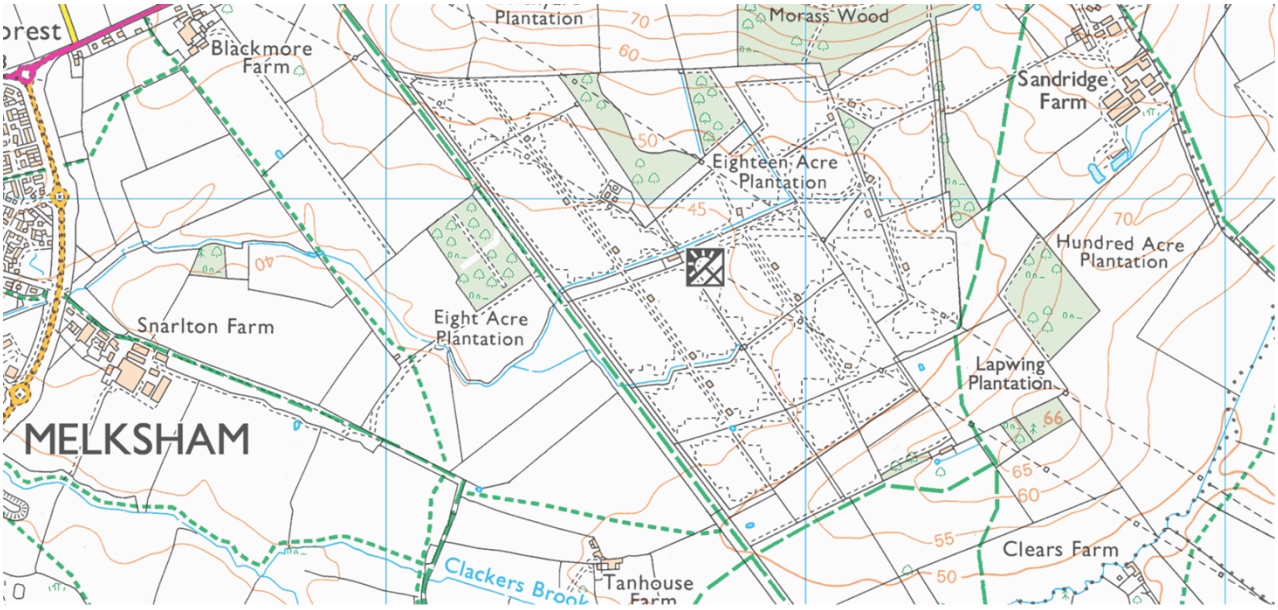
CASE OFFICER'S REPORT

Application Reference:	PL/2023/08449
Application Type:	Removal/variation of conditions
Consultation ends:	22 December 2023
Case officer:	Kenny Green
Site Address:	Snarlton Farm, Snarlton Lane, Melksham, SN12 7QP
Proposal:	Variation of condition 2 of 13/06140/FUL to extend the expiration period from 25 years to 40 years (thus extending the operation timeframe from 31 March 2041 to 31 March 2056)
Recommendation:	Approve with Conditions

Notes - consultations run until 22 December 2023

Site Description and Proposal

This application relates to a consented solar farm extended to some 80.5 hectares at Land at Snarlton Farm located off Praters Lane PRoW/ Bridleway in rural Melksham with the following SN12 7QP and as illustrated on the following map inserts. It is also worth noting that the land is classified as primarily Grade 4 'poor quality' agricultural land and was used previously for grazing and some forage crops; it is not the best and most versatile agricultural land.



location plan



Readers interested in the assessment and determination of the solar farm should refer back to 13/06140/FUL which was allowed at appeal under APP/Y3940/A/14/2221012.

The development has been fully implemented and the principle of development is no longer a material matter to consider.

The sole determining factor is the assessment of the proposed variation to planning condition 2 (as imposed by the planning inspector in allowing the aforesaid 2013 application and ratified through a follow-up Non-Material Amendment) to adjust the proposed operational lifespan of the project from 25 years to 40 years.

Policy Context

Statute requires that all planning applications should be decided in accordance with the provisions of the development plan unless material considerations indicate otherwise. The Wiltshire Core Strategy remains the adopted Local Plan with Policies CP2, CP34, CP48, CP50, CP51, and CP52 being again cited as was the case in determining the aforesaid planning appeal.

