables for a period of 20 years, and Contracts for Difference, for which the first auction was held in 2014. Providing a set price for the electricity generated from renewable and low carbon sources for 15 years. Support mechanisms like these are based on achieving suitable payback periods for the large investment required upfront to construct a solar farm, not the expected working lifespan of a solar farm.

Since 2010 the subsidies for renewable energy have changed considerably as has the solar PV technology that has been used and installed on solar farm sites across the United Kingdom.

With regular maintenance and care solar panels can potentially last over forty years after installation, with some expected degradation they will remain more than 80% efficient. With a robust operations and maintenance team to review and monitor the Decoy Solar Farm's performance, resolving any issues quickly and effectively, an operational life span is no longer deemed a requirement.

2.2 Justification

There are several key elements in regard to the justification behind removing the operational life span of the Decoy Solar Farm, with the key points listed below;

- The project shall continue to be the same temporary structure, which can easily be removed at the natural end of its operational life;

- The regular monitoring and maintenance of the equipment installed as part of the Project ensures that it can provide meaningful and efficient generation beyond the 25-year permitted term;
- Increasing this particular 15.5MW solar farm's lifespan will ensure that, even at 80% output, the solar farm should generate c.3,725 MWh/yr, which is equivalent to the annual consumption of c.1,000 homes and, saving 1,250 tonnes of CO₂. This would therefore offer this annual environmental benefit at zero additional capital cost;
- The landscaping mitigation will have matured by the end of the 25-year span. Landscape management and maintenance shall continue throughout the entire life-time of the Project, with no increase whatsoever in visual impact for the additional operation of the site;
- No increase in construction traffic, with it being limited to maintenance only until decommissioning, when traffic numbers will be similar to that of installation;
- Increase the number of years that clean, safe renewable energy is generated thus aiding the combat against climate change;
- Contribution towards energy security, due to stable reliance on a secured power supply for additional years to come;
- The solar farm represents a reversible land use and provides an increased, diversified and stable source of income for landowners;
- Agricultural diversification in what has been a challenging time for farmers; and
- They have dual purpose usage with sheep grazing between the rows, helping to support biodiversity by allowing smaller mammal's access to otherwise fenced-off land. With the inclusion of seed rich habitat, species rich grassland and hedgerows.

2.3 Proposal Benefits

As can be seen from the reasoning's behind the removal of lifespan limit on the Decoy Solar Farm found above and overleaf, there is an overarching argument that a removal of the time limitation brings positive benefits.

By the time the 25-year period is reached the landscape enhancement will be matured and the majority of views of the solar farm completely obscured. Given the initial time frame of 25 years the solar farm will be a feature within the landscape that does not give rise to any additional detrimental impacts.

With no increase in construction traffic, just maintenance vehicles as required, the existence of the solar farm will remain as it currently stands with no further need for interference or alterations. The solar panels currently installed will also remain, as will all other associated infrastructure, and biodiversity management measures such as the seed rich habitat. As such, the site will continue to provide clean energy whilst taking the welfare of the local community into consideration.

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3 Planning Policy

3.1 Introduction

This section identifies the key policies both internationally, nationally and locally that are applicable to the variation of condition at Decoy Solar Farm.

3.2 International, EU and National Targets

As a result of the contribution of greenhouse gas emissions into the atmosphere from fossil fuels, energy policy has shifted its focus towards low-carbon alternatives. The UK regularly reviews its energy policies in order to adapt to global markets and politics.

At the Third Conference of the Parties to the Convention on Climate Change in Kyoto in December 1997 the 'Kyoto Protocol' was adopted (United Nations Framework Convention on Climate Change: UNFCCC 1997). Under this protocol, the European Union and its members agreed to an 8% reduction in greenhouse gas emissions below 1990 levels by 2012. The UK Government agreed to a legally binding 12.5% reduction in six greenhouse gases from 1990 levels in the period 2008–2012.

