

<b>Reference No:</b> P/VOC/2024/05918
<b>Proposal:</b> Install ground-mounted solar panel photovoltaic solar arrays, substation, inverter stations, transformer stations, security fencing, gates and CCTV; form vehicular access, internal access track, landscaping and other ancillary infrastructure (with variation of Condition No. 2 of Planning Permission No. P/FUL/2021/01018 to extend the operational period of the site from 35 years to 40 years).
<b>Address:</b> North Dairy Farm Access To North Dairy Farm Pulham DT2 7EA
<b>Recommendation:</b> Grant planning permission
<b>Case Officer:</b> Rob McDonald
<b>Ward Members:</b> Cllr Murcer
<b>CIL Liable:</b> No

<b>Fee Paid:</b>	£293.00		
<b>Publicity expiry date:</b>	15 December 2024	<b>Officer site visit date:</b>	15 November 2024
<b>Decision due date:</b>	20 February 2025	<b>Ext(s) of time:</b>	19 March 2025
<b>No. of Site Notices:</b>	3		
<b>SN displayed reasoning:</b>	1 on Cannings Court Lane where it meets the driveway for North Dairy Farm; 1 at field gate where bridleway N46/21 meets Pleck Hill; 1 at stile where footpath N46/20 meets Pleck Hill.		
<b>Where Scheme of Delegation consultation required under constitution:</b>			
<b>SoD Constitutional trigger:</b>	Major application with Parish Council comments that are contrary to the officer recommendation.		
<b>Chairman's agreement to delegated decision</b>	<b>Date agreed:</b>	N/A	

**1.0** The application is being considered by the Strategic and Technical Planning Committee as it is a major planning application with an officer recommendation that is contrary to comments made by one of the host Parish Councils.

**2.0 Summary of recommendation**

**Grant** planning permission, subject to the same conditions (aside from amended conditions 2 and 5) as the original, extant permission (see section 17 for full wording and reasons):

- Time Limit
- Temporary permission (extended by 5 years by virtue of this application)
- Plans
- Arboricultural Method Statement
- Soft and hard landscaping
- Surface water management and drainage designs
- External appearance of ancillary structures/equipment
- Construction Environmental Management Plan
- FRA and Drainage Strategy
- Flood Warning and Evacuation Plan
- Landscape and Ecological Management Plan
- Unexpected contamination
- Hedgerow minimum height
- CCTV pole height
- Construction hours
- Decommissioning details

### 3.0 Reason for the recommendation

- Proposed solar farm would deliver very substantial public benefits: producing enough renewable energy to power some 11,745 homes for 40 years (5 additional years relative to the extant permission). It would make a valuable contribution towards the Council’s Climate and Ecological Emergency Strategy, but for a longer period of time. It would also generate a significant number of jobs.
- The public benefits would continue to outweigh the prolonged adverse impact upon the local landscape character areas and the setting of the Dorset National Landscape (DNL).
- The proposed development would still be made safe for its lifetime without increasing flood risk elsewhere.
- No harm would amount to heritage assets in and around the site.
- The ‘best and most versatile’ agricultural land would be avoided for the 40 year duration of the development.
- The scheme would continue to deliver a measurable gain in biodiversity and a compensation payment towards mitigating the habitat of great crested newts. Protected trees on site will be retained and, in the case of veteran oaks, enhanced.
- Impacts upon neighbouring amenity and highway safety would still be acceptable.

### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable location in principle. Adverse effects need to be weighed against very substantial public benefits from solar farm.

Visual and landscape impact, including upon the setting of the DNL	Extent of scheme still cannot be fully mitigated and successfully assimilated into the receiving landscape. Harm would prolong for an additional 5 years.
Flood risks	Development would satisfy the Sequential Test and Exception Test and otherwise be made safe for its lifetime without increasing flood risk elsewhere.
Habitats and biodiversity	Measurable gain in biodiversity and a compensation payment towards mitigating GCN.
Residential amenity	Acceptable impact in compliance with Policy 25.
Highway safety	No Highway Authority objections, subject to conditions.

