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**MAIN CASE**

**Reference No:** 18/00383/VARM

**Proposal:** To Vary Condition 3 (operational life) of previously approved Application Reference Number: 15/00723/ESF for Installation and operation of a solar farm and associated infrastructure

**Site Address:** Solar Farm Goose Hall Farm Factory Road Burwell  
Cambridge CB25 0BN

**Applicant:** Lightsource SPV 115 Ltd

**Case Officer:** Anne James, Planning Consultant

**Parish:** Burwell

**Ward:** Burwell

Ward Councillor/s: Councillor David Brown  
Councillor Lavinia Edwards  
Councillor Michael Allan

**Date Received:** 23 March 2018      **Expiry Date:** 5<sup>th</sup> July 2018

[T42]

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**1.0      RECOMMENDATION**

1.1      Members are recommended to APPROVE the application subject to the recommended conditions summarised below:

- 1) List of approved plans
- 2) Time limit for commencement
- 3) Time limit for development of 40 years and remove if no longer required.
- 4) Notify local planning authority of commencement
- 5) Drainage Strategy
- 6) Full landscaping details
- 7) Landscape maintenance plan
- 8) Noise limit
- 9) Construction and delivery times
- 10) Construction Management Plan
- 11) Site access details
- 12) Exclusion of use of Howlem Balk for access
- 13) Highway condition surveys and remediation
- 14) Archaeological Assessment

- 15)Methods of work/installation in areas of archaeological interest
- 16)Ecological mitigation and measures
- 17)Biodiversity Management Plan
- 18)No additional lights
- 19)No additional CCTV

1.2 The conditions can be read in full on the attached APPENDIX A.

## **2.0 SUMMARY OF APPLICATION**

2.1 The application relates to the Variation of Condition 3 (operational life) of a previously approved application, reference number 15/00723/ESF, for the installation and operation of a solar farm and associated infrastructure at Goose Hall Farm. This permission was granted by Committee on 10<sup>th</sup> November 2015 and has not yet been implemented.

2.2 The purpose of the application is to extend the operational life of the solar farm from 30 years and 6 months to 40 years and 6 months from the date of the first export of electricity.

2.3 The current wording of Condition 3 of Planning Application 15/00723/ESF is as follows:

*"Within 6 months of the cessation of energy generation from the site, or a period of 30 years and 6 months following commencement of construction, whichever is the sooner, all infrastructure associated with the solar farm (above and below ground) will be removed from the site and the former agricultural use reinstated".*

2.4 The application has been submitted as a direct result of the stance the Government has taken to significantly alter the subsidy supports available to Solar Farm developers. As a consequence the scheme would be built on a 'subsidy free' basis.

2.5 The applicants wish to take advantage of this scheme and to maximise the period within which the Solar Farm can generate renewable electricity prior to decommissioning, removal and recycling. Moreover, the extended period would ensure the scheme would be financially viable as this would not be achieved within a 30 year and 6 month period as currently permitted.

2.6 The application to vary Condition 3 would result in the issuing of a new consent. The proposed wording of Condition 3 is detailed below with the wording to be varied underlined:

*'Within 6 months of the cessation of energy generation from the site, or a period of 40 years and 6 months following the first export of electricity, whichever is the sooner, all infrastructure associated with the Solar Farm (above and below ground) will be removed from the site and the former agricultural use reinstated. The date of first export of electricity shall be provided to the Authority in writing within 1 month of the event'.*

- 2.7 A full description of the application is contained in the original Report to Committee (Planning Ref. No:15/00723/ESF paras 2.4 – 2.6), attached as APPENDIX B and a copy of the Decision Notice is attached as APPENDIX C.
- 2.8 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.9 This application has been brought to Planning Committee in accordance with the Council's Constitution as it is for photovoltaic cells not located on domestic or commercial buildings over 200 sq. metres.

### **3.0 PLANNING HISTORY**

- 3.1 15/00723/ESF installation and operation of solar farm and associated infrastructure.

### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site comprises approximately 72.42 ha of agricultural land located to the north-west of Burwell.
- 4.2 There has been no significant change in the character of the surrounding area which remains predominantly farmland with scattered scrub and hedgerow.
- 4.3 Factory Road is a single carriageway serving a number of isolated dwellings/farms as well as the Cambridgeshire Tile and Brick Company.
- 4.4 There are a number of Public Rights of Way within the surrounding countryside, however, none of which cross the site. Wicken Fen Ramsar and Site of Special Scientific Interest (SSSI) lies approximately 725m to the north-west.
- 4.5 The application site lies within Flood Zones 1-3 and therefore parts of the site would be liable to flooding.

### **5.0 RESPONSES FROM CONSULTEES**

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's website. However, any further comments received will be reported to Committee.

Defence Infrastructure Organisation Safeguarding (Wind Turb) - No comments received

Asset Information Definitive Map Team - No comments received

Local Highways Authority – No objection in principle.

Minerals And Waste Development Control Team - No comments to make.

Senior Trees Officer – no comments to make.

Conservation Officer - No comments received

Environmental Health – No further comments to make.

Cambridge Airport – No objection.

Planning Casework Unit - No comments received

Historic England – No comments to make.

The Ely Group Of Internal Drainage Board - No comments received

Environment Agency – No comments to make.

Natural England – No comments to make.

National Air Traffic Services Ltd – Does not conflict with safeguarding criteria.

Cambs Wildlife Trust - No comments received

Parish – No objections to this application

Ward Councillors - No comments received

CCC Growth & Development – No comments received.

- 5.2 In terms of statutory notification, a number of site notices have been displayed at strategic points around the site on 10<sup>th</sup> April 2018. The application has also been advertised in the Cambridgeshire Evening News on 5<sup>th</sup> April 2018 and letters sent to 37 neighbouring properties. Two letters of representation have been received
- 5.3 One letter in support of the scheme considered that saving the planet was important and requested more solar farms like this one.
- 5.4 One letter objecting to the scheme raised the following concerns:
- The access from any direction for heavy machinery is not suitable with narrow roads leading to it and narrow bridges over the waterway;
  - The work will pose a disruption to walkers and horse riders
  - A waste of valuable farming land for crops;
  - The farm will ruin the pleasant view for homeowners and walkers alike.

Any other comments received will be reported to the Committee.

## **6.0 THE PLANNING POLICY CONTEXT**

The starting point for decision making is the development Plan i.e. the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2017. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

The policies of relevance to this application are:

### **6.1 East Cambridgeshire Local Plan 2015**

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
EMP7	Tourist facilities and visitor attractions
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sites of Archaeological interest
COM 7	Transport impact

### **6.2 Supplementary Planning Documents**

Renewable Energy Development (Commercial Scale) October 2014

### **6.3 National Planning Policy Framework 2012**

- 2 Building a strong competitive economy
- 3 Supporting a prosperous rural economy
- 7 Requiring good design
- 8 Promoting healthy communities
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

### **6.4 Submitted Local Plan 2017**

The Council submitted the Local Plan Review to the Secretary of State in February 2018 and an Independent Examination in Public is underway. It is anticipated that the Local Plan will be formally adopted in late 2018.

LP1	A presumption in favour of sustainable development
LP 2	Level and distribution of Growth
LP 3	The Settlement hierarchy and the Countryside
LP 16	Infrastructure to Support Growth
LP 17	Creating Sustainable, Efficient and Resilient Transport
LP 22	Achieving Design Excellence
LP 23	Water Efficiency
LP 24	Renewable and Low Carbon Energy Development
LP 25	Managing Water Resources and Flood Risk
LP 26	Pollution and Land Contamination
LP 27	Conserving and Enhancing Heritage Assets
LP 28	Landscape, Treescape and Built Environment
LP 30	Conserving and Enhancing Biodiversity and Geodiversity

## **6.5 Planning Practice Guidance**

Consideration has been given to the advice provided in the PPG.

## **7.0 PLANNING COMMENTS**

7.1 The main issues to consider when determining this application are:

- Principle of Development
- Visual Amenity and Landscape Character
- Residential Amenity
- Historic Environment
- Highways
- Ecology and Biodiversity
- Flood Risk and Drainage
- Other Material Matters
- Planning Balance

## **7.2 PRINCIPLE OF DEVELOPMENT**

7.2.1 The principle of establishing a Solar Farm at Goose Hall in Burwell has previously been assessed and planning permission granted in 2015.

