



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday 1 October 2014
at 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor David Ambrose Smith
Councillor Sue Austen (as Substitute for Councillor Robert
Stevens)
Councillor Derrick Beckett
Councillor David Brown
Councillor Lavinia Edwards
Councillor Lis Every
Councillor Jeremy Friend-Smith
Councillor Bill Hunt (as Substitute for Councillor Tom Hunt)
Councillor Mike Rouse
Councillor Gareth Wilson

OFFICERS

Melanie Sage – Democratic Services Officer
Rebecca Saunt – Senior Planning Officer
Elizabeth Smith – Locum Solicitor
Sue Wheatley – Principal Development Management Officer

ALSO IN ATTENDANCE

Rich Fitzjohn – Development Services Support Officer
Melissa Reynolds - Senior Planner North Ely
Richard West – Planning Officer

3 members of the public

43. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Tom Hunt and Roberts Stevens. Councillors Bill Hunt and Sue Austen attended as the respective Substitute Members for the meeting.

44. DECLARATIONS OF INTEREST

The Chairman declared an interest in Agenda Item 6 - 14/00779/FUM - Detailed planning application to construct solar farm (12 MW) comprising of up to 50,000 panels and associated works (inverter cabins, transformers, DNO building, communications building, security measures and landscaping)

at Triangle Farm, Angle Common, Soham as he is a Cambridgeshire County Councillor, the Applicant being Cambridgeshire County Council. The Chairman stated that he had previously been involved in discussions on the matter, but had not given any indication of support.

Cllrs Rouse, Brown and Hunt also declared an interest on the same item as they are also Cambridgeshire County Councillors.

45. **MINUTES**

Cllr Friend-Smith referred to his statement on the top of page 10 of Minute no. 38 – 14/00046/OUM – Former D S Smith Site, Reach Road, Burwell and sought confirmation that this was accurately reflected in the resolution. In response the Locum Solicitor explained that the matter considered by the Committee was an outline planning application and therefore the statement by Cllr Friend-Smith was consistent with the resolution.

Regarding the same Minute, Cllr Brown referred to page 6, third paragraph and proposed the following amendments:

*‘Councillor Robert Stevens wondered whether Burwell needed a **secondary** school, as children from the village currently went to Bottisham. Would the additional land proposed be land-locked if not included? Councillor Kilbey stated that the village did not need ~~more~~ **these** houses, as more houses would cause more overcrowding. A better place had been allocated so the houses should be put there. The area would be land-locked and the Wildlife Trust had requested a bigger buffer zone than that proposed.’*

For further clarification Cllr Brown explained that Cllr Kilbey had stated that the people of Burwell were satisfied with the current arrangements of children attending the secondary schools at Soham and Bottisham.

Cllr Ambrose Smith stated that the resolution of Minute no. 38 – 14/00046/OUM – Former D S Smith Site, Reach Road, Burwell was not recorded in the way in which he had understood to have voted and for this reason he would not be supporting approval of the minutes. The Principal Development Management Officer explained that at the meeting it had been noted that the Committee were considering an outline application and that the details of the application would be via reserved matters, not a full application, although this could be presented to the Committee at a future date, and that if the Committee accepted the officer’s recommendation they would be delegating consideration of viability matters and the S106, including affordable housing and open space, to officers. The Locum Solicitor further noted that the last part of the resolution should satisfy the concerns of Cllr Ambrose Smith as it was recorded that *‘... subject to the reserved matters application (or full application) being brought back to the Committee for approval.’*

It was resolved:

That the minutes of the Planning Committee meeting held on 3 September 2014 be confirmed as a correct record and signed by the Chairman subject to the following amendments to Minute no. 38, page 6, third paragraph:

*'Councillor Robert Stevens wondered whether Burwell needed a **secondary** school, as children from the village currently went to Bottisham. Would the additional land proposed be land-locked if not included? Councillor Kilbey stated that the village did not need ~~more~~ **these** houses, as more houses would cause more overcrowding. A better place had been allocated so the houses should be put there. The area would be land-locked and the Wildlife Trust had requested a bigger buffer zone than that proposed.'*

46. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that following publication of the agenda, Agenda Item 5 relating to the Community Led Scheme by Stretham and Wilburton Community Land Trust had been withdrawn from the Agenda due to technical reasons. The application will now be considered at a special meeting of the Planning Committee on Friday 17 October at 10:00am.

