PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Variation to Condition 3 and Condition 6 of planning permission F/14/75012 to require decommissioning of solar farm on or before 01 March 2048 in accordance with a decommissioning method statement. Netley Landfill Site Portsmouth Road Bursledon Southampton SO19 9NA

SITE VISIT DATE – 12/02/16

ARE PLANS ACCURATE? - Y

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Y

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The expected operational life of the solar farm is now at least 30 years and therefore the S73 application seeks variation of Condition 3 (cease use and remove infrastructure in accordance with remediation strategy by 30 October 2040) and condition 6 (submission of the decommissioning method statement within 25th anniversary of development commencing) on planning permission F/14/75012. X/15/77680 sought a variation to conditions 1 (plans nos.) and 14 (delivery of the footpath). Conditions 3 and 6 of this revised planning permission also relate to the same conditions of the original permission ref: F/14/75012 and as such the extension of the operational life to 30 years would be equally applicable.
SITE AREA	54ha site in total
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	The site has a two high points; one to the south of the waste transfer station with the site dropping to the boundaries of the site. The second knoll is to the NE of the waste transfer station, with the ground levels falling to the boundaries and south towards the woodland to the east of the station (Burrows Copse).
TREES	Burrows Copse Site of Importance of Nature Conservation is a 3ha copse of ancient woodland in the centre of the proposed development site. This falls outside of the proposed development footprint and would remain unaffected by the development. Within the SE and NE corner of the site are two small areas of dense woodland, which also remain unaffected. Along the NW boundary is Tickleford Gully along the side of the valley through which a small stream passes.
BOUNDARY TREATMENT	Predominantly boundary by woodland along its eastern and western boundaries, with a 1.8m chain link fence around the

THE SITE AND ITS SURROUNDINGS

	perimeter through which is gated access on to Grange Road. The northern boundary with Portsmouth Road comprises of 3m high hedging and groups of planted deciduous trees. The southern boundary comprises of a small but dense area woodland in the SE corner and hedgerow with trees along Woolston Road.
SITE CHARACTERISTICS	A former landfill site, which was closed, capped and restored in the mid to late 1990s. Operating from the site is the Netley Household Waste Recycling Centre and Waste Transfer Station. Recent remodelling of topography has occurred to avoid pooling of water in the northern sector. The landfill gas extraction and leachate management will continue on site.
CHARACTER OF LOCALITY	Within the Council's Landscape Character Assessment (2011) the assessment locates the site within Area 13 Hound Plan the characteristics of which are gently domed landform, open character interrupted by hedging and woodland boundaries. The site is bound by a scattering of residential properties, agricultural land, a camp site, sports pitches and to the west Tickleford Gully and Ancient Woodland. The site falls within the Southampton – Netley – Bursledon Strategic Gap.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/14/75012	Solar Array Farm with access from Portsmouth Road	Approved Oct 2014
F/15/76555	Construction of 2no. substations and ancillary equipment to solar farm.	Approved Aug 2015
X/15/77680	Variation of conditions 1 and 14 of planning permission F/14/75012 to allow amendments to plan numbers to reflect minor revision to layout of solar panel and realignment of permissive path to eastern and northern boundary	Permitted 31 Aug 2016.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None received	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hound PC	No objection

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
• Outside Built-Up Area Boundary • Strategic Gap

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
• Agricultural Land Value Grade 4 • Site designated as Netley Farm Closed Landfill Site SINC • Within the site is Burrows Copse SINC

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), saved policies

- 1.CO - Development in countryside, 18.CO - character of landscape, 21.NC –European nature conservation sites; 22.NC – Impact on SSSI; 23.NC – Impact on SINC. 25.NC – Impact on important habitat/features of flora/fauna, 26.NC - Development to enhance biodiversity of the site; 59.BE General guidance on good design; 167.LB - archaeological importance;

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising:

- Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and
- Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014'

- S9 (Countryside); DM1 (general development); DM9 (nature conservation)

Supplementary Planning Document: Biodiversity

NATIONAL PLANNING POLICY GUIDANCE

- Para 6 (Sustainable development); Para 17 (Core principles);

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to character, ecology, highway network, landscaping, residential amenity and renewable energy needs.

COMMENT ON CONSULTATION RESPONSES

None

COMMENT ON REPRESENTATIONS RECEIVED

None received.

PLANNING OBLIGATION/CONSIDERATIONS

There is no additional impact generated by this development that would need to be mitigated through a s106 planning obligation nor is there an agreement on the original permission.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

Current Condition 3 reads:

*The use of the site for the generation of solar power shall cease and any structure, building or track hereby permitted must be removed and the land reinstated to a condition in accordance with a decommissioning and reinstatement plan on or before **30 October 2040**. Reason: The development is permitted in the light of the particular circumstances of the case.*

Current Condition 6 reads:

*Notwithstanding condition 3, within three months of the cessation of power production on the site (measured by way of export to the electricity distribution network) for a period in excess of six months or during the 3 months period **prior to the 25th anniversary of the commencement of development** (whichever is sooner) a Decommissioning Method Statement shall be submitted to and approved in writing by the local planning authority. The Decommissioning Method Statement shall include;*

- the timing for decommissioning of the solar farm.