## 5.0 Description of Site

- 5.1 The application site forms several agricultural fields in the open countryside, forming part of the North Dairy Farm unit, situated in an area known as East Pulham, located west of Hazelbury Bryan, east of Pulham and north of Mappowder. The site comprises some 77ha of land. The site is relatively level towards the north half of the site, with the southern half featuring some gentle slopes. A report submitted as part of the original application indicates the land is classified as a mix of subgrade 3b (moderate) and grade 4 (poor) agricultural land.
- 5.2 The site is accessed via an existing farm track, leading from the main farmstead. This track crosses the ordinary watercourse River Lydden and consequently passes through high-risk flood zones 2 and 3. The Flood Risk Assessment (FRA) submitted with the original application confirmed that edges of the main part of the site towards the north west boundary and parts of the north east of the site also lie within flood zones 2 and 3. Two unnamed watercourses flow through the site: one through the centre (referred to by the applicants as 'Short Wood Brook') and the other along part of the north eastern boundary (referred to by the applicants as 'Parsonage Farm Brook'). Associated with these watercourse are low, medium and high surface water flood risks. The parts of the site within the high risk flood zones are also shown to have medium and high surface water risks. Parts of the site are also shown to have high groundwater flood risks, with groundwater levels either at or very near the surface.
- 5.3 The site straddles two landscape character types: the Clay Vale in the northern half and Rolling Vales in the southern half. It is not within the DNL designation itself, but the Blackmore Vale and North Dorset Escarpment character areas of the DNL distantly wrap around the site to the south, with the boundary to this designated area some 1.25km at the closest point (to the south east). One public footpath (N49/20) passes directly through the site, following a relatively straight line just to the south of Boywood Farm, becoming N49/4 once it exits the western boundary of the site. Footpath N46/19 clips the south east corner of the site, heading in a south westerly direction up the rising land. Public bridleway N46/21 passes close to the eastern side of the site, before clipping the corner of the northern-most parcel

of the site and splitting to form footpath N46/28 which skirts around the boundary of this parcel.

- 5.4 There are no designated heritage assets on the site, although a number in proximity to the site whereby settings could be affected. Grade II listed building Old Boywood Farm is the closest of these, lying some 475m to the north east of the site, with grade II listed Cannings Court Farmhouse some 750m to the west. Hazelbury Bryan Conservation Area lies some 800m east of the site. The Scheduled Monument at Dungeon Hill is some 3.4km to the west. Another Scheduled Monument, Rawlsbury Camp, lies some 4.5km (from roughly the middle of the site) to the south east, with another, Nettlecombe Tout, some 5km south of the site. There is a record of a non-designated heritage asset, in the form of cultivation remains, in the northern-most parcel.
- 5.5 The whole site is covered by a Tree Preservation Order (ref: TPO/2021/0003), protecting all trees on the land. There are no other special ecology protections on the site itself, although two copse areas that adjoin to parts of the western boundary of the site are recognised as forming part of the existing ecological network. Short Wood is a SNCI and ancient woodland and located some 400m south of the site. There are three internationally designated SAC sites within 10km of the site: Rooksmoor SAC; Holnest SAC; and Cerne and Sydling Downs SAC. In addition, the Blackmoor Vale Commons and Moors SSSI lies within 2km.

## **6.0 Description of Development**

- 6.1 The s73 application seeks to vary condition 2 of the original permission to extend the limited period of the permission to 40 years, effectively permitting an additional 5 years of solar farm operation and export of electricity to the grid.
- 6.2 There are no other proposed amendments to the scheme.

## **7.0 Relevant Planning History**

2/2013/1336/PLNG - Request for EIA Screening Opinion under EIA Regulations 2011 for a solar photovoltaic (PV) park – deemed EIA development.

2/2016/1469/SCREIA - Request for EIA Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) for the construction of a 30MW solar PV farm and associated infrastructure. - deemed EIA development.

2/2020/1268/SCREIA - Request for EIA Screening Opinion under Section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed 49.9MW solar park with battery storage facility at land at North dairy Farm, Pulham, Dorchester, DT27EA – deemed EIA development.

TPO/2021/0003

P/FUL/2021/01018 - Decision: GRA - Decision Date: 15/01/2024  
Install ground-mounted solar panel photovoltaic solar arrays, substation, inverter stations, transformer stations, security fencing, gates and CCTV; form vehicular access, internal access track, landscaping and other ancillary infrastructure

P/STA/2023/05556 - Decision: RES - Decision Date: 22/11/2023  
Consent under section 37 of the Electricity Act 1989 to replace a single H-Pole with a new steel tower which will be situated 20m east from the original footprint of the existing pole.