7.2.2 In determining the planning application to vary the operational life of the project, the above material planning considerations need to be re-considered in light of whether there has been a material change in circumstances during the 3 year period.

7.2.3 In terms of Policy the adopted Development Plan still comprises the East Cambridgeshire Local Plan 2015. However, the Council has produced a review of this document, the Submitted East Cambridgeshire Local Plan 2017. The weight to be given to this document increases the closer it gets to adoption. The Submitted Local Plan 2017 is to undergo an Examination in Public in June and again in

September 2018 with its final adoption planned for the end of 2018 or beginning of 2019. Due weight can therefore be afforded to the relevant policies of the Submitted Local Plan 2017.

- 7.2.4 The NPPF supports the transition to a low carbon future in changing climate and encouraging the re-use of renewable resources. Para 97 aims to increase the use and supply of renewable energy through having a positive strategy; design policies to maximise renewable and low carbon energy whilst ensuring the adverse impacts are addressed, including cumulative landscape and visual impacts; and to consider identifying suitable areas for renewable and low carbon energy. Para 98 states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy; and approve applications if they can be made acceptable.
- 7.2.5 The UK is still obligated to reduce its carbon emissions by increasing the amount of energy generated from renewable sources. In addition to the environmental benefits there are strong socio-economic drivers for developing renewable energy.
- 7.2.6 Policy ENV6 of the Local Plan 2015 relates to proposals for renewable energy and associated infrastructure which should be supported, unless their wider environmental, social and economic benefits would be outweighed by significant adverse impacts that cannot be remediated and made acceptable in relation to :
- The local environment and visual landscape impact;
  - Impact on the character and appearance of the streetscape/buildings;
  - Key views, in particular those of Ely Cathedral;
  - Protected species;
  - Residential amenity;
  - Safeguarding areas of nearby airfields; and
  - Heritage assets.
- 7.2.7 Policy GROWTH 2 of the Local Plan 2015 states that renewable energy development is one exception to the normally strict control over development in the countryside.
- 7.2.8 Policy LP24 of the Submitted Local Plan 2017 states that significant weight should be placed on the wider environmental, social and economic benefits that renewable and low carbon energy can deliver. Proposals which support the growth of the renewable and low carbon energy sector, including, but not limited to associated infrastructure and employment opportunities will be supported.
- 7.2.9 Furthermore, Policy LP24 of the Submitted Local Plan 2017 requires that proposals for other renewable energy development will be assessed on their merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme, taking account of the following:
- j the surrounding landscape and townscape;
  - k. heritage and biodiversity considerations;
  - l. residential and visual amenity;

- m. safety, including ensuring no adverse highway impact;
- n. highways impact, both in the construction of the facility and the on-going use of the facility;
- o. MoD operations, including having no unacceptable impact on the operation of aircraft movement or operational radar;
- p. agricultural Land Classification;
- q. the Council's Renewable Energy Development (Commercial Scale) SPD.

7.2.10 Clearly, a renewable energy scheme of this scale would serve to increase the use and supply of renewable energy which would be fed directly into the local power grid network for use by the nearest points of demand. The project would also make an important contribution to the Government's aim of reducing carbon dioxide emissions.

7.2.11 An assessment of the proposal has been undertaken in the foregoing sections of the report to determine whether the adverse impacts of extending the permission for a further ten years would significantly or demonstrably outweigh the benefits of providing renewable energy. These matters are discussed in the following sections of the report.

7.2.12 Both local and national policy are supportive of such schemes and there has been no other material change in circumstances since the granting of permission in 2015, therefore, the principle of development is still considered acceptable.

### **7.3 VISUAL AMENITY AND LANDSCAPE CHARACTER**

7.3.1 In terms of visual amenity and landscape character Policy ENV6 of the Local Plan 2015 considers the effect on the local environment and visual impact; the impact on the character and appearance of the streetscape/buildings and, the impacts on key views, when determining applications for renewable energy development. The policy confirms that the visual and amenity impacts will be assessed on their own merits, both individually and cumulatively and the need to respect the capacity of the distinctive character areas.

