

Agenda Item	A6
Application Number	23/00505/VCN
Proposal	Construction of a solar farm with associated access and infrastructure to include substation, inverter stations, cabling, landscaping, CCTV and boundary treatments (pursuant to the variation of conditions 2,4,9,13,18,20 and 22 of planning permission 21/01247/FUL to amend the approved layout, scale, landscaping detail, boundary treatment and agree details of construction)
Application site	Land East Of Hazelrigg Lane Hazelrigg Lane Scotforth Lancashire
Applicant	Mr Paul Morris
Agent	Brooke Evans
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval, subject to conditions

1.0 Application Site and Setting

- 1.1 This proposal relates to a 21.44-hectare piece of agricultural land located to the east of Hazelrigg Lane. The north of the site is predominantly agricultural land, the east is bordered by Proctor Moss Road and the River Conder. The River Conder curves westwards and runs along the southern boundary of the site. The topography of the site is varied and uneven but roughly runs down at a gradient between its highest point in the north-west to its lowest point in the south on the bank of the River Conder. The site is within the ownership of Lancaster University and is in close proximity to its main campus.
- 1.2 The site, which is identified as open countryside, currently comprises a number of separate fields marked out with hedgerows, a barn and a former hole previously belonging to the Forrest Hills Golf Club. The site which is predominantly utilised for grazing comprises mainly semi-improved grass land, with some areas of scrub and scattered trees. Additionally, there is a substantial woodland area within the centre of the site and wooded areas to the perimeter. The land is classified as Grade 3b which is not considered best and most versatile.
- 1.3 The site itself is not covered by any statutory heritage, ecological or landscape designations. However, there are five listed properties within 1km of the site, the site falls within the Impact Risk Zone of both the Lune Estuary Site of Special Scientific Interest (SSSI) to the west and the Bowland Fells SSSI to the east. The site is within 1km of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) which lies to the east of the application site.

1.4 Most of the site falls within Flood Zone 1 and as such is at the lowest risk of flooding, a small section of land along the southern boundary of the site adjacent to the River Conder is within Flood Zones 2 and 3. The site also contains two national pipelines (Essar oil and Cadent gas) which run parallel to each other north to south roughly through the centre of the site, a third national pipeline (National grid) runs to the east of the site beyond the site boundary. An overhead powerline is located beyond the north-eastern boundary of the site.

1.5 Access is taken from an existing field access from Hazelrigg Lane. There are no Public Rights of Way (PRoW) which cross the site and the site is not open for public access.

2.0 Proposal

2.1 Planning application 21/01247/FUL granted planning permission for a solar farm including associated access and infrastructure such as substations, inverter stations, cabling, landscaping, CCTV and boundary treatments. This application is a Section 73 Variation of Condition application which seeks to vary a number of conditions (2,4,9,13,18,20 and 22) on the original planning application 21/01247/FUL. The purpose of varying those conditions is to enable alterations to the approved design which are needed following more detailed assessment of the site and the infrastructure required by the developer.

2.2 The changes that are being proposed as part of this Section 73 Variation of Condition application are:

1. Changes to the gate arrangement to include an inner security gate
2. Changes to the type of boundary fence to include 2 metre security fence around the perimeter of the site
3. Addition of internal access tracks to connect panel zones
4. Minor changes to panel locations within the site
5. An increase in maximum panel height
6. General Earthworks and ground stabilisation
7. Alterations to the approved panel foundations
8. Alterations to the drainage strategy
9. Erection of 2 weather stations
10. Alterations to the design of the substation
11. Inclusion of external transformers
12. Inclusion of inverters at the end of each panel array

2.3 This application is a Section 73 Variation of Condition application. It is not for this application to review the proposal in full, but to focus solely on the matters to which the variation of condition application relates. The principle of the construction of a solar farm at this has already been found to be acceptable.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
21/00957/EIR	Screening opinion for Construction of a 16MW solar farm with associated access and infrastructure to include substation, inverter stations, cabling, landscaping, CCTV and boundary treatments.	Environmental Statement not required
21/01247/FUL	Construction of a solar farm with associated access and infrastructure to include substation, inverter stations, cabling, landscaping, CCTV and boundary treatments.	Approved