## 8.0 List of Constraints

Outside settlement boundary  
Flood zones 2 and 3  
Low, medium and high surface water flood risks  
High groundwater flood risk area  
Setting of Dorset National Landscape  
Proximity to designated heritage assets: grade II listed buildings, Hazelbury Bryan Conservation Area and Scheduled Monuments  
Tree Preservation Order  
Public rights of way affected: N49/4, N46/19, N46/21, N46/28, N46/20  
Agricultural Land Grade: Grade 3b and 4  
Proximity to SNCIs, SSSIs, SACs, ancient woodland

## 9.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (formerly known as Areas of Outstanding Natural Beauty).

## 10.0 Consultations

All consultee responses can be viewed in full on the website.

### Consultees

#### **Cllr Murcer (Member for Blackmore Vale Ward)**

No comments received at the time of determination.

**Cllr Haynes (Member for Chalk Valleys Ward)**

No comments received at the time of determination.

**Pulham Parish Council (co-host Parish Council)**

No comments received at the time of determination.

**Mappowder Parish Council (co-host Parish Council)**

Objection:

- No useful purpose in extending term for a further 5 years owing to life span of solar panels;
- Better to return the farmland back to food production sooner rather than later;
- No financial compensation to parish;
- Flood risks.

**Hazelbury Bryan Parish Council (neighbouring Parish Council)**

No comments received at the time of determination.

**Buckland Newton Parish Council (neighbouring Parish Council)**

No comments received at time of determination.

**Natural England**

No comments received at the time of determination.

**Environment Agency**

No comments received at the time of determination.

**National Planning Casework Unit**

No comments received at the time of determination.

**Active Travel England**

'No comment.'

**Representations received**

1 third party objection has been received. The material planning considerations raised are summarised below:

- Significant harm identified to setting would continue for 5 additional years;

- LEMP should be updated to reflect extended monitoring period;
- Effect of residential amenity;
- Flood risks and drainage.

## 11.0 Relevant Policies

### Development Plan

#### North Dorset Local Plan Part 1 (2016)

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 – The Natural Environment

Policy 5 - The Historic Environment

Policy 20 - The Countryside

Policy 22 – Renewable and Low Carbon Energy

Policy 24 - Design

Policy 25 – Amenity

### Material Considerations

#### National Planning Policy Framework (2024) (as amended in February 2025)

1. Introduction

2. Achieving sustainable development

4. Decision-making

6. Building a strong, competitive economy

11. Making effective use of land

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

16. Conserving and enhancing the historic environment

#### Emerging draft Dorset Council Local Plan:

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the draft Dorset Council Local Plan should be accorded very limited weight in decision making.

## **Other material considerations**

Dorset AONB Management Plan 2019-2024

Relevant UK legislation and strategies include:

- \* Energy Act (2016)
- \* Climate Change Act (2008)(as amended)
- \* UK Renewable Energy Strategy (2009)
- \* Energy Security Strategy (2012)
- \* Renewable Energy Roadmap (updated 2013)
- \* Clean Growth strategy (2017)

## **Environmental Impact Assessment (EIA)**

An EIA Screening Opinion application (Ref: 2/2020/1268/SCREIA) was submitted to the LPA prior to the submission of the original planning application.

In the application under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the LPA confirmed that the proposal falls with the description as at paragraph 3(a) of the table in Schedule 2 of the 2017 Regulations and, since the proposal exceeds the threshold, it is considered 'Schedule 2 development' within the meaning of the 2017 Regulations.

The application also sought to screen and assess whether an Environmental Impact Assessment would be required for any of the considerations in respect of the nature, size and location, with particular regard to the characteristics of the development, location of the development and characteristics of the potential impact. The likely impacts have been considered having regard to the construction, operation and decommissioning stages of the development.

In this regard, the LPA determined that, having taken account of the selection criteria in Schedule 3 of the 2017 Regulations and the surrounding constraints, there would be additional significant impacts on the local landscape and environment and, thus, the proposal would amount to EIA development. Thus, any forthcoming application(s) for planning permission in respect of this proposal would need to include an Environmental Statement that is compliant with Regulation 2(1) of the 2017 Regulations.

The applicants have provided the same Environmental Statement again, along with an addendum to assess the effects of the extended time period proposed for the scheme.