Core Strategy Core Policy CP42 is the most relevant policy. Among other things, it supports standalone renewable energy schemes subject to satisfactory assessment of impact on the landscape, including any cumulative effects, and it seeks to avoid the use of the best and most versatile agricultural land. It also requires the consideration of Policy CP51.

While Core Policy CP51 generally seeks to protect, conserve, and where possible enhance landscape character, any but the smallest standalone renewable energy scheme in the

countryside is likely to have some negative effect on landscape character and visual amenity, at least within its near vicinity. Moreover, Policy CP51 does not exclude all negative impacts but does seek that they are mitigated. Thus in terms of the effect on the character and appearance of the area, the issue is the magnitude of any negative effects after mitigation and how far they extend, including any cumulative effects with other developments.

It should be noted that the NPPF has been revised since the issuing of the appeal decision and the referenced NPPF paragraphs in the dated 5 June 2015 decision require revision, where applicable.

For the purposes of this application, it remains the case that the Core Strategy policies are broadly consistent with the Framework, which, in 2015, and remains *an important material consideration.*

Regard must also be given to regard to the Government's overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3).

In addition, published Planning Practice Guidance recognises the potential impact of large-scale solar farms on the rural environment, particularly in undulating landscapes. It encourages the effective use of land by focusing large-scale solar farms on previously developed and non-agricultural land. However, it does not preclude necessary development on agricultural land, subject again to a preference for poorer quality land over higher quality land. The PPG explains the Framework policy that all communities have a responsibility to help increase the use and supply of green energy but acknowledges that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.

As referenced above, the solar farm is fully operational and the landscape effects were all fully considered by the appointed planning inspector. The application before the Council seeks to extend the operational period for a further 15 years (beyond 31 March 2041) and until the same date and month in 2056.

Planning History

As noted above, 13/06140/FUL was allowed on appeal after it was refused planning permission at committee, contrary to officer's recommendation for the 80.5ha solar photovoltaic farm on land 2km to the east of Melksham along with attendant equipment and infrastructure.

Consultations

Melksham Without Parish Council - No objection. *The Parish Council has no objection to the extension of the operational life of the solar farm, in so far as the payment to Melksham Without Parish continues for 40 years and does not end at 25 years, given the applicant has extended the operational life of the solar farm. For context, during discussion, it was highlighted the original agreement between the developer and the Parish Council stated 'to pay the Council for each year for 25 years (operational life of the solar farm). Therefore, as the operational life of the solar farm has been extended, the applicant should extend the agreement with the Parish Council as per the agreement to 40 years.*

Third Parties - None received.

Assessment

This application proposes no physical changes to the consented solar farm or any of the mitigation measures previously permitted. The installed panels are capable of an electricity-generating life much greater than the 25-year period, and although the efficiency value of the installed solar panels will reduce over time, the scheme will remain viable beyond the consented 25-year timeframe in a subsidy-free market. It has been submitted that the solar farm and existing infrastructure with the grid connection fully in place can be extended to a further 15 years (beyond the end period which was granted at appeal), and thereby continue to make a significant contribution to the renewable energy provision.

The principle of the solar farm cannot be re-opened at this variation stage. The effects of the development were thoroughly assessed at appeal and it would be unreasonable for the Council to introduce in-principle objection to the solar installation. The sole determining consideration requiring a full assessment rests with the effects of extending the operational timeframe for the solar farm for a further 15 years beyond the 2041 end-of-operation date as currently consented via the allowed appeal and a subsequent approved non-material amendment dated 22 December 2016, to which the following revised condition was imposed

> **2. The permission hereby granted shall be for a temporary period and shall expire on 31 March 2041. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.**

Within the cover letter, the agent has submitted an anomalous suggested revised condition. In the first instance, the cover letter references the superseded original condition, but moreover, the suggested revision would not reflect the additional 15-year operational timeframe that the application and cover letter refer to.

For the avoidance of any doubt, the Council has assessed this application based on the following description:

Variation of condition 2 of 13/06140/FUL (as varied by NMA on 20 December 2016) to extend the operational expiration period from 25 years to 40 years.

Whilst it is fully acknowledged that granting an additional 15 years consent to operate would elongate the timeframe this part of rural Melksham is dominated by the solar farm installation but given the landscape effects were fully assessed at the appeal stage and found to be acceptable with some mitigation, which has been implemented, and the ever-increasing need to maximise renewable energy exploitation and make efficient use of existing renewable installations, the planning balance heavily supports the proposal.