In 2000 the UK Government launched the UK Climate Change Programme (UKCCP). The UKCCP detailed how the UK planned to meet the Kyoto targets and set itself targets beyond those of its legal commitments under the Kyoto Protocol, whereby a target was set for 15% of all electricity to be generated from renewable energy sources by 2015. The UKCCP was updated by a revised document in 2006 which reinforced the commitment to the Renewables Obligation.

The 2003 Energy White Paper, 'Our energy future – creating a low carbon economy', (DTI 2003) includes a goal of putting the UK onto a path to cut UK carbon dioxide emissions by some 60% over 1990 levels by 2050, with real progress by 2020.

In March 2007 EU leaders reached agreement in principle that 20% of Europe's energy should be produced from renewable energy sources by 2020 as part of its drive to reduce emissions of carbon dioxide. The package sets in place the following climate and energy targets to be met by 2020:

- *"A reduction in EU greenhouse gas emissions of at least 20% below 1990 levels*
- *20% of EU consumption to come from renewable resources*
- *A 20% reduction in primary energy use compare with projected levels, to be achieved by improving energy efficiency"*

These targets, collectively known as the 20–20–20 targets, were accompanied by an offer by EU leaders to increase Europe's emissions reduction to 30% if a global climate agreement can be achieved.

The White Paper on Energy ‘Meeting the energy challenge’ (DTI) (May 2007) states that energy is essential in almost every aspect of our lives, for the success of our economy and that the country faces two long-term energy challenges:

- Tackling climate change by reducing carbon dioxide emissions both within the UK and abroad; and
- Ensuring secure, clean and affordable energy as we become increasingly dependent on imported fuel.

The White Paper sets out a framework for action to address the issues of climate change, declining UK reserves of oil and gas and increasing world energy demand. The White Paper confirms the target of 10% of electricity to be supplied by renewable technologies by 2010, with an aspiration for this to double by 2020. The White Paper states:

‘New renewable projects may not always appear to convey any particular local benefit, but they provide crucial national benefits. Individual renewable projects are part of a growing proportion of low carbon generation that provides benefits shared by all communities... This factor is a material consideration to which all participants in the planning system should give considerable weight when considering renewable projects’. Recognizing the particular difficulties faced by renewables in securing planning consent, Section 5.3.67 of the document highlights the need for ‘a clear steer to planning professionals and local authority decision makers, that in considering applications they should look favourably on renewable energy developments’.

The Climate Change Act 2008 establishes a new approach to managing and responding to climate change by setting ambitious targets to reduce greenhouse gas (GHG) emissions. One of the key provisions of the Act is the introduction of legally binding targets on greenhouse gas emissions comprising:

- reductions of at least 80% greenhouse gas emissions by 2050, and
- reductions in CO₂ emissions of at least 26% by 2020 (against a 1990 baseline).

The climate and energy package became law in June 2009 through the adoption of the 2009 European Renewable Energy Directive (2009/28/EC), which repealed and replaced the Directive 2001/77/EC (as amended). This committed the EU to a renewables generation target of 20% by 2020 with individual targets established for each member nation. For the UK, the legally binding target of 15% was established, in recognition of the low level of renewable energy generation in operation at that time.

The UK Renewable Energy Strategy (July 2009) set out steps to ensure the UK meets its EU target of 15% renewable energy by 2010. The Executive Summary of the Renewable Energy Strategy paraphrases the intent of the White Paper:

“We need to radically increase our use of renewable electricity, heat and transport. This Strategy... sets out the path for us to meet our legally-binding target to ensure 15% of our energy comes from renewable sources by 2020: almost a seven-fold increase in the share of renewables in scarcely more than a decade.”

The Strategy sets out a lead scenario which suggests that more than 30% of our electricity should be generated by renewables by 2020. The Renewable Energy Strategy states “delivering such a significant level of renewable energy will be very challenging, but we are fully committed to making it happen” (paragraph 2.4).