7.3.2 In terms of the individual and cumulative impacts, a Landscape and Visual Impact Assessment was submitted initially with the Environmental Statement which assessed a study area approximately 5km from the site and no individual or cumulative impacts were identified.

7.3.3 Policy LP24 of the Submitted Local Plan 2017 requires renewable energy development to be assessed on their merits and proposals will be supported where the benefit of the development outweighs the harm caused and reasonable measures for mitigation can be demonstrated.

7.3.4 National Planning Policy Guidance is clear in recognising the potential to mitigate landscape and visual impacts through, for example, screening with native hedges and that with effective screening and appropriate land topography, the area of a zone of visual influence could be zero.



- 7.3.5 The application site comprises rectilinear fields and a network of hedgerows and ditches which contribute to the overarching landscape character. There is an overhead electricity transmission and distribution line which crosses the site, as well as a number of industrial features including the electricity substation and the clay mineral extraction site.
- 7.3.6 A Landscape Maintenance Plan has been submitted with the application [Pegasus Environmental and dated February 2018]. This document has been produced in response to Condition 7 of 15/00723/ESF which states that *“prior to the approved solar farm coming into use for the generation of electricity, a scheme for the maintenance of the soft landscaping agreed under Condition 6 for the anticipated life of the development shall be submitted and agreed to in writing by the local planning authority”*
- 7.3.7 This Maintenance Plan presents a number of proposed mitigation measures including the reinforcement of the existing hedgerows with those of a similar species, tree planting and the use of wildflower meadows.
- 7.3.8 There are a number of visual receptors in the immediate vicinity in the form of a Public Right of Way, Footpath 35/10 which runs along the eastern boundary of part of the site and Factory Road and the residential properties in this area. However, the establishment of new planting and hedgerow management regime, allowing it to grow to 3m in height, would reduce the impact to a level considered not to be significant. This is still the case.
- 7.3.9 Whilst some effects have been identified in terms of visual amenity, which attract some weight against the proposal, the Landscape Plan demonstrates how these can be sufficiently mitigated by soft landscaping and future management of that landscaping.
- 7.3.10 As such, in terms of visual impact, the extended operational period of the solar farm could still be accommodated on the site without significant harm to visual amenity, or the character of the surrounding area. As such it is considered that the proposal meets the requirements of Policy ENV6 of the Local Plan 2015 and Policy LP24 of the Submitted Local Plan 2017.

## **7.4 RESIDENTIAL AMENITY**

- 7.4.1 As reported in 2015, the land surrounding the application site is predominantly undeveloped farm land with some residential properties fronting on to Factory Road, close to the former Brickworks site; a vacant travellers site to the east on First Drove, and, scattered properties on the western edge of the main village of Burwell on Waterside and North Street.
- 7.4.2 Policy ENV2 of the Local Plan 2015 requires that there is no significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.4.3 Since planning permission was approved in 2015, there has been little change in respect of the relationship with residential accommodation in the vicinity of the site.

- 7.4.4 One letter of representation has been received raising similar concerns to those cited in 2015, namely, the access from any direction for heavy machinery was not suitable with narrow roads leading to it and narrow bridges over the waterway. Conditions on this consent already restrict construction traffic within the surrounding highway network and limit the noise and general disturbance by a Construction Management Plan condition which also restricts the hours of operation, haulage routes, etc. Moreover, the Environmental Health Officer has raised no additional concerns other than that a condition relating to external noise could be imposed on the consent. In view of the limited period of time that construction would be taking place, the weight attracted against the development would not be significant. This would still be the case.
- 7.4.5 A further concern raised in the letters of representation concerning the loss of views of the countryside which are being spoiled by the solar panels and equipment for a longer period than has been previously agreed, can still be afforded some negative weight. However, in general terms, the loss of a view from a residential property is not a material planning consideration, even though it is acknowledged that the existing view would change from one of open countryside to a solar farm. As previously assessed, in view of the contribution the scheme would make to the local renewable energy supply over a longer period and the fact that this harm is reversible and the views could be restored, this negative weight can be tempered. In terms of the loss of or ruin of the pleasant view for homeowners and walkers alike, a degree of mitigation has been proposed which is outlined in the preceding section of the report.
- 7.4.6 The impact on residential amenity, albeit over a longer period, has been previously assessed and committee members agreed that appropriate mitigation measures could be imposed by condition. As such, the negative weight to be afforded to this scheme would be limited.
- 7.4.7 To conclude, whilst the scheme would be in situ over a longer period of time, it is not considered there would be any additional impact on residential amenity and as a consequence the scheme complies with Policies ENV2 of the Local Plan 2015 and Policy LP 22 of the Submitted Local Plan 2017 and is still viewed positively.