47. **14/00779/FUM - TRIANGLE FARM, ANGLE COMMON, SOHAM**

Rebecca Saunt, Senior Planning Officer, presented a report (P88) which provided details of a planning application to construct a solar farm comprising of up to 50,000 panels and associated works (inverter cabins, transformers, Designated Network Operator (DNO) building, communications building, security measures and landscaping) capable of generating up to 12 MW of energy at Triangle Farm, Soham. The application site covered an area of 28.5 hectares, located to the west of Soham. A Members' site visit had taken place prior to the meeting.

Illustrations were displayed at the meeting which depicted the location of the site, the access to the site and of the proposed layout.

The Senior Planning Officer explained that the main issues to consider in dealing with the application were:

- The principle of development in the countryside and the policy issues surrounding renewable energy development;
- The impact on visual amenity and the character of the countryside;
- The impact on residential amenity;
- The impact on nearby heritage assets;
- The impact on ecology and biodiversity;

- The possible loss of agricultural land;
- Highways issues; and
- Flood risk, pollution control and drainage issues.

The Senior Planning Officer explained stated that Policy CS1 of the Core Strategy did not specifically identify renewable energy as a type of development that would be acceptable in countryside locations. However, policy Growth 2: Locational Strategy of the East Cambridgeshire Draft Local Plan (as amended June 2014) highlighted renewable energy development as one of the types of development that might be permitted as an exception to the usual strict control over development in the countryside.

The rows of solar panels would be set back from the site boundaries and there would also be a separation of 4-6 metres between each row, to ensure no overshadowing. The panels would be mounted close to the ground and fixed into position through piles driven into the ground - no concrete foundations were required.

A 2 metre high mesh security fence would surround the site, which would include gates to allow wildlife to move across the site. CCTV cameras would also be erected on 3 metre poles at various intervals along the fencing to allow remote monitoring of the site.

The application site is located in the countryside and the surrounding land is in agricultural use, predominately arable. The Applicant had submitted a detailed Landscape and Visual Appraisal with the application that proposed to retain the existing hedging and trees on the site boundary and included additional tree, native scrub and hedge planting where gaps existed in the site boundary. Therefore there would not be any adverse impact on visual amenity and character of the countryside.

Regarding the impact on nearby heritage assets and archaeology, it was suggested that this would not be adversely affected. English Heritage and the Conservation Officer had not raised any objections to the proposal, the Conservation Officer had advised that the nature of the development, combined with the existing topography and landscaping and the sufficient distance from the heritage assets would not result in any harm being caused to the significance of the designated heritage assets.

An Archaeological Evaluation Report was submitted with the application and the Cambridgeshire County Historic Environment Officer had advised that the report demonstrated a lack of surface deposits on the site, from which it could be concluded that the area lay outside the edge of the mere and was not affected by its sedimentation. Therefore, there was no archaeological evidence of significance in the proposed development area and no further archaeological work was required in connection with the proposal.

With the use of appropriate conditions, outlined in the officer's report, it was considered that the application was acceptable in terms of the impact on ecology and biodiversity.

The land surrounding the application site is predominantly undeveloped. However, there are some residential properties within 200 metres, located to the north of the site at Triangle Farm. The Applicant anticipated the construction of the site to take 16 weeks, during which the panels would be delivered to the site on Heavy Goods Vehicles. The Environmental Health Officer suggested that there could be an impact from construction traffic, so had advised limiting the times of construction and deliveries during this phase to those requested within the Applicant's Construction Management Statement, dated July 2014, to ensure minimal impact on residential amenity. Tabled at the meeting was an amended condition (no.3) to address this matter.