22/00156/DIS	Discharge of condition 13 on approved application 21/01247/FUL	Condition partially discharged.
23/00373/PRENG2	Pre application advice for proposed amendments to planning permission 21/01247/FUL	Advice provided
23/00514/EIR	Screening opinion for the construction of a solar farm with associated access and infrastructure to include substation, inverter stations, cabling, landscaping, CCTV and boundary treatments (pursuant to the variation of conditions 2,4,9,13,18,20 and 22 of planning permission 21/01247/FUL to amend the approved layout, scale, landscaping detail, boundary treatment and agree details of construction)	Environmental Statement not required

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Scotforth Parish Council	Expresses concern regarding the increase in height of the solar panels being proposed through a Section 73 variation condition, rather than being detailed as part of the original permission. However, no objection is ultimately raised in this regard. Comments regarding the landscaping proposals in order to ensure mitigation as detailed in the Glint and Glare study. Comments made regarding surface water run-off control to reduce the risk of downstream flooding on the River Conder.
Ellel Parish Council	No response received.
Quernmore Parish Council	No response received.
Lead Local Flood Authority	No objection to the proposed variation of condition to allow for references to the original flood risk assessment and drainage strategy (January 2022, 17730-HYD-XX-XX-RP-FR-0001, Hydrock) to be superseded with references to the revised surface water management strategy (Surface Water Management Strategy - Lancaster University Solar Farm, Rev P02, 26/04/2023, AECOM).
Environment Agency	No objection to the proposed variations. Comments remain as per response/conditions to planning permission 21/01247/FUL.
Cadent Gas	No objection subject to an advice note being included on the decision notice.
County Highways	No response received.
National Highways	No objection
Environmental Health Officer	No response received.
Natural England	No response received.
Electricity North West	No response received.

United Utilities	No response received.
Arboricultural Officer	Comments made regarding the loss of a 40 metre section of hedge H1 located in zone 9 which is an historic field boundary. The loss of an addition tree (Tree T7) is acceptable and capable of being mitigated. Conditions requested regarding the submission and agreement of a Tree Protection Plan and an Arboricultural Method Statement, as well as final details of the security fencing.
Planning Policy Team – Lancaster City Council	No response received.
RSPB	No response received.
Public Rights of Way – Lancashire County Council	No response received.
Ramblers Association	No response received.
Canal and Rivers Trust	The development site falls outside of the Lancaster Canal consultation zone. The Canal and Rivers Trust have no comments to provide on this application.
Policy Group Lancashire CC - Mineral Safeguarding	No response received.
Engineering Team – Lancaster City Council	No response received.
SHELL UK	No response received.
South Lancaster Flood Action Group	No response received.
Forest Of Bowland AONB Officer	No response received.
County Landscape Officer	No response received.
County Archaeology	Recommends that the undischarged portion of Condition 13 from consent 21/01247/FUL is retained and repeated in any S73 consent granted.

4.2 The following responses have been received from members of the public:

- No responses received.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Landscape and Visual Impact
- Highways
- Residential amenity
- Heritage and Archaeology

- Ecology and biodiversity
- Flood risk and drainage
- Other Matters
- Conditions

5.2 **Landscape and Visual Impact** (NPPF Section 2 Achieving Sustainable Development, Section 12 Achieving well-designed places, Section 15 Conserving and enhancing the natural environment, Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), EN3: The Open Countryside and Review of the DMDPD Policies: DM29: Key Design Principles; DM46: Development Affecting Protected Landscapes and DM53: Renewable and Low Carbon Energy Generation).