## **7.5 HISTORIC ENVIRONMENT**

- 7.5.1 A comprehensive Heritage Statement was submitted initially with the application in 2015 and an assessment of the development in terms of the potential impact on views from Steven's Mills, Wicken Mill and St Mary's Church Tower was undertaken. In view of the existing topography of the site and the existing building lines, no concerns were identified by the Conservation Officer or Historic England.
- 7.5.2 In terms of below ground Heritage Assets, again the County Archaeologist was satisfied that an archaeological evaluation can be undertaken by condition and this stance has not changed.

- 7.5.3 As a result it is considered that the extension in the operational life of the scheme would have a negligible impact on the historic environment and still complies with Policies ENV14 of the Local Plan 2015 and LP27 of the Submitted Local Plan 2017.

## **7.6 HIGHWAYS**

- 7.6.1 Policy LP17 of the Submitted Local Plan 2017 requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst the criteria it is important to ensure safe, convenient access to the existing highway network.
- 7.6.2 The impact on access, highway and pedestrian safety were comprehensively assessed in 2015 and no changes have been made to what had previously been agreed. Initial concerns regarding existing speed limits; cycle facilities; impact on PROW; traffic using the local network; trip generation during construction and for staff once the farm is operational, have been controlled by the imposition of a number of conditions. (See Appendix A – Conditions 10 – 14).
- 7.6.3 The operational phases of the scheme would result in very little vehicular movement, with the majority of trips resulting during construction and decommissioning phases. The Local Highway Authority have raised no objection provided similar conditions were imposed as previously agreed.
- 7.6.4 Extending the operational period of the solar park would not affect highway and pedestrian safety and therefore the proposal would comply with Policies COM7, COM8 of the Local Plan 2015 and Policy LP17 of the Submitted Local Plan.

## **7.7 ECOLOGY AND BIODIVERSITY**

- 7.7.1 Policy ENV7 of the Local Plan 2015 seeks to ensure that the impact on wildlife is minimised and that opportunities for biodiversity enhancement are taken.
- 7.7.2 Policy LP24 of the Submitted Local Plan 2017 requires renewable energy development to take account of biodiversity considerations with proposals being supported where the benefit of the development outweighs the harm.
- 7.7.3 In terms of the impact on ecology, there were no objections raised by Natural England in terms of Statutory Sites like Wicken Fen. In terms of protected species, an Environmental Statement was submitted with the initial application and a range of mitigation measures were proposed during construction and decommissioning of the site. The Landscape Maintenance Plan proposes management during the operational phases of the development where the new trees, hedgerow and species rich grassland beneath and around the solar arrays would create new habits for wildlife, resulting in a net environmental gain.
- 7.7.4 On balance the proposal to extend the operational life of the scheme would not result in any adverse impact on either Statutory Sites or Protected Species and complies with Policies ENV7 of the Local Plan 2015 and Policy LP24 of the Submitted Local Plan 2017.

## **7.8 FLOOD RISK AND DRAINAGE**

- 7.8.1 The site is located within Flood Zones 1, 2 and 3. The Internal Drainage Board and the Environment Agency raised no concerns in 2015, as the infrastructure associated with the solar farm would be located within Flood Zone 1, however, the EA recommended that a sequential test was carried out. Given that it was not possible for the development to be located in zones with a lower probability of flooding the sequential test was passed and the exception test was applied.
- 7.8.2 The development would be carried out in accordance with the details contained with the original FRA and would be fully implemented in accordance with the drainage strategy.
- 7.8.3 The impact on flood risk and drainage are unlikely to be affected by the application to extend the operational life of the solar farm and as such the development would still comply with Policies ENV8 of the Local Plan 2015 and LP25 of the Submitted Local Plan 2017.