As argued within the applicant's cover letter, "*the proposed amendment to condition 2 to allow an increased period of solar farm operation remains consistent with the original purpose of the*

condition, which is to ensure the proper decommissioning of the solar farm at the end of its operational life. Other than an extension to the solar farms operational period the site will remain unchanged. The site has been in operation for a number of years [generating much valued renewable energy] and there would appear to be no reason why the solar farm would cause any additional harm to continue to operate for the proposed extended period of time.

"The solar farm will continue to make a positive contribution to meeting renewable energy targets, reducing greenhouse gas emissions associated with fossil-fuelled electricity generation, contribute to security of supply, and to an extent enhance biodiversity".

In response to the consultation comments provided by the -Parish Council, it should be noted that the agreement reached by the applicant to provide funds to the parish council was separate from the planning decision. There was no such developer obligation enshrined as part of the allowed appeal decision, but planning informative is considered noteworthy to draw attention to the parish council comments and the side agreement that was reached outside of the planning regime

Conclusion
There would be significant benefits secured through approving an extension to the operational lifespan of the consented solar farm. It would continue to maximize the use of the installed equipment and infrastructure and given that the applicant's agents argue the viability of the installation will continue beyond the current expiration date of March 2041, it would be highly sustainable to continue to maximize the solar farm facility whilst the renewable energy returns remain deliverable. The landscape effects have been fully considered previously and at appeal, were found to be acceptable in planning terms. The site has been visited several times since the discharge of planning condition stage and as part of the assessment and inspections relating to an adjoining battery storage facility, and no condition breach or unexpected harm was identified. This proposal is therefore fully supported and a revised condition is required, albeit one that is a revision to that suggested by the agent in their cover letter to define the additional 15 years more clearly.

Conditions: (8)

1 The permission hereby granted shall be for a temporary period and shall expire on 31 March 2056. Within 6 months of the date of expiry of this permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with the supporting/associated infrastructure including the inverter stations, security equipment poles and fencing, shall be removed from the land and the land shall be restored to its former condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority.

The scheme of work, including a restoration plan and decommissioning scheme that takes account of a contemporaneous ecological survey, shall be submitted to the local planning

authority not less than six months before the removal of the installation.

REASON: To define the terms of this application and to secure the appropriate restoration of the land.

2 The development hereby approved is made subject to the following appropved plans

Appeal Drawing Reference 001 - Site Layout and Construction superseded by NMA approved on 29.09.2015
(Figure 3.1 within Environmental Report)
Appeal Drawing Reference 002 - PV Array Detail superseded by NMA approved 29.09.2015
(Figure 3.2 within Environmental Report)
Appeal Drawing Reference 003 - Typical Cable Trenching
(Figure 3.7 within Environmental Report)
Appeal Drawing Reference 004 - On Site Track Design
(Figure 3.8 within Environmental Report)
Appeal Drawing Reference 005 - Access Route to Site
(Figure 3.9 within Environmental Report)
Appeal Drawing Reference 006 Rev D - Vision Splays for Site Access Junction with A3102
(Figure 3.10 within Environmental Report)
Appeal Drawing Reference 007 - Existing and Proposed Floor Plan superseded by NMA approved on 29.09.2015
Appeal Drawing Reference 008 - Indicative Security Camera superseded by GBSG Standard Detail 4 – Master and Salve Pole Details (With Dead Zone Camera) Dwg No 18822 dated 08.02.2016
Appeal Drawing Reference 009 - Cross Section of Track & Temporary Fencing
Appeal Drawing Reference 010 - Existing and proposed elevations
Appeal Drawing Reference 011 - Block Plan superseded by NMA approved on 29.09.2015 which in turn is hereby superseded by Drawing Site Layout as Built Dwg No V1PE10777 Rev 04 dated 23/01/2017
Appeal Drawing Reference 012 - 132kv Substation Details superseded by Sandridge 132/33kv Substation Layout Plan Dwg No 393890_1001 Rev B dated 16.08.2016
Appeal Drawing Reference 013 - Digital Terrain Model (Topographical Plan)
Inverter Station Plan Dwg AB030485-HY dated 09.03.2016 and AB030477-Ri dated 09.03.2016
Container Plan and Elevation Dwg No PE10777_V1 dated 23.01.2017

Reason: To define the terms of this permission

3 As confirmed by the Council's letter dated 26 October 2015, the requirements of condition 3 as imposed upon application 13/06140/FUL (allowed on appeal) have been discharged. The development shall continue to be maintained in accordance with the discharge of condition details.