5.2.1 **Site gate design** – The originally approved scheme featured double gate arrangement consisting of two 5 bar timber agricultural gates at the access to the site on Hazelrigg Lane. Condition 16 of the original application required the submission and agreement of the final details of the gated access arrangements along with details of fencing and other infrastructure. Whilst the first 5 bar timber agricultural gate will remain; it is now proposed to introduce an inner security gate set back into the site approximately 43 metres. This gate would have a height of 2 metres and would be a metal mesh design finished in green. The purpose of this taller metal mesh gate is to enhance the security of the site. Considering the location of the security gate set back into the site, the lower land levels relative to Hazelrigg Lane and the use of a dark green finish will ensure that this gate is relatively discreet. For these reasons, the proposed alteration to the gated access arrangement is considered to be acceptable.

5.2.2 **Perimeter fencing design** – The originally approved scheme featured a 2-metre-tall post and wire type fence encompassing the perimeter of the site. It is proposed to alter this to a 2-metre-tall mesh panel fencing of the same appearance as the security access gate. Whilst the original fencing was to ensure the security of the installation and prevent animal stock from entering the site, it is considered that the mesh panel fencing will offer higher levels of security in accordance with BRE guidance. The principle of amending the perimeter fence design to ensure appropriate security for the site is acceptable, however, the change in fencing will result in a perimeter fence that has a more industrial and solid appearance within the wider landscape views of the site, relative to a timber post and wire structure. For the lower parts of the site towards the valley bottom, the perimeter fence will be obscured from view, but the fence would be visible in the upper reaches of the site. To better assimilate this more substantial fence into the landscape, strategically placed landscaping consisting of hedges, trees and woodland planting is to be undertaken. This will not totally prevent views of the fencing but will help, along with its green colour, to better integrate the structure into the landscape. An updated landscaping masterplan for the site has been submitted and this details the way in which the applicant intends to landscape the entire site. This includes further landscaping in some of the more exposed areas, particularly around zone 8 and the boundary with Hazelrigg Lane and along the eastern boundary of zones 1 and 2 given the visibility of this part of the site from Proctor Moss Road. A condition requiring the implementation and long-term maintenance of this landscaping masterplan is recommended. Furthermore, relative to the previously approved post and wire fence, the proposed metal mesh fence consists of smaller openings. This design would hinder or even prevent the movement of animals across the landscape. This is particularly important considering the size of the development site and its connections with a wider network of habitats. To ensure the movement of wildlife is not prevented, a condition requiring the submission and agreement of the final fence design to incorporate measures to allow wildlife to pass through the site is recommended.

5.2.3 **Addition of internal access tracks to connect panel zones** – The originally approved scheme did not include the provision of vehicular access tracks within the site. These are now proposed to connect the panel zones and are required to meet the operational requirements of the solar farm, including the need for emergency access. It has been determined that given the topography of the site and potential for bad weather to affect access, that more formal access tracks are required. To install the tracks some minor level alterations and the creation of small retaining bunds will be required. The tracks and turning heads themselves will take the form of geogrids containing unbound stone. This is to limit the visual impact of the tracks, compared with a tarmac or concrete surface. Within the context of the wider solar farm, the inclusion of lengths of what in effect will appear as gravel tracks would be relatively inconsequential in landscape terms.