## **12.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.



This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **13.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

No impact on persons with protected characteristics has been identified.

### **14.0 Financial benefits**

- Employment, particularly during the construction and decommissioning phases of the development, as well as statutory and site operators during the lifetime of the solar farm.
- £28,029 conservation payment, secured by a Unilateral Undertaking (still legally binding should the s73 application be permitted and implemented), to mitigate for Great Crested Newts.

### **15.0 Climate implications**

15.1 NPPF paragraph 168 sets out that when determining planning application for all forms of renewable and low carbon energy development and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and proposal’s contribution to a net zero future.

15.2 Dorset Council accepts that energy needs to be produced from renewable sources and the Council must aim to provide this within its administrative area. The Council recognised this by declaring a climate emergency at a meeting on 16 May 2019, with the aim of taking a lead as an authority in tackling climate change. In November 2019 this was escalated to a Climate and Ecological Emergency.

- 15.3 The proposed development involves the installation of a renewable energy scheme comprising of ground mounted photovoltaic solar arrays. The scheme will have an approximate export capacity of 47MW, and potentially a maximum export capacity of 49.99MW, which equates to the generation of clean renewable energy of between approximately 11,745 to 13,000 homes a year for 40 years and anticipated CO2 displacement is at least 10,402 tonnes per annum. This represents an emission saving equivalent of a reduction in around 5,841 cars on the road every year.

## **16.0 Planning Assessment**

- 16.1 The main issues that relate to the proposed variation of condition 2 are considered to be:

- Principle of 5 additional years of the development;
- Environmental effects (visual and landscape impacts, flood risks, ecology) from 5 additional years of the development being in situ;
- Highways and transport impact;
- Residential amenity (shadow flicker, noise and vibration).

### **Principle of 5 additional years of the development**

- 16.2 There is clear planning policy support for new renewable energy development in principle.
- 16.3 Both chapter 14 of the NPPF and the supporting text for Policy 22 of the North Dorset Local Plan state that LPAs do not require applicants to demonstrate the overall need for renewable energy development and that applications for such proposals should be approved if the impacts are (or can be made) acceptable.
- 16.4 The relevant paragraph within the NPPF (formerly 163 and now 168) has been amended in the newly published 2024 (as amended in February 2025) version to explicitly instruct LPAs to “give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future” in decision-making. This national policy position is materially different from the policy at the time of the original permission. Whilst substantial weight was given to the public benefits of the renewable energy scheme by officers at the time of the original permission, the NPPF now makes clear the favourable weighting that should be given to the principle of the development.
- 16.5 Policy 3 of the Local Plan is the overarching policy with regards to climate change and states that development proposals within the District should seek to reduce greenhouse gas emissions, including appropriately sited renewable and low carbon energy developments. The supporting text for Policy 3 recognises that some renewable or low carbon energy developments may be large-scale and require a countryside location. This is also acknowledged in Policy 20 of the Local Plan and set out further in Policy 22.

16.6 Thus, the principle of the development would remain acceptable, providing it would continue to meet the specific criteria set out in Policy 22 of the Local Plan. This policy states that:

“When considering proposals for electricity generation from renewable or low carbon sources, the social, economic and environmental benefits of the scheme should be assessed against the likely impacts. Such a proposal is likely to be permitted in principle, provided it can be demonstrated that:

a) both individually and cumulatively, all adverse impacts arising from the proposal have been satisfactorily assessed; and

b) the proposal has maximised the potential to mitigate any adverse impacts that have been identified; and

c) the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.

Potential adverse environmental impacts (together with measures to mitigate such impacts) that will be assessed in relation to any proposal include: visual impact; impacts on biodiversity, the landscape, the historic environment including designated and non-designated heritage assets, the water environment and agricultural land.

In addition, in assessing the adequacy of mitigation measures in relation to a proposal it will be expected that:

d) the proposal’s location has been identified having regard to sites that make best use of existing transport infrastructure and the minimisation of traffic movements whilst providing safe access; and

e) any issues of, noise and vibration or interference to radar or any communication systems including televisions can be fully overcome; and

f) early meaningful consultation has been undertaken with people in the locality that might be adversely affected by the proposal and clear regard has been had to the responses received; and

g) the proposal incorporates an agreed restoration scheme including measures to remove installations when operations cease.