## **7.9 OTHER MATTERS**

- 7.9.1 The application site is located within a mineral safeguarding area for sand and gravel. The Minerals and Waste Team at Cambridgeshire County Council have been consulted on the application and no concerns were identified by them.
- 7.9.2 Another concern has been raised with regard to the development constituting a waste of valuable farming land for crops. The application site has been classified as Grade 2 and Grade 3a Agricultural Land. Whilst the Government is keen on protecting Best Most Versatile agricultural land from development, it is also keen on promoting the renewable energy agenda which can be seen from the subsidy now available for solar farm developers. Furthermore, government advises local authorities not to require applicants to demonstrate the overall need for renewable energy and approve applications if they can be made acceptable. This provides some insight into the importance placed on renewable energy production. Moreover, this development would still be temporary in nature, and as this part of the district benefits from a significant amount of best most versatile agricultural land, its temporary loss is considered acceptable.
- 7.9.3 The application was also screened by the Council and an Environmental Statement was not considered to be required within the terms of the Town and Country (Environmental Impact Assessment) Regulations 2017 (as amended).

## **7.10 PLANNING BALANCE**

- 7.10.1 The application seeks to vary Condition 3 of planning permission 15/00723/ESF which will result in the operational life of the scheme being extended from 30 years and 6 months to 40 years and 6 months.
- 7.10.2 A renewable energy scheme of this scale would serve to increase the use and supply of renewable energy which would be fed directly into the local power grid

network for use by the nearest points of demand. The project would also make an important contribution to the Government's aim of reducing carbon dioxide emissions. Both local and national policy are supportive of such schemes and as such this is a benefit to which significant positive weight should be afforded.

- 7.10.3 The scheme would also result in a net environmental gain which would also be afforded significant positive weight.
- 7.10.4 In terms of the creation of jobs involved in the construction, operation and decommissioning of the project, this would still result in significant economic benefits although these should be tempered to a moderate extent given the temporary nature of some of the work involved.
- 7.10.5 Generally, it is considered that the landscape and visual impacts of the overall development can be largely mitigated against through additional planting and landscape management, as can any impacts on the historic assets, biodiversity and ecology to which limited negative weight can be given.
- 7.10.6 The scheme would result in the temporary loss of land from intensive agricultural production. However, as the nature of the scheme would still be considered temporary, and the sequential test has been passed then again only limited negative weight can be afforded.
- 7.10.7 In all other respects, the impact on access and highway safety, residential amenity, flood risk and drainage can all be afforded neutral weight.
- 7.10.8 Having regard to the environmental information already submitted with the extant scheme there has been no material changes in the topography of the site, landscape character or new development. Given that emerging local and national policy supports the generation of renewable energy, then the extension of the operational life of the solar park is still considered to be a significant benefit which is not significantly or demonstrably outweighed by any adverse impacts.
- 7.10.9 The application complies with the policies of the Local Plan 2015 and the Submitted Local Plan 2017 as well as the National Planning Policy Framework. It is therefore considered that the increase in the operational life of the solar park is acceptable and the scheme is recommended for approval.

## **8.0 COSTS**

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case Members' attention is particularly drawn to the following points:

That permission has already been approved for a solar park in this location which was granted planning permission in November 2015. That the application seeks to extend the operational life of the extant permission from 30 years and 6 months to 40 years and 6 months from the date of first export of electricity. That the scheme is supported by both national and local planning policy. That the scheme is reversible and the land reinstated to agricultural farm land.

## 9.0 APPENDICES

- 9.1 Appendix A - Conditions
- 9.2 Appendix B - Report to Committee dated 6<sup>th</sup> November 2015
- 9.3 Appendix C - Decision Notice 10<sup>th</sup> November 2015

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00383/VARM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc ambs.gov.uk
15/00723/ESF		

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>