- 5.2.4 **Minor changes to panel locations within the site** – Given the requirement for the internal access tracks, there have been some minor changes to the layout of the panel arrays within the site. The total number of solar panels will be slightly reduced relative to the previously approved development from 35,932 panels to approximately 34,500 panels. Whilst the broad arrangement of panels remains largely the same, the key area of change is the omission of panels in the south-west corner of the site, which have been replaced by a proposed new wildlife pond. For the most part the changes in the panel locations are acceptable and they do not result in significant landscape implications, apart from in zone 9. In this zone, the amended panel locations initially proposed required the removal of a 40 metre long section of hedgerow which formed an historic field boundary. Existing features such as hedgerows, particularly where these are historic boundaries, should be retained. The applicant has agreed to remove the panels from this area within zone 9 so that this hedgerow can be retained. A revised general arrangement plan showing this revised layout has been provided.
- 5.2.5 **An increase in maximum panel height** – As part of the originally approved development, the solar panels were to have a maximum height of 1.75 metres above ground level. After further detailed design work, it has been found that the maximum height restriction of 1.75 metres would result in a capacity reduction of 25% for the solar farm. This is due to the varied topography of the site, which would mean that a panel height of 1.75 metres would result in the bottom of the solar panels clashing with the ground and therefore panels would not be able to be installed in several areas. To ensure sufficient energy generation and to accommodate ground level variations, it is therefore proposed to amend the maximum height of the solar panels to up to 3 metres. This is perhaps the most notable change proposed and the change which would result in the greatest landscape impact. It is unfortunate that the requirement for increased panel heights was not known at the time the original planning application was being determined. However, the fact is, without an increase in the height of the panels significant portions of the site would not be deliverable due to the varied topography. It considered therefore that the increase in panels heights can be supported in landscape terms to ensure the proposal can be delivered and the public benefits that the proposal entails in the form of delivering renewably sourced energy and tackling the Climate Crisis, can be secured. Whilst the increase in height would not result in an unacceptable impact to landscape character when compared to the previously approved development, the landscape implications arising from this change must still be mitigated where possible. This will be in the form of enhanced landscaping within and around the periphery of the site which will over time establish and help to incorporate the infrastructure into the wider landscape views achieved from Proctor Moss Road, Bay Horse Road and further afield. Furthermore, the solar panels located within zone 8 are closest to and most visible from Hazelrigg Lane. The panels in this zone would only be required to be 2.5 metres as the gradient in this location is not as severe as other parts of the site. A condition limiting the maximum height of the panels in zone 8 to 2.5 metres is recommended.
- 5.2.6 **General Earthworks and ground stabilisation** – The approved development did not detail proposed earthworks or ground stabilisation works which are required to undertake the development. Due to the sloping gradient and uneven topography in certain parts of the site and evidence of historic landslips, general earthworks and ground stabilisation works will be required in parts of the site to make the ground suitable for the installation of solar panels. For the most part these earthworks are relatively small scale and do not result in notable landscape implications. The most notable change is the infilling of a pond which is located within zone 1 in the northeast corner of the site. This pond is understood to be a man-made feature created to enable livestock to access water. It is clearly currently well-used by livestock and does not hold much ecological value. The loss of this pond is supported to deliver panels in this area of the site. Moreover, in order to mitigate the loss of this pond, the applicant has committed to the creation of a new wildlife pond within the southwestern corner of the site, close to the access to Forest Hills. The location of the pond is shown on the general arrangement plan, however, no specific details of the pond such as its size, shape and associated landscaping have been provided. A new condition requiring these details, the long-term management of the feature and the implementation of this pond is recommended.
- 5.2.7 **Alterations to the approved panel foundations** – As part of the approved development, the solar panels were approved mounted on metal frames which were to be pile-driven into the ground. Whilst it is still proposed to utilise this type of foundation, after further investigation, because of varying ground conditions, topography and the presence of national gas pipelines across the site, alternative foundation types for the panels will be required in some areas. This Section 73 application proposes

the inclusion of four different foundation types to be used depending on what is considered the most appropriate foundation for the different conditions within the site. The four foundation options include anchor fixings, above-ground precast concrete ballast foundations, helical/screw piles, and the originally approved driven piles foundation type. The foundation design will be screened by the panel arrays above and will therefore not result in landscape implications. As suggested by the applicant, the exact location of each foundation type within the site can be confirmed at a later design stage and secured by way of an appropriately worded planning condition.