Potential benefits that will be assessed in relation to any proposal include:

h) the amount of heat or electricity that is likely to be generated from the proposed renewable or low carbon energy development and the consequential reduction in greenhouse gas emissions; and

i) local community benefits, including jobs, investment in the local economy, community ownership or shareholding of a scheme and local provision of renewable and low carbon energy, for example, through a district heating network.”

- 16.7 For the scheme to remain in compliance with Policy 22 it should be satisfied that any adverse impacts and issues that may arise from the proposal for an additional 5 years have been satisfactorily assessed and can be mitigated for those additional 5 years. The benefits of an additional 5 years of the solar farm should outweigh any adverse impacts that may remain.
- 16.8 In terms of benefits, the variation of the condition would enable the following to prevail for a further 5 years:
- Generation of at least 47MW (and potentially up to 49.99MW) of renewable energy per annum (enough to power approximately 11,745 homes and displace 10,402 tonnes of CO<sub>2</sub> each year);
  - Supporting the county to be carbon neutral by 2050 and contribute towards the required 4GW of solar energy generation;
  - Supporting the Government's commitment to achieving 'net zero' carbon emissions by 2050;
  - Permanent employment for maintenance of the site.
- 16.9 Planning permission has already been granted for the solar farm to be operational for a period of 35 years. The permitted variation of condition 2 would extend this operational period to 40 years. Such extensions have been permitted at other sites within the Dorset Council area, including (but not necessarily limited to):
1. Rampisham Down Solar Farm - WD/D/19/001433
  2. Crossways Solar Farm - WD/D/19/001292
  3. Wyld Meadow Farm - WD/D/19/001207
  4. Southern Counties Shooting Ground - WD/D/18/001652
  5. Manor Farm, Verwood - P/VOC/2023/05401
  6. Land off Holt Road - P/VOC/2022/05875
  7. Solar Farm, Rivers Corner - P/VOC/2021/01613
  8. Solar Farm, Piddlehinton - P/VOC/2021/00518
  9. Land at Stokeford Farm - 6/2020/0158
  10. West Parley - 3/20/0392/CONDR
  11. Solar Farm at Homeland Farm - 3/17/1751/CONDR
  12. Solar Farm at Canada Farm - 2/2019/1389/VARIA
  13. Solar Farm, Stalbridge Park - 2/2019/0676/VARIA
- 16.10 The above list does not include solar farms that have been initially proposed to be in operation for 40 years. Thus, in reality there would be more that have been permitted for this period of time. This indicates that a 40 year operational period is not uncommon and generally accepted as the standard lifetime of this type of renewable energy development.
- 16.11 The development would continue to bring very substantial public benefits in terms of national and local renewable energy generation and meet key Local Plan objectives. As set out in policies 3, 20 and 22 of the Local Plan, the principle of the solar farm is acceptable.

## **Environmental effects from 5 additional years of the development being in situ**

### Flood risks

- 16.12 The land area extent of the proposed development is unaffected by the proposed variation of the condition and, thus, by virtue of the access track crossing a functional floodplain, the site still does not avoid flood risk areas.
- 16.13 Officers considered that both the Sequential Test and Exception Test needed to be applied at the time of the original permission. Both were deemed to have been satisfied, as per the requirements of the NPPF to enable the grant of planning permission. That position remains the case.
- 16.14 Paragraph 173 of the NPPF sets additional criteria to be met with regards to flood risk mitigation which, subject to other conditions being re-imposed, remain met.
- 16.15 Officers are satisfied that the proposed development would be made safe for its extended lifetime without increasing flood risk elsewhere, in compliance with chapter 14 of the NPPF and Policy 3 of the Local Plan.

### Visual and landscape impact

- 16.16 The visual and landscape impact of the scheme was considered in detail as part of the assessment for the extant permission and on the basis of the development being in situ for 35 years.
- 16.17 Owing to its extensive size and the surrounding topography the proposed development would be visible from a number of public viewpoints within the immediate local landscape and setting of the DNL. To minimise visual and landscape impacts in accordance with Policy 22 of the Local Plan the scheme was amended during the course of the original application to reduce the number of arrays, as well as introduce new tree and hedgerow planting and bolster existing vegetation to screen views.
- 16.18 Condition 5 of the original permission requires, in part, soft landscaping details to be submitted to the LPA prior to commencement of the development. At the time of this s73 application an application to discharge condition 5 has yet to be submitted. Condition 5 of the original permission stipulates that for any existing or proposed trees, shrubs and hedgerows that die or become seriously diseased/damaged within a period of 34 years following commencement of the development details of the replacement vegetation need to be submitted for approval to the LPA. This effectively ensures that vegetation screening can be controlled and ensure the site is appropriately screened to minimise visual and landscape impacts for the lifetime of the development. With the lifetime condition sought to be varied by the current application, it follows that the timeframe element within condition 5 would also need to be varied to reflect the additional 5 years of operation sought and ensure the reasoning for the condition is upheld.