The Paris Agreement on Framework Convention on Climate Change (2015), which entered into force in November 2016, reached an agreement to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low carbon future. For the first time all nations came together for a common cause to undertake ambitious efforts of combat climate change and adapt to its effects with enhanced support to assist developing countries to do so. The Agreement requires all Parties to put forward their best efforts through “nationally determined contributions” and report regularly on their emissions and on their implementation efforts. Every 5 years the collective progress towards achieving the purpose of the agreement will be assessed and Parties will inform further individual actions.

3.3 National Policy

3.3.1 National Planning Policy Framework

The National Planning Policy Framework (‘the Framework’) was published in March 2012. The Framework replaced the majority of existing Planning Policy Statements. The Framework is a material consideration that must be taken into account in the determination of planning applications.

Paragraph 2 of the introduction states that planning decisions *“must reflect and where appropriate promote relevant EU obligations and statutory requirements.”* This is particularly relevant in respect of the Government’s binding commitments discussed above.

The cornerstone of the Framework is the *“presumption in favour of sustainable development”* (paragraph 14) which is confirmed as the *“golden thread”* (paragraph 14) running through the planning system.

This means that local authorities should generally seek to approve development proposals that accord with the development plan without delay and, where the relevant plan is silent or out of date, grant planning permission unless it would give rise to adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Development which is sustainable should proceed.

An overall approach to sustainable development must be taken, incorporating social, economic and environmental dimensions should not be considered in isolation. All elements of a scheme should be balanced to determine whether it is sustainable; even if there is a conflict with one aspect of policy, a development could still be sustainable.

The Framework contains advice on the delivery of sustainable development across 13 key themes. Of particular relevance in respect of the current development proposal is Section 10: “Meeting the challenge of climate change, flooding and coastal change”. Within this theme, paragraph 93 emphasises that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. This is seen as central to the economic, social and environmental dimensions of sustainable development.

Paragraph 95 is very relevant as it encourages local planning authorities to actively support development which contributes to a low carbon future through planning for development which reduces greenhouse gas emissions.

Paragraph 96 confirms that local planning authorities should expect new development to:

- *“comply with adopted Local Plan policies on local requirements for energy supply unless it can be demonstrated that this is not feasible; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.*

Paragraph 97 of the Framework confirms that, *“to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”.*

Paragraph 98 of the Framework notes that local planning authorities should:

- *“not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also to recognise the valuable contribution that even small-scale projects provide to cutting greenhouse gas emissions”; and*
- *“approve the application if its impacts are (or can be made) acceptable.”*

Paragraph 197 of the Framework confirms that *“in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”.*

The following paragraphs therefore provide a summary of the key principles within the relevant National Policy Statements that inform the requirements for this application and should also be taken into account in its determination.

3.3.2 Overarching National Policy Statement for Energy (EN-1)

The Overarching National Policy Statement (NPS) for Energy, referred to as EN-1, was published July 2011 and sets out national policy for energy infrastructure. EN-1 sets out how the energy sector can help achieve the UK climate change objectives, through the provision of new low carbon energy infrastructure to contribute to climate change mitigation (paragraph 2.2.11). Paragraph 3.3.7 of EN-1 also identifies that *“in the UK at least 22GW of existing electricity generating capacity will need to be replaced in the coming years, particularly to 2020”*.

EN-1 acknowledges that the *“Government is committed to increasing dramatically the amount of renewable generation capacity”*(paragraph 3.3.10). The NPS for Energy is clear that *“an increase in renewable energy is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. It will also help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities”*(paragraph 3.3.11).

Section 3.4 of EN-1 confirms that new renewable energy projects *“need to continue to come forward urgently”* to ensure that the UK meets its target of sourcing 15% of its total energy by 2020 (paragraph 3.4.1). EN-1 is clear that the *“large scale deployment of renewables will help the UK to tackle climate change”*(paragraph 3.4.2). Paragraph 3.4.5 of EN-1 also confirms that *“the need for new renewable electricity generation projects is therefore urgent”*.