Regarding the possible loss of agricultural land there was no relevant Core Strategy or draft Local Plan policies relating to the loss of agricultural land. However, paragraph 112 of the NPPF stated that "*where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of a higher quality*". Land is classified in grades of one to five, Grade 1 is land of excellent quality and Grade 5 is very poor. The National Agricultural Land Classification Map identified the site area as comprising Grade 3 agricultural land. The Applicant had submitted an Agricultural Land Classification Survey with the application that concluded the site as Grade 3b and could only be used for certain crops. Therefore, due to the land classification, the loss of the agricultural land was not considered to be a significant issue. The solar panels would also allow grazing to be established around the panels.

The proposed development did not result in irreversible development of agricultural land and the development would either be decommissioned after the initial 25 year period, the average life of a solar panel, or be returned to agricultural use, or the Applicant could seek permission to extend the life of the site for a further number of years.

Within the officer's report it was explained that the Highways Officer had requested additional information in relation to the proposed highway improvements made to the junction to enable large vehicles to turn, and also details of the passing bays. The additional information was submitted to County Highways by the Applicant and as a result tabled at the meeting were 3 additional Highways conditions that had been agreed following publication of the agenda, which the Highways Officer confirmed addressed the concerns.

The majority of the application site was situated within Flood Zone 3, but was also considered to be within an Area Benefitting from Flood Defences. The Environment Agency had advised that the Flood Risk

Assessment submitted with the application was appropriate for the scale and nature of the development at the location and they had raised no objections to the proposal and required no conditions. The Internal Drainage Board (IDB) raised an objection to the proposal and additional information was submitted by the Applicant. Subsequently the IDB advised that the additional information submitted in the Flood Risk Assessment addressed their concerns and their objection had been withdrawn.

In concluding her presentation, the Senior Planning Officer explained that having had regard to all of the information submitted, the consultation responses and additional reports and assessments, it was considered that there would be no adverse impacts on visual or residential amenity, flood risk or pollution or protected species and the proposal would result in biodiversity enhancements through landscaping that would encourage a wider range of flora and fauna to the site. The Senior Planning Officer stated that the recommendation to Committee was Approval subject to the conditions outlined in the officer's report including those tabled at the meeting.

At the invitation of the Chairman, Mr Andrew Hodgson and Mr Nick Barbour - Agents for the Applicant addressed the Committee and a summary of their comments were as follows:

- Cambridgeshire County Council had initially approached Savills to conduct an assessment to establish which Cambridgeshire County Council owned agricultural land was of the poorest quality. It was concluded that the application site was of the poorest quality and therefore the most suitable to host a solar farm.
- The application site was also proposed as the most suitable for a solar farm due to its location to the national grid and its low impact on visual amenity.
- The Applicant had submitted a routing agreement which all construction traffic would be expected to abide to.
- It was expected that the solar panels would be collected from Felixstowe.
- It was anticipated that the construction period for the site would last between 12-16 weeks.
- The solar panels were straightforward to fit.
- Following the initial construction phase there would be minimal vehicle movement to and from the site – approximately one vehicle per month to monitor the site.
- After 25 years the Applicant would need to re-apply for planning permission to extend the life of the site for a further number of years.

A summary of the questions and answers to the Agents by the Planning Committee were as follows:

Cllr D Brown:

- Expressed concern as the IDB had recently imposed a levy of £52,000 on the Council as a result of change of use of agricultural land to a solar farm at a site in Haddenham. Therefore, he suggested a S106 Agreement should the Committee approve the application, to avoid this issue occurring in the future.

Cllr G Wilson:

- Further explained that the Council could not currently recoup £52,000 from the Applicant of the solar farm in Haddenham as HM Revenue and Customs (HMRC) did not currently have a business rate for such a scheme to enable the Council to charge against.
- Enquired what type of grazing land would surround the solar panels?

