

SUPPLEMENTARY REPORT

PLANNING COMMITTEE (3rd July 2023)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

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22/00110/FULM - Installation of a solar farm comprising ground-mounted Solar Photovoltaic panels (PV) with a generating capacity of up to 49.9MW together with all associated works, equipment and necessary infrastructure

Land At Highfields Farm, Clifton Lane, Tamworth, Staffordshire, B79 0AQ

Amended Conditions

Condition 3 has been amended to adjust the trigger points for the condition at the request of the applicant. This alteration is considered to be reasonable in planning terms. The condition will now allow for the 40 year period of operation to commence at the same time that the commencement of energy generation rather than the date of the permission as set out on the decision notice. In addition the notification period within which the applicant shall notify the LPA of the generation of electricity has been extended from 5 working days to 21 days.

3. The Temporary Planning Permission hereby granted shall expire no later than 40 years from the date of first energisation (“The Expiry Date”), or within six months of either of the following events whichever is the sooner,

- i. the cessation of electricity generation by the solar PV facility; or*
- ii. any cessation of construction works for a period of 3 months or longer, prior to the solar PV facility coming into operational use,*

and for the purposes of condition 3 the date of the events in 3.i and 3.ii shall be known as the “Termination Date”.

- i. The solar PV panels, frames, foundations, inverter modules, substations, towers and all associated structures and apparatus and buildings (including but not limited to for any underground apparatus installations and cables) and fencing approved shall be dismantled and removed from the site in accordance with the schemes approved by this Permission and the Site shall be restored to exclusive Agricultural Use (In accordance with the requirements of Conditions 3 iv).*

The developer shall notify the Local Planning Authority in writing within 21 days of such time that electricity from the development is first generated.

- i. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than three months before the Expiry Date or within 3 months of the Termination Date. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 3 months where no development has been carried out to any substantial extent anywhere on the site*

Additional letters of representation

Further neighbour responses from a local resident have been received that raise concerns regarding the updated Agricultural Land Classification (ALC) report. The objection highlights discrepancies within the report. Objections can be summarised as:

- The regrading of land between the original ALC report and the updated report. This change makes it hard to trust the report.
- Questions why borings 31a & 32a are omitted from the Appendix A
- Concerns with methodology arising from difficulty of accessing areas of the site due to dense crop growth.
- The report is confusing due to discrepancies.
- Identify that the wetness class has been revised in the most recent ALC report and set out that it is vital that wetness is assessed correctly.

Updated Consultation Responses.

Consultation responses received from North Warwickshire District Council (received 5th December 2022) and the British Horse Society (received 7th March 2023) were not included in the original Committee Report.

The response from North Warwickshire District Council confirmed they had no comment to make on the application.

The response from the British Horse Society raised no objections but highlighted the requirement for signage and awareness during the construction period.

Observations

Turning first to the objections raised through additional letters of representation. These detailed comments are appreciated, and concerns are acknowledged. The Council has sought the advice of Natural England's soil experts, who are the statutory consultee for development that has the potential to result in a loss of BMV Agricultural Land, on the initial and subsequent ALC reports.

The officer report sets out that the ALC has been revised in accordance with advice offered by Natural England in their capacity as a statutory consultee. The ALC classification within the revised report is agreed by Natural England in their most recent response. The response of Natural England therefore indicates that they accept the methodology and findings of the ALC Report, as such Officers accept the opinion of Natural England in their statutory role. Further regard has been had for the temporary nature of the permission, the reversibility of the scheme and the return to agricultural use, these are secured under condition 3. A soil management strategy is also secured via condition 12 of this recommendation.

In terms of the updated consultation responses, the response from North Warwickshire District Council and the British Horse Society are noted. Informative Number 7 draws the applicants attention to the comments raised by the British Horse Society.

Recommendation

The recommendation remains as set out in the main report, with the exception of the alteration to condition 3 which is set out above.

9 Foden Close, Shenstone, Lichfield, Staffordshire, WS14 0LE

Amended Condition Numbering

The conditions have been renumbered due to a formatting error in the original Committee Report. The revised condition list is set out below.

CONDITIONS

1. The development authorised by this permission shall be retained in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, BE1 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

2. The garage hereby approved shall only be used for the purposes incidental to the enjoyment of the main dwelling at 9 Foden Close.

Reason: In the interest of protecting the residential amenity in accordance with paragraph 130(f) of the National Planning Policy Framework

3. No external illumination shall be brought into use until details of the external illumination have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard neighbouring residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.

Recommendation

The recommendation remains as set out in the main report, with the exception of the alteration to the condition numbering as set out above.

LIST OF SPEAKERS

PLANNING COMMITTEE MEETING

3 July 2023

22/00110/FUL

James Collier (*Howkins & Harrison*)

Objector

Simon Chapman (*RPS*)

Applicant

22/01533/FUH

Andrew Bews

Objector

Cllr David Salter

Ward Member

Dr James Spooner

On behalf of Applicant

22/01688/COU

Louise Hinsley (*CT Planning*)

Applicant's Agent