16.19 The Government's amendments to the Levelling Up and Regeneration Act (LURA) introduced a notable change for National Landscapes, which became effective from 26 December 2023. This relates to the responsibilities of any 'relevant authority', as referred to by the Countryside and Rights of Way (CRoW) Act 2000, when discharging a function that affects a National Landscape. Relevant authorities include all levels of government, from town/parish councils up through district/county/unitary councils, to government agencies and ministers. Statutory undertakers are also understood to be covered by this duty.

16.20 The amendment, which only affects England, is as follows:

Countryside and Rights of Way (CRoW) Act 2000, Section 85 - General duty of public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (subsequent to this amendment being drafted, AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues).

16.21 The 'seek to further' duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of a National Landscape, this being the wording with the CRoW Act Section 85 when it was enacted in 2000. Whereas the former 'duty of regard' could be interpreted as simply allowing a public body to acknowledge that a National Landscape would be affected, the new duty is expected to encourage explanation of how any positive or negative effects have been appraised and apportioned weight when reaching a decision.

16.22 The Committee Report for the original planning permission explained and appraised the effects of the proposed development. In terms of the DNL, the report explains that adverse effects on view from within the DNL designation are greatest from the south east of the site, with some occasional visibility from scarp slopes and hilltops more to towards the south. Each wider viewpoint identified along the Escarpment are from distances typically ranging from 4 - 4.5km and would not be regarded as 'significant' in their own right. Other wider views from elevated positions within the DNL, including along the Wessex Ridgeway, are often filtered by intervening vegetation. To minimise wider landscape impacts from within the DNL, the extent of arrays was reduced and existing and proposed soft landscaping measures were improved to screen views during the course of the application. But it was also considered that the mitigation would not fully negate the impacts from within the DNL. The series of 'moderate' effects on the outlook from the DNL places the effects at the cusp of being 'significant' and does not demonstrate clear compliance with the recommendations of NPPF paragraph 189.

16.23 It is still accepted that, even with amendments, the scale of development is such that it would be challenging to fully mitigate the visual and landscape impact. The presence of solar arrays would change the character of the

landscape and result in a degree of harm to local landscape character areas and the setting of the DNL for an additional 5 years. As set out in the Committee Report in the original permission, the weight given to this harm once again needs to be weighed against the public benefits of the solar farm operating for an additional 5 years.

### Ecology

- 16.24 Owing to the size of the site both a Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP) were approved and conditioned as part of the original permission.
- 16.25 The mitigation and enhancement measures within the LEMP remain relevant, with the 5 year extension to the operation lifetime of the solar farm not affecting the implementation and management of the various measures as the timeframe for enforcing the LEMP is open and spans “the full operational lifetime of the solar farm” (which would include any proposed extensions to the lifetime), rather than a closed, stipulated period of years. In fact, the additional 5 years would result in some beneficial biodiversity measures persisting for a further 5 years. The LEMP is also required to be reviewed after 5 years of operation, whereby the objectives and prescriptions will be examined against monitoring visited and updated to reflect the additional 5 year operation period (if required), before being agreed with the Council’s NET.
- 16.26 A Conservation Payment of £28,029 was secured by s106 legal agreement during the course of the original permission to mitigate for great crested newts. Clause 2.5 of the agreement indicates that the deed shall apply to any s73 permission in the same way as it applied to the original permission. The Conservation Payment allows Dorset Council to pay for the creation/restoration and management of sufficient new habitat to compensate for the impacts of the applicant’s proposal for a period of 25 years.
- 16.27 The LEMP needs to be re-imposed as a condition to ensure any potential adverse impacts upon local wildlife and habitats can be satisfactorily mitigated and enhanced, bringing, on balance, an overall ecological benefit to the scheme.
- 16.28 The CEMP addresses issues such as safety and security, noise, air quality, ecology, waste and construction traffic management during the construction phase of the development. The details remain acceptable and can be secured by condition again.
- 16.29 Thus, subject to the re-imposition of conditions to secure the LEMP and CEMP and the retention of the legal agreement to secure the compensation payment to mitigate GCNs, the development would still comply with Policies 4 and 22 of the Local Plan.