It was anticipated to be meadow grass for grazing sheep.

- The solar farm at Wilburton was supposed to encompass grazing land. However, this was now a wild meadow so Cllr Wilson was dubious that this would actually be achieved.
- How would the solar farm be connected to the national grid?

The route was still being confirmed. However, the solar farm would be connected to the local network via overhead lines that were close to the auxiliary buildings.

Cllr J Friend-Smith:

- The entrance to the site was via a narrow road and therefore a traffic management plan was important. Were there any other entrances to the site to access the technical equipment at the far side of the site?

The access road to the site was a concrete track and the only access point into the site was the north-west access point as highlighted on the proposed layout – as travelled by Members when they attended the earlier site visit. The access road to the site already had passing bays but the Applicant was aware that improvements to the track were required.

Cllr D Beckett:

- Did not agree that the solar farm would not cause an adverse impact to visual amenity as the panels would be viewed if travelling on the Soham to Wicken road. The solar farm at Wilburton was clearly visible as a grey mass amongst agricultural land.

The free standing solar panels would be a maximum height of 2.5 metres above ground level at the rear top edge. With the retention of the current existing trees and hedges and the additional planting the visual impact would be minimal. The Applicant had submitted a detailed Landscape and Visual Appraisal with the application which examined the potential impacts on the landscape character and

features of the site, the local and wider landscape character and changes to views. The appraisal concluded that the development was visually well contained from public viewpoints in summer and winter by existing native hedges on the site boundary. The Agent agreed that not all solar farms were as well protected as this site would be. However, the proposed site was also a better location.

- Soham Mere is an inland sea and drainage of the site relied on Henney Pumping Station. If the site should flood, what would be the impact?

There would be a greater impact if the equipment operating the solar farm went wrong. If the water level fell below the solar panel the panel should continue to operate as the working components are in the panel. The panels are made of inert material so do not contain any potential contaminants so there would not be any substances or run-off that would be a contaminant.

Cllr B Hunt:

- Some passing bays on the access road to the site were currently blocked, had they been taken into consideration as a standard that could be used.

The current passing bays would be used and new passing bays created, which would include utilising the passing bays that were currently blocked. It was unknown at present whether these passing bays were of a satisfactory standard to be used in the current condition.

- The Town Council had commented that a S106 agreement should be sought. How many meetings had the Applicant had with the Town Council and how much public consultation had the Applicant undertaken?

There had been correspondence between the Applicant and the Town Council. However, there was a deadline for when the application had to be submitted by Cambridgeshire County Council and therefore there had not been the time to hold a meeting with the Town Council or to hold a public exhibition.

- Were concrete foundations required to construct the proposal?

The solar panels would be mounted close to the ground and fixed into position via piles driven into the ground. No concrete foundations were required, although the small buildings would be sited on concrete plinths.

Cllr D Ambrose Smith:

- What site security would be provided during the 12-16 week construction phase?

The security arrangements were still being confirmed. However, usually the arrangements were secure compounds and night security.

At the conclusion of the public speaking, the Planning Committee debated the application.

The Senior Planning Officer was asked whether she had discussed with the Applicant the levy that had been imposed on the Council by the IDB and of any mitigating measures if this were to occur again as a result of granting permission. The Principal Development Management Officer explained that the matter had not been discussed with the Applicant as the levy imposed was an implication for the Council and could not be considered a material planning consideration. However, if the IDB had requested a contribution it would have been a different matter.

The Chairman noted that the proposal did not create any adverse impacts in terms of flooding or pollution and that the IDB and EA had no objections. The IDB had advised that the additional information submitted in the Flood Risk Assessment addressed their concerns. Therefore it could not be expected that the IDB would request a levy from the Council.

Cllr Beckett stated that the Council should be able to impose a condition to ensure that if in the future a levy was imposed on the Council that this would be funded by the Applicant, from the funds generated from the solar farm.