For completeness sake, the content of the condition was as follows:

No development hereby permitted shall commence until a detailed surface water run off limitation scheme together with supporting calculations and a programme for implementation have been submitted to and approved in writing by the local planning authority. The submitted details shall include the details of future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

4 As confirmed by the Council's letter dated 26 October 2015, the requirements of condition 4 as imposed upon application 13/06140/FUL (allowed on appeal) have been discharged.

For completeness sake, the content of the condition was as follows:

No development hereby permitted shall commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority and the construction shall be undertaken in accordance with the approved details. The CTMP shall include:
• A condition survey of the site access onto the A3102 and Prater's Lane bridleway, along with a detailed programme of measures to be employed to maintain the highway/PRoW from damage. Should any damage accrue attributable to the development, all damage shall be remedied in accord with details submitted to the local planning authority within 3 months and approved in writing;
• Exact details of the numbers, types and timing of delivery lorries to the site (which should avoid school departure / collection times);
• A scheme of signing and lining relating to the school and construction access, which should make drivers aware of the construction access and school arrangements;
• The procedures in place to ensure that lorry wheels are free of mud before returning to the highway;
• Details of all deliveries entering and exiting the site involving large HGV and other large vehicles to ensure safe access and egress at the site;
• Details of the site management co-ordinator who will ensure compliance with the CTMP;
• How users of public rights of way on and near the A3102 access shall be protected during the works; and
• Details of how construction workers' traffic and lorry traffic shall be accommodated (including turning provision) on the site.
Any departures from the agreed Construction Traffic Management Plan shall be agreed in writing by the local planning authority prior to such actions or works being carried out on site.

5 As confirmed by the Council's letter dated 26 October 2015, the requirements of condition 5 as imposed upon application 13/06140/FUL (allowed on appeal) have been discharged.

For completeness sake, the content of the condition was as follows:

No development shall commence on site until visibility splays, based on the drawing titled 'Sandridge Solar Farm Vision Splays for Site Access Plan' have been provided at the access

point and have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43metres in the west direction and 160 metres in the east direction from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to enable clear vision above the height of 1m above the level of the adjacent carriageway. Full details shall be submitted detailing the extent of hedge and tree removal and the protection of the school boundary and hedge re-instatement",

6 There shall be no external lighting/illumination at or on the site unless otherwise approved by the planning authority following the submission of a separate planning application.

REASON: To define the terms of this permission.

7 In addition to the provisions of condition 8 imposed at appeal, a managed 5m buffer strip shall be provided on site to allow for the growth of a longer sward to improve habitat potential adjacent to all ditches, water bodies and watercourses.

REASON: To continue the imposition of the condition imposed at appeal

8 As confirmed by the Council's letter dated 26 October 2015, the requirements of condition 13 as imposed upon application 13/06140/FUL (allowed on appeal) have been discharged.

For completeness sake, the content of the condition was as follows:
Notwithstanding details submitted as part of the application and in addition to the provisions of condition 8 no development hereby permitted shall commence until a landscaping scheme and landscape management plan has been submitted to and approved in writing by the local planning authority which shall cover tree, hedge and root protection measures, the on-site management of the existing hedgerows (which shall be allowed to develop to a minimum 3 m winter height), as well as producing exact tree and hedgerow planting details (including location, species, height at planting and spacing), permanent fencing details, hedgerow planting as described in this Appeal Decision and a programme for the infill and proposed new planting and its on-going management and monitoring which shall cover the lifetime of the development.

Informatives: (1)

9 The applicant's attention is drawn to the consultation comments provided by the Melksham Without Parish Council pursuant to this application.

In full, the Parish Council request that "*the payment to Melksham Without Parish (from the developer) continue[s] for 40 years and does not end at 25 years, given the applicant has extended the operational life of the solar farm.*

For context, during discussion, it was highlighted the original agreement between the developer and the Parish Council stated 'to pay the Council for each year for 25 years (operational life of the solar farm).

Therefore, as the operational life of the solar farm has been extended, the applicant should therefore extend the agreement with the Parish Council as per the agreement to 40 years".