Paragraph 4.9.1 of EN-1 acknowledges that the connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct generation plant.

3.3.3 National Policy Statement for Renewable Energy Infrastructure (EN-3)

This National Policy Statement (NPS), referred to as EN-3, was published in July 2011 and provides the primary basis for decision making on nationally significant renewable energy infrastructure projects. EN-3 states that *“In England and Wales this NPS is likely to be a material consideration in decision making on relevant applications that fall under the Town and Country Planning Act 1990 (as amended)”*. The extent to which it is a material consideration for these applications is judged on a case by case basis.

3.3.4 Planning Practice Guidance for Renewable and Local Carbon Energy

This guidance was published in July 2013 in advance of the Department for Communities and Local Government’s planning guidance web-based resource. It should be read alongside the Framework and other planning practice guidance. The guidance reiterates government support for renewable energy and states that *“increasing the amount of*

energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses” and continues “Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable”(paragraph 3).

3.3.5 The National Infrastructure Plan

The National Infrastructure Plan (NIP) was published by the Government Department HM Treasury and Infrastructure UK in November 2011. The Plan makes specific reference to the role of renewable energy as part of the Government’s overall economic strategy and within it are specific references to the role of the planning system.

A key part of ensuring successful delivery of the NIP is reform of the planning and consenting systems. The document states that (page 9): *“to tackle barriers in planning, the Government is placing the presumption in favour of sustainable development at the heart of the planning system, requiring a positive approach to be taken to plan making and to decisions on individual planning applications”*. The document emphasises that the Government will ensure that the key consenting and advisory Agencies have a remit to: *“promote sustainable development as soon as the National Planning Policy Framework is finalised. This will ensure that these bodies consider the impact of their decisions on sustainable economic growth and swiftly approve consents when it is appropriate to do so”*.

The NIP specifically refers to ‘the UK’s Energy Systems’ (page 52) and states that the vision is to secure a low carbon economy and affordable energy system. It states at paragraph 3.60 that: *“to achieve this, there will need to be an increase in energy generation from renewable sources...”*. Paragraph 3.66 makes it clear that around one fifth of the UK’s electricity generation capacity (roughly 20GW) will close over the next decade. Ambitions for the energy sector are set out at paragraph 3.69 and these include:

- To maintain security of supply;
- To reduce the carbon intensity of the electricity system;
- To attain the Renewable Energy Directive requirement of 15% of all energy consumed within the UK to come from renewable sources by 2020.

The NIP makes specific reference to the role of renewable energy in the UK energy system, with specific emphasis on the role it can play in helping to drive economic growth in making an early positive contribution to the UK’s economy.

The 2013 National Infrastructure Plan (NIP 2013) (December 2013) confirms that *“the government’s ambition is to equip the UK with world–class infrastructure which will require sustainable, reliable and affordable energy.”* (para 1.3). The documents states that *“the government’s infrastructure strategy is based around providing the infrastructure that it*

believes the country needs now and in the future, in order to: ... address climate change and energy security: the UK needs a resilient and secure energy supply that allows it to meet people's energy needs in a sustainable way; the UK will need to get 15 per cent of its energy generation from renewable sources by 2020." (para 1.5). The NIP (2013) also emphasises that *"as legacy coal, gas and nuclear power stations come off line, they will increasingly be replaced with a combination of renewable energy..."* (para 1.40). The NIP (2013) confirms that the government has set three clear priorities in delivering the UK's energy policies in the near term, these priorities include *"playing a leading role in efforts to secure international action to reduce greenhouse gas emissions and tackle climate change"*.