- 5.2.8 **Alterations to the drainage strategy** – The merits of the drainage strategy are discussed in greater detail in section 5.7 of this report. The changes in the drainage strategy do not result in any harmful landscape implications. In fact, the amended drainage design is an enhancement in landscape and biodiversity terms as it will incorporate above ground SuDS features including swales, culverts and a detention basin to provide a simplified and more natural drainage methodology for the site.
- 5.2.9 **Erection of 2 weather stations** – The previously approved application 21/01247/FUL did not include any proposals for weather stations. Weather stations are necessary to monitor the performance of the solar farm. A minimum of two weather stations are required to comply with relevant standards for solar farm developments. The weather stations take the form of 3.5 metre tall pylon with various equipment mounted to the frame. These are to be located adjacent to the already approved low voltage stations. In the context of the infrastructure required to deliver this development, the inclusion of two weather stations does not raise any concerns with respect to landscape implications.
- 5.2.10 **Alterations to the design of the substation** – The originally approved development included a substation building located roughly centrally within the site. It is now proposed to increase the size of this substation building to enable additional infrastructure to be housed within. It is proposed that the dimensions of the substation are increased to 4.4m (width) x 16.45m (length) x 4.77m (height) from the previously approved dimensions of 3m (width) x 8m (length) x 2.5m (height). The increase in size is acceptable, particularly as the materials used in the design of the substation are to be natural stone elevations and slate roof. The originally approved design included a very low ridge height to the hipped roof which provided an unusually squat appearance. It is now proposed to increase the ridge height and to utilise a dual pitch roof (as opposed to a hipped roof) to provide the appearance of a traditional field barn structure. Subject to the agreement of the final materials to be used in the construction of this substation building, which are to be required by condition, the change to the substation design is supported.
- 5.2.11 **Inclusion of external transformers** – The original application included 7 inverter stations which are required to connect the panels to the main substation. These inverter stations are distributed throughout the site and are sited within green metal containers. In addition to these inverter stations, a high voltage outdoor transformer will now need to be sited next to each inverter station. These outdoor transformers will be enclosed by green profiled metal cladding sheets to match the appearance of the adjacent inverter stations container. The inclusion of these outdoor transformers within the site is acceptable in landscape terms and within the context of a large-scale solar farm development.
- 5.2.12 **Inclusion of inverters at the end of each panel array** – It is proposed to include a total of 60 inverters within the scheme. These are required to convert the direct current generated by the solar panels into alternating current that can be used as electricity. The inverters would be located at the end of each row of solar panels and they are to be installed below the solar panels themselves shielded by a metal roofing sheet. Housing the inverters beneath the panels is an efficient use of space and prevents the need for separate additional inverter shelters to be constructed throughout the site. This approach is proposed to limit the visual impact of the inverters and is acceptable.
- 5.2.13 The original planning application establishes the baseline for the development of this site. When considered against the already approved development, the proposed alterations will result in some minor changes to the appearance and layout of the development. Overall, it is clear the solar farm as a whole will undoubtedly change the character and appearance of the site and this in turn will have up to a moderate adverse effect upon the landscape character and visual amenity. In the context of the approved scheme, the changes proposed would have relatively minor implications within respect to landscape harm and do not raise significant concerns when viewed in context of the approved scheme. It must also be acknowledged that significant mitigation is proposed in the

form of robust additional planting and habitat creation which will in the longer term serve to assimilate the infrastructure into the wider landscape views. Weighing this in the balance the negative visual effects arising from the changes proposed as part of this Section 73 application will be offset by the overarching climate change benefits arising from the proposal.

5.3 **Highways (NPPF Section 9 Promoting Sustainable Transport, and Review of the DMDPD Policies: DM29: Key Design Principles and DM60: Enhancing Accessibility and Transport Linkages).**

5.3.1 The proposed access to the site remains as per the originally approved planning application. The gated access layout remains the same and the setting back of the two gates will allow vehicles including larger vehicles to pull off the highway. The application is also supported by an updated Glint and Glare assessment which considers the amended layout of the panels and the increase in the panel height of up to 3 metres. At the time of writing this report, County Highways have not provided a consultation response to this Section 73 application. However, given County Highways did not object to the original planning application, subject to planning conditions, and the fact that the proposal alterations do not alter the interface of the development with the highway network, it is not envisaged that County Highways would highlight concerns with the proposed alterations. The previously recommended conditions regarding a Construction Traffic Management Plan, survey of the adopted highway, surfacing of the access, provision of visibility splays, implementation of offsite highway works, and provision of wheel washing facilities can all be repeated on this Section 73 decision.