## Highway and transport impacts

- 16.30 The proposed variation of the condition would only affect highway and transport impacts insofar as traffic associated with the decommissioning phase, which would potentially occur 5 years later than the original permission. A traffic management plan for the decommission phase is required by condition 18 on the original permission and can be re-imposed. The CEMP condition would also be re-imposed.
- 16.31 In terms of glint and glare the original permission deemed that no significant impacts on road users would be predicted and this remains the case.
- 16.32 No objections were raised by the Highway Authority at the time of the original permission and there are no material changes in this respect to reach a different conclusion for the variation of condition 2.

## Residential amenity

- 16.33 The impact upon neighbouring residential amenity resulting from the solar farm potentially remaining in situ for a further 5 years needs considering. In this respect and as highlighted in the assessment of the original permission, noise, along with glint and glare, would be the most material matters.
- 16.34 The Noise Impact Assessment submitted with original application indicates that the development would give rise to noise levels that are typically below the measured day and night time background levels in the area, at the closest assessed residential receptors, thus giving rise to a 'Low Impact'. Consequently, the assessment demonstrates that the development would give rise to noise impacts that would be categorised as 'No Observed Adverse Effect Level (NOAEL)' within the PPG's Noise exposure hierarchy table. This means to say that noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. It therefore follows that the continuation of this acceptable effect for a further 5 years would not result in significant adverse effects upon neighbouring residential amenity.
- 16.35 A Glint and Glare Assessment was also provided with the original application and this considers the possible impact upon nearby dwellings. Moderate impacts have been identified for three clusters of dwellings to the east of the site under baseline conditions. As such, mitigation in the form of native hedgerow and tree planting belts has been put forward to address these effects and these are reflected in the Landscape and Ecological Enhancement Plan (LEEP) submitted with the original application. The continuation of the solar farm for potentially a further 5 years would mean that the vegetated screening to mitigate any effects of glint and glare could be allowed to grow and continue mitigating for those 5 years.
- 16.36 As such, it remains that the impact upon neighbouring amenity would not be significantly harmful and the proposal would continue to comply with policies 22 and 25 of the Local Plan.



## **Other matters**

### Heritage impact

16.37 The assessment with the original permission accepted that, having had regard to s66 and s72 of the Planning and Listed Building Act 1990, no harm would be caused to any heritage assets. The continuation of the solar farm for a further 5 years would not affect that conclusion. As such, impacts would remain acceptable and in accordance with Policy 5 of the Local Plan and section 16 of the NPPF.

### Impact on protected trees

16.38 The site is covered by a Tree Preservation Order (TPO) (ref: TPO/2021/0003). The TPO covers all trees of whatever species on the site. No trees are proposed to be removed.

16.39 The site includes two veteran English Oaks. The installation of the solar farm has the potential to reduce soil compaction from farming activities and improve their health, especially with mulching. The approved LEMP includes plans for soil improvement and management for the veteran trees, which will be improved through soil decompaction and mulching for an additional 5 years if the proposed variation of the condition is granted, providing additional benefits in this respect.

16.40 An Arboricultural Method Statement was secured condition with the original permission and can be re-imposed to ensure the impact on protected trees remains acceptable and in accordance with Policies 3, 4 and 15 of the Local Plan.

### Impact on agricultural land

16.41 The detailed assessment of the Agricultural Land Classification across the site was submitted with the original application. This found that the quality of agricultural land is limited to subgrade 3b and grade 4 (poor). At least half of the site is classed as poor agricultural land. 'Best and most versatile' agricultural land is graded 1 to subgrade 3a.

16.42 The variation of the condition would not affect the fact the scheme would be reversible; only that it would be in situ on the land for an additional 5 years. The land could still be returned to full agricultural use following decommissioning. The mountings for the solar panels would allow for restoration, subject to appropriate soil management practices secured by a planning condition that can be re-imposed. Low-intensity sheep grazing amongst the solar arrays would be able to continue for a further 5 years.

16.43 It remains satisfied that the