3.4 Local Policy

3.4.1 South Holland Local Plan 2006

The South Holland Local Plan was adopted by the Council in July 2006 and was designed to cover the period to 2021. However, the Local Plan is in the process of being replaced by the South East Lincolnshire Local Plan (jointly with Boston Borough Council and Lincolnshire County Council). Some policies in the existing Local Plan are 'saved' following a Direction from the Secretary of State in July 2009 until they are replaced by policies in the South East Lincolnshire Local Plan. The remaining saved policies relevant to the application are detailed below;

– SG1 - General Sustainable Development

Planning permission for development will be granted where the Council is satisfied that the proposal is consistent with the principles of sustainable development, and where:

- 1) the quality of life for residents is unimpaired or enhanced;*
- 2) reasonable measures have been taken to conserve energy and natural resources;*
- and*
- 3) South Holland's essential character and main environmental assets are not damaged.*

– SG4 - Development in the Countryside

Planning permission will only be granted for development in the open countryside which is essential in the proposed location and cannot reasonably be accommodated within defined settlement limits. Development proposals that would result in an unacceptable impact upon the landscape character of an area, either individually or cumulatively, will only be permitted where:

- 1) the need for the development in that location outweighs its impact; and*
- 2) no other site or solution exists to accommodate the proposed development.*

– **SG14 - Design and Layout of New Development**

New development should be designed to ensure that it makes a positive contribution to the architectural and visual quality of its surroundings. It should normally respect the vernacular architecture of the area in which it is located although high quality contemporary design will be supported in appropriate contexts. In assessing the design and layout of new development the following matters will be taken into consideration: -

- 1) local distinctiveness;*
- 2) the choice of materials;*
- 3) the historic pattern of development in the locality;*
- 4) the relationship of the development to the character, form and scale of existing buildings nearby;*
- 5) the scale, form and height of the proposed development;*
- 6) architectural detailing;*
- 7) the effect of the development on the amenity of nearby residents in terms of noise, smell, general disturbance, overlooking and loss of light;*
- 8) planting and measures to promote biodiversity;*
- 9) the layout of vehicular access, parking and manoeuvring facilities and the provision of facilities for cyclists and pedestrians;*
- 10) the needs of disabled persons;*
- 11) the use of sustainable materials and methods of construction;*
- 12) measures to reduce the potential for crime and disorder.*

Development that would have an adverse effect on the character and appearance of the locality, or which would prejudice the comprehensive development or redevelopment of an area, will not be permitted.

– **SG17 - Protection of Residential Amenity**

Planning permission will be granted for development which would not cause material harm to residential amenity. In considering proposals the following criteria will be taken into account: -

- 1) the extent of any overlooking or loss of privacy;*
- 2) the extent of any overbearing or overshadowing effect;*
- 3) potential noise nuisance including that associated with vehicular activity;*
- 4) the levels of smell, emissions and pollutants.*

– **SG18 - Landscaping of New Development**

Proposals for new development should, where appropriate, incorporate landscaping proposals as an integral part of their design and layout and a landscaping strategy will be required to support all major development proposals. Particular attention will be paid to: -

- 1) the protection of any existing trees and hedgerows, and any other attractive landscape features;*
- 2) the provision of strategic tree planting of indigenous species to improve the setting of development within the wider landscape;*
- 3) the maintenance and establishment of wildlife habitats and corridors.*

– **EC4 - Farm Diversification including re-use of redundant rural buildings**

Proposals for farm diversification projects will be permitted provided that all of the following criteria are met:

- 1) The proposed activity is compatible with agricultural operations on the farm and would not prejudice the efficient functioning of surrounding land uses.*
- 2) Existing or redundant rural buildings are utilised wherever it is practicable to do so.*
- 3) Where a proposal involves utilising existing buildings which are of architectural or historic merit, the design, materials and detailing of any alterations or additions must be sympathetic to the character and appearance of the building.*
- 4) It does not result in excessive expansion and encroachment of building development into the open countryside.*
- 5) It does not result in an unacceptable traffic impact on roads servicing the site.*
- 6) The development would not result in an adverse impact on neighbouring residential properties or the local landscape and environment.*

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4 Impact Assessment

4.1 Community Engagement

During the application preparation in 2013 there was an extensive community consultation undertaken this was in the form of;

- Public drop-in sessions held in the offices on site on 23rd July 2013;
- Information Flyer – drop off at residential dwellings nearest the site;
- Copies of draft submissions sent to Crowland and Cowbit Parish Councils.