5.3.2 The application has been reviewed by National Highways with respect to possible impacts upon the strategic road network. National Highways confirm that they have no objection to the proposed variations to the scheme.

5.4 **Residential Amenity (NPPF Section 12 Achieving well-designed places and Review of the DMDPD Policies: DM29: Key Design Principles).**

5.4.1 As mentioned above, the previous planning application establishes the baseline for the development of this site. The development was at this time considered to be acceptable with respect to its impacts upon the nearest residential receptors. Considering the proposed changes to the panel locations and panel heights, the impact of development with respect to glint and glare have been reviewed. The Glint and Glare Addendum report sets out that, despite the changes proposed, the impact of the development with respect to glint and glare remains the same as the previously approved scheme. This is because the impacts of the revised layout and increased panel heights will be comparable to the previously modelled scenario. This original Glint and Glare study concluded that mitigation is required for two dwellings, these being Dwelling 4 (Eastrigg) and dwelling 44 (Andalucia). Mitigation is provided in the form of adequate separation distances of over 30m (Eastrigg) and 115 metres (Andalucia) from the reflecting area of panels; strategically positioned screening in the form of proposed landscaping and the intensity of reflection from the panels which would be similar to that of still water rather than the typical reflections from glass or steel which are more intense. Overall, the assessment concludes no further mitigation other than the additional planting proposed on the southern and eastern boundaries of the site is required. As with the original development, the applicant confirmed a commitment to plant the screening closest to these residential properties during the construction phase to allow a greater amount of time for it to establish and grow prior to the operation phase. A condition will be included to secure these works within a specified timeframe as per the original consent.

5.4.2 This Section 73 application is accompanied by an updated noise assessment to reflect the alterations proposed, particularly the installation of external plant (external transformers and inverters). The originally approved scheme was accompanied by a Construction Management Plan (CMP). The already approved CMP sets out how the construction phase will be managed to ensure that traffic, noise, dust and disturbance arising from the construction phase of the development will be kept to a minimum. The noise assessment concludes that the rating levels at all locations will be well below existing background sound levels, and as such there will be no observed adverse effects and therefore no additional mitigation measures are required as part of this Section 73 application.

5.5 **Heritage and Archaeology (NPPF Section 16 Conserving and enhancing the historic environment, Strategic Policies and Land Allocations DPD Policy SP7: Maintaining Lancaster District's Unique Heritage and Review of the DMDPD Policies: DM29: Key Design Principles, DM37: Development**

affecting listed buildings, DM39: The Setting of Designated Heritage Assets, DM41: Development affecting Non-Designated Heritage or their settings and DM42: Archaeology).