- the measures for decommissioning. Such measures shall include the removal of all development hereby permitted (with the exception of landscaping and ecological works unless required for efficient agricultural operation of the land) including solar panels, support structures, buildings, plant, fencing and equipment and any ancillary structures and hardstanding ,

- a timetable for completion of decommissioning including the removal of all structures from the site,

In the event of cessation of power production (measured by way of export to the electricity distribution network) for a period in excess of six months following first power generation, the Decommissioning Method Statement shall set a timescale for decommissioning within 12 months of its submission unless power production is to resume within the temporary period of the permission and evidence is provided with regard to the resumption. If power production is not resumed within 3 months of the date provided, then a Decommissioning Method Statement shall be submitted and agreed in writing with the Local Planning Authority setting out works of decommissioning to be fully undertaken within 12 months of its submission. Decommissioning shall be carried out in accordance with the approved Decommissioning Method Statement including the timing of works. Reason: In the interests of the character of the strategic gap. To ensure the satisfactory restoration of the site in accordance with the NPPF and paragraph 27 of Planning practice guidance for renewable and low carbon energy.

The applicant seeks to vary this condition to:

Revision to Condition 3:

"*The use of the site for the generation of solar power shall cease and any structure, building or track hereby permitted must be removed and the land reinstated to a condition in accordance with a decommissioning and reinstatement plan on or before **31 March 2048***."

Revision to Condition 6, first paragraph:

"*Notwithstanding condition 3, within three months of the cessation of power production on the site (measured by way of export to the electricity distribution network) for a period in excess of six months or during the 3 months period prior to the **30th anniversary of the commencement** of*

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

development (whichever is sooner) a Decommissioning Method Statement shall be submitted to and approved in writing by the local planning authority." The remainder of the condition will be unaltered.

The date of March 2048 has been proposed based on 30 years from 2016, plus construction and decommissioning time. Essentially, the applicant seeks to extend the time as to when the site needs to be restored by 5 years, whilst also taking in to account the lack of commencement on site since the original permission was granted in October 2014.

The approved scheme was permitted Oct 2014 with the removal of all infrastructure by 2040 - 25 year permission for power generation + 1 year decommissioning period. Total 26 years. The proposal now retains the Oct 2014 permission but due to the time lag in developing commencing (*expected to commence Feb 2017 and be completed by March 2017*), the "life" of the permission (*not the development on site*) is to be extended to 2048 – 33 year permission + 1 year decommissioning period. A total of 34 years but with the development being on site for the 30 years to reflect the increased performance and longevity of the equipment now available. Revised condition 3 would allow for electricity to be generated up until 2047, with one year for decommissioning envisaged due to the complexity of site's current capping and protection due to its former landfill use. The revision to Condition 6 will ensure the decommissioning statement is provided in sufficient time to meet the requirements of condition 3.

Following discussions with the applicant, the application has been justified;

- The Feed in Tariff scheme came into effect in the UK in April 2010 to promote the uptake of a range of renewable and low carbon electricity generation. The Tariff was initially set at 25 years hence the historical use of this time period for a site's restoration. This also tied in with the warranty provided by the manufacturers of the panels at the time. Since then, some of the earliest constructed solar farms have been found to still be operating far in excess of their predicted lifespan. Furthermore, the solar technology has improved further since these earlier developments.
- The approved development would utilise the latest performing panels thereby is expected to efficiently perform at least to 30 years, therefore decommissioning should reflect this.
- The benefits of a longer timeframe of solar energy production were also outlined

Whilst the lifespan of this development extends beyond the period of the emerging local plan (2036), the proposal is not considered to prejudice opportunities for alternative uses for this or adjoining sites for the period 2040 – 2048. Veolia, as site owners and guardians of the capped landfill site, have an obligation to manage the former landfill beyond the 30 year PV period, and as such the site has no redevelopment potential between 2016 and 2048 (i.e the operational period). The development is low key, non-intrusive and will have significant landscaping undertaken which will have matured by 2040, therefore the extension to the operational life of development potential of adjoining land would not be compromised.

All other matters assessed at the time of the original consent and the approved s73 application either remain unaffected by the current proposals or positively enhanced e.g. enhanced ecological management, retention of the path, improved landscaping. In the light of this the scheme remains in accordance with the objectives and policies of the NPPF and Eastleigh Borough Local Plan (2001-2011).

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made to the submitted Eastleigh Borough Local plan 2011-2029 July 2014. However, very little weight can be given to these policies as, although the Submission

Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

Recommend approval.