No feedback was received. Whilst the solar farm was proposed for 25 years the information given to local residents remains unchanged in terms of layout and infrastructure. Therefore, it is considered that by removing the lifespan of the solar farm it wouldn't be deemed controversial by the community.

4.2 Site Design and Construction

The Decoy Solar Farm is approximately 24.4ha and comprises solar panels on racks mounted in the ground with inverters, transformers, substations and a fence around the perimeter. The construction of the solar farm has now been completed and therefore the only traffic associated with the solar farm will be that associated with maintenance. In terms of the decommissioning and site reinstatement this will be similar numbers of vehicles and time to that of the installation, this remains unaltered as per the original permission.

4.3 Landscape and Visual

From the wider area, Decoy Solar Farm is well screened by existing surrounding vegetation, existing farm buildings and the topography of the site and surrounding area. There is a limited road network and a limited number of visual receptors close to the site perimeter that would have partially obscured views of the development. As part of the mitigation programme additional planting (no. 8763 hedgerows and trees plants) has been provided. With the hedges maintained at 3m in height once the hedges are established, views of the solar farm will be obscured.

As most hedges take several years to become established the removal of the time limit in relation to life span, will not increase the overall visual impact, as at the 25 year point the additional screening will have matured, requiring only general maintenance.

4.4 Cultural Heritage

Within the Scheme of Archaeological Work and Written Scheme of Investigation which accompanied the planning application for Decoy Solar Farm the possibility of a post-medieval decoy was highlighted. The planning permission required the finds to be submitted to the archive and museum.

Therefore, it can be considered the impact of extending the life of the solar farm until operational use should cease would continue to be negligible as a result of the mitigation measures employed at the time of construction.

4.5 Ecology

The ecological baseline of the site was considered to be of low ecological value as a result of previous farming methods but with nesting and foraging opportunities existing within the surrounding hedgerows. It is therefore considered unlikely that any protected species or key habitats will be affected by the extension of time.

Mitigation and enhancement measures were included and incorporated at the time of construction which at the 25-year point will be well established. This includes the wildflower mix, new southern hedgerow, and tree planting to the south-east and north. With the additional years, maintenance by way of mowing etc. will continue, providing a secure habitat that will have increased the biodiversity of the area.

4.6 Hydrology

Robust pollution control was utilised during the construction phase therefore the risk to groundwater and the quality of water resources was negligible. Appropriate mitigation was utilised on site in terms of water resistant construction materials, enabling no residual impacts therefore the removal of an operational time frame would not cause any significant or detrimental impacts.

4.7 Agricultural Land Use

The removal of the operational time limit would not cause any significant negative impacts with the site continuing as a temporary structure able to be reinstated to its former states at the end of its natural operational life.

4.8 Traffic and Transport

The construction traffic and vehicle numbers required to construct the Decoy Solar Farm was considered acceptable during the planning application process and subsequent

approval. As the solar farm is now installed and operational, only occasional site visits will be required for operational and maintenance purposes. Extending the life of the solar farm will mean no additional vehicle movements, in comparison to if the field was still agriculturally farmed where during particular seasons higher volumes of farm traffic would be expected.

4.9 Noise

The operational activities from the solar farm are minimal in terms of noise with the inverters and subsequent equipment meeting the required standards, not exceeding the background noise level by 5db at neighbouring receptors not within the applicant's ownership. Given that the solar farm is to remain unchanged no impact is considered by the removal of the operational time frame.

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5 Summary and Conclusion

The proposed amendment to condition 3 is still consistent with the purpose of the condition in that it ensures appropriate and satisfactory decommissioning and reinstatement of the site.