- 5.5.1 The proposed changes as described above do not give rise to any further heritage and archaeological implications above those which were discussed and found acceptable as part of the original planning application. What is more, the Lancashire County Council Archaeological Advisory Service (LAAS) have reviewed this Section 73 application and confirmed that they are satisfied with the proposals. LAAS have recommended that condition 13 of the original consent be updated to reflect the Written Scheme of Investigation for the programme of archaeological works which has already been approved (as part of discharge of condition application 22/00156/DIS) and to require the remaining programme of archaeological works to be undertaken in accordance with the already agreed details. This is recommended.
- 5.6 **Ecology and Biodiversity** (NPPF Section 15 Conserving and enhancing the natural environment, Strategic Policies and Land Allocations DPD Policy SP8: Protecting the Natural Environment, and Review of the DMDPD Policies: DM29: Key Design Principles, DM44: Protection and Enhancement of Biodiversity and DM45: Protection of Trees, Hedgerows and Woodland).
- 5.6.1 The proposed changes to the approved development would result in the loss of a man-made pond which is utilised by livestock. Given its use by livestock, this pond does not hold significant ecological value. The Great Crested Newt (GCN) survey concluded that the pond did not have the potential for habitation by GCN. The site also had limited habitats for toads and other amphibians, and these will not be impacted by the proposed development. To allow panels to be situated in zone 1, it is proposed to infill this pond and regrade land in this area. This would result in the loss of this man-made feature. In order to mitigate the loss of this pond, the applicant has committed to the creation of a new wildlife pond within the southwestern corner of the site, close to the access to Forest Hills. The location of the pond is shown on the general arrangement plan, however, no specific details of the pond such as its size, shape and associated landscaping have been provided. A condition requiring these details, the long-term management of the feature and its implementation is recommended.
- 5.6.2 Local policy DM44 and national planning legislation and the recently adopted Environment Act 2021 requires sites to achieve biodiversity net gain (BNG). A BNG Assessment was carried out for the original planning application, and it was calculated at this stage that the development would result in a biodiversity net gain of 9.55 habitat units, which equates to a 331.07% betterment based upon the sites current ecological condition. At the time of writing this report, the BNG Assessment has not been updated for this Section 73 application and so the impact of the proposed changes, particularly the creation of new ponds/detention basin and other SuDS features is not known. However, what is certain is that the biodiversity net gain result from the development and the associated site wide biodiversity management would still be significant, potentially greater still, and far in excess of the policy requirement of 10%. The biodiversity enhancement of the site will be secured in the long term through the updated biodiversity management plan which can be secured by condition.
- 5.6.3 An Addendum to the approved Arboricultural Impact Assessment (AIA) has also been submitted with this application. The original survey recorded a total of 4.0119ha of tree cover between individual trees, groups of trees and woodland areas. The updated survey contained in the addendum recorded trees at a greater resolution than the original survey, resulting in an updated baseline tree cover of 4.3679ha. The original application included the loss of 0.2638ha or 6.4% of tree canopy cover. The new application will result in loss of 0.1199ha or 2.7% of tree canopy cover associated with the site. In other words, the impact of development with respect to loss of tree coverage is significantly less than that which was calculated (and approved) for the original application.
- 5.6.4 Additional losses resulting from the new proposals detailed within this Section 73 application are a single individual tree (T7) which is required to be removed to facilitate the construction and safe usage of a new access track. The loss of T7, a mature ash tree, is acceptable as its loss will be mitigated by the significant tree planting proposals. This application also proposed the removal of a 40-metre length of hedge (H1) which interacted with the updated solar panel locations in zone 9. The removal of H1 was more problematic as this hedgerow forms an historic field boundary present on the OS map surveyed in 1845, this also indicates that the hedgerow could be an 'important' hedgerow as described within the Hedgerow Regulations 1997. Every effort should be made to

retain such hedgerows, given their historic and biodiversity value. The applicant has amended the proposed layout of the panels within zone 9 to enable the retention of this length of hedge, which is welcomed. An updated site layout plan indicating this change and an updated tree works plan including the retention of this hedge have been provided. A condition to ensure the development is undertaken in accordance with the AIA addendum is recommended.

5.6.5 The more robust security fence, which will require concrete foundations, will in some areas pass through groups of trees and hedgerows. As recommended within the AIA addendum, a detailed Tree Protection Plan and Arboricultural Method Statement will be required, and this can be secured by condition.

5.7 **Flood risk and drainage (NPPF Section 14 Meeting the challenge of climate change, flooding and coastal change and Review of the DMDPD Policies: DM33 Development and Flood Risk and DM34 Surface Water Run-off and Sustainable Drainage).**

5.7.1 This Section 73 application seeks to make amendments to the originally approved surface water drainage strategy which was considered to be overly engineered and complex, relying on a network of below ground drains within each solar panel zone and connecting to detention basins. The updated surface water drainage strategy also reflects the minor alterations to layout and installation of access tracks. The proposal is to incorporate a network of above ground SuDS features including conveyance and detention swales to capture overland flows which ultimately connect to a large detention basin in the lower part of the site and which would feature a controlled discharge into the River Conder. This simplified outline Surface Water Management Strategy will not alter the performance of the development's drainage requirements. The Lead Local Flood Authority (LLFA), as statutory consultee, have reviewed the proposed amendments and are satisfied with the details proposed. On this basis, the LLFA raise no objection to the proposed changes to the management of surface water within the development.