Cllr Wilson noted that if the Council granted permission on agricultural land which changed its use, the Council would be liable to pay a levy to the IDB and this was likely to be a substantial amount.

Cllr Hunt stated that he was saddened that Cambridgeshire County Council had not had a meeting with the Town Council or held a public consultation exercise, which he felt was arrogant and remiss of them. This was a shame as he thought the site was good. Cllr Beckett concurred with these comments.

Cllr Rouse proposed that the application be approved as per the officer's recommendation with the amendment and additional conditions as tabled at the meeting. This was seconded by Cllr Beckett.

Cllr Brown requested an amendment to the recommendation that the application be delegated to the Principal Development Management Officer to ensure that there would be no financial impact on the Council if the application was approved.

Cllr Beckett requested a further condition that all construction traffic should abide by the routing agreement provided to the Authority by the Applicant. Senior Planning Officer confirmed that details had been submitted by the Applicant of a specified Construction Traffic Route. Cllr Rouse, as proposer of the recommendation, confirmed his agreement for this additional condition to be included in the recommendation.

Cllr Brown stated that the recommendation should be subject to satisfactory negotiations with the Applicant to seek assurances that the Applicant would underwrite any financial implications to this Authority. The Locum Solicitor explained that this issue could not be considered a material planning consideration.

Cllr Wilson stated this issue might not be a long-term issue. However, HMRC were not swift at establishing new rates and until they established a business rate for such a scheme the Council would never be able to recoup any levy imposed on the Authority. Irrespective of whether the IDB had raised the matter within the consultation response, if they wanted to impose a levy they would.

Cllr Beckett was doubtful that the IDB would raise the matter within their consultation response as if they wanted to impose a levy they would do so on the Council and their consultation response was only concerning whether or not they agreed to the application.

In response to the concerns expressed by Members, the Principal Development Management Officer proposed that the decision include that the Principal Development Management Officer discuss drainage issues with the Applicant to mitigate any possible financial issues using a S106 Agreement if necessary and lawful. This was accepted by the Committee.

The proposal to accept the officer's recommendation for approval subject to the conditions outlined in the officer's report including those tabled at the meeting, a further additional condition regarding a construction traffic routing agreement and the wording proposed by the Principal Development Management Officer, having already been proposed and seconded, was put to the vote was carried unanimously.

It was therefore resolved:

That planning application reference 14/00779/FUM be **APPROVED** subject to the Planning Manager discussing the drainage issues with the Applicant to mitigate any possible financial issues using a S106 Agreement if necessary and lawful, and subject to the conditions as set out in the Officers report presented to Committee, including amended condition no. 3 (as tabled at the meeting), 3 additional highways conditions (as tabled at the meeting) and a further additional condition all detailed as follows:

- 3 The times of construction and deliveries during the construction and decommissioning phases of the development hereby approved shall be: 07:00 – 18:30 Monday to Friday and 07:00 – 12:30 on Saturdays. There shall be no construction/deliveries etc on Sundays and Bank Holidays.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 14 Prior to the commencement of development, a construction management plan, including access routes shall be submitted to the local planning authority and agreed in writing. The construction and decommissioning of the solar farm shall be managed and mitigated in accordance with the details contained in the agreed plan.
- 14 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.
- 15 The proposed access improvements and passing bays as shown on Drawing Number N681/01'Proposed Site Access and Passing Bay Arrangement' shall be completed prior to the commencement of development and thereafter retained.
- 15 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.
- 16 Prior to the commencement of development the details of a dilapidation survey shall be submitted to and agreed in writing with the Local Planning Authority, in consultation with the Highways Authority.
- 16 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.
- 17 Construction traffic shall access the site in accordance with the details specified in Figure 3: Construction Traffic Route in the Construction Traffic Management Statement, submitted with the application and dated July 2014.
- 17 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.

The meeting closed at 2.55pm.