As described throughout this document, there are positive impacts on biodiversity and the visual landscape of the application site and surrounding area that will continue.

The proposed development would continue to secure a renewable energy supply for an extended period will help the United Kingdom achieve its climate change emission reduction targets.

In addition, the diversification of the solar farm from the original farming activity will continue to benefit the local economy under the same conditions as initially supported under the original application.

With unchanged traffic flows, maintenance, infrastructure, and the ability for the solar farm structure to remain easily removable at the end of its natural lifespan, it is considered that there would be no additional impacts as a result of the extension of time.

Thus, it is considered that the positive contribution that the Decoy Solar Farm will provide over this time outweighs any potential harm that the extension in life span may bring.

In all other aspects the solar farm will remain the same as will the proposed mitigation measures agreed and detailed within the original application. Therefore, as such it is considered that permission can be granted in varying condition 3, reference H02-1004-15.

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Appendix 1



Push Energy
1-2 Tollgate Business Park
Tollgate West
Stanway
Colchester
C038AB

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73 MODIFICATION

Reference: H02-1004-15 **Date of Decision:** 16th December 2015
Applicant: Push Energy
1-2 Tollgate Business Park
Tollgate West
Stanway
Colchester
C038AB
Location: Decoy Farm Spalding Road Crowland Peterborough
Description: Proposed solar farm and associated infrastructure-approved under H02-0454-14. Modification of Condition 2 to delete reference to Flood Risk Assessment

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

- 1 The development must be begun not later than 12 August 2017.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. nos. 1118-01-LP01; 1118-01-BP01D; 15/PA003; 15/PA005; 15/PA006; 15PA007.

Accompanying condition compliance approval H02-0780-15 (discharging condition 5,7,9,11 and 12 of H02-0454-14)

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The planning permission is for a period not exceeding 25 years from the date that the

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development is first connected to electricity grid. The date of first connection to the grid shall be notified in writing to the Local Planning Authority within 28 days of this event occurring.

Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures.

This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

- 4 On cessation of the use of the land (or any part of the land) as a solar park for electricity production through use of solar panels as approved by this permission all buildings, structures, fences, gates, posts, solar panels and fixings shall be removed from the site (or the relevant part of the solar park that has ceased operation) within 6 months of the cessation of use and the land shall revert back to agriculture.

Reason: The site is located in an area of countryside where development other than agriculture would not normally be permitted and when the site ceases to be used as a solar park then it will be required to revert back to agriculture.

This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, berms, earthworks or other engineering operations shall be constructed, installed or carried out on site other than in accordance with the approved details of this planning permission.

Reason: To protect the character of the countryside and the visual amenities of the locality and also to retain the value of the land for agriculture and wildlife, as the site is located in an area of open countryside where development other than agriculture would not normally be permitted.

This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

- 6 The new hedge planting shall be allowed to reach a height of at least 3 metres and shall thereafter be retained at that height. The hedging shall be maintained by the owner(s) of the land and in the event that plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season.

Reason: To ensure effective screening of the development on the site in the interest of countryside character and amenities and to protect/enhance bio-diversity interests.

This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

- 7 A copy of the final report required in connection with Condition 12 of H02-0454-14 shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper

archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 8 No external lighting shall be provided on the site at any time once the site is operational.

Reason: To accord with the terms of the application and in the interests of the amenities of the rural locality.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

- 9 Noise from fixed plant and machinery shall not exceed the background noise level by more than 5dB(A) when measured as a 15 minute LA(eq) at any residential boundary not within the applicant's ownership.

Reason: To safeguard the amenity of nearby residents.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

- 10 Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it concerning glint/glare, the solar farm operator shall submit details of proposed mitigation measures and timescale for their implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority. The proposed mitigation measures shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

- 11 All cabling shall be installed underground.

Reason: To limit the effects of the development in the interests of the amenities of the locality.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be

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viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

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