5.8 **Other matters**

5.8.1 In addition to conditions 2, 4, 9, 13, 18, 20 and 22 being varied as proposed by the applicant, it is also proposed that conditions 1 (timescale), 3 (approved landscaping details), 7 (25-year consent), 12 (provision of visibility splays) and 16 (material details) also be updated accordingly to bring these into line with the amended development. In addition to this, in light of the changes to the scheme, additional conditions will be required these being 24 (development to accord with AIA addendum), 25 (Submission of Tree Protection Plan and Arboricultural Method Statement), 26 (details and installation of new pond) and 27 (zone 8 height restriction) in order to reflect the changes to the development and to ensure the development is acceptable with respect to these matters.

6.0 Conclusion and Planning Balance

6.1 Planning permission 21/01247/FUL sets the baseline for the development of this site. The amendments proposed, in particular the use of more robust security fencing and the increase in the height of the panel arrays would result in some further minor adverse landscape and visual impacts to the character of the site, particularly in wider landscape views. However, these negative effects would be ameliorated through appropriate mitigation including retention of existing vegetation, and an extensive and robust landscaping scheme. These additional adverse effects are more than sufficiently offset by the significant contribution the development will make towards the Council's initiative to tackle climate change and the significant contribution to the biodiversity value of the site through a range of biodiversity enhancements. On balance the considerable environmental and public benefits of the scheme are considered to far outweigh the adverse impacts arising from the amendments proposed as part of this Section 73 Variation of Condition application. As such, in accordance with local and national policy, the application is recommended for approval.

Recommendation

Those conditions 2, 4, 9, 13, 18, 20 and 22 be varied as proposed by the applicant, that conditions 1, 3, 7, 12 and 16 be updated accordingly and that conditions 24, 25, 26 and 27 be included to reflect the changes to the development hereby recommended for approval.

Condition no.	Description	Type
1	Standard timescale commencing 9 March 2022 – Updated to reflect original planning permission date.	Standard
2	Approved plans – Updated to reflect approved plans list.	Standard
3	Implementation of approved landscaping scheme – Updated to reflect approved details.	Specified time
4	Outline surface water management plan – Updated to reflect approved details.	Control
5	Work outside bird nesting season	Control
6	Construction Traffic Management Plan	Control
7	25 year consent and decommissioning scheme – Updated to reflect approved details.	Control
8	Submission of cabling details	Prior to commencement
9	Final Sustainable Drainage Strategy – Updated to reflect approved details.	Prior to commencement
10	Survey of the adopted highway	Prior to commencement
11	Surfacing of access	Prior to commencement
12	Provision of visibility splays – Updated to reflect approved details.	Prior to commencement
13	Implementation of a programme of archaeological works – Updated to reflect approved details.	Prior to commencement
14	Invasive species method statements	Prior to commencement
15	Offsite highways work	Prior to commencement
16	Details of materials for substation building, details of final fence design to facilitate the movement of wildlife, details of foundation locations – Updated to reflect approved details.	Prior to construction
17	Operation and Maintenance Plan & Verification Report of Sustainable Drainage System	Prior to first use
18	Submission of details and implementation of final BNG measures – Updated to reflect approved details.	Prior to first use
19	Construction Phase Surface Water Management Plan	Prior to commencement
20	Submission and implementation of final landscape and biodiversity management plan – Updated to reflect approved details.	Control
21	Wheel washing facilities	Control
22	Implementation of hedgerow planting to mitigate glint and glare – Updated to reflect approved details.	Specified time

23	Employment Skills Plan	Prior to commencement
24	Development in accordance with AIA addendum – New condition to reflect approved details.	Control
25	Submission and agreement of a Tree Protection Plan and Arboricultural Method Statement – New condition to reflect approved details.	Prior to commencement
26	Details and installation of new pond – New condition to reflect approved details.	Specified time
27	Zone 8 panel heights – New condition to reflect approved details.	Control

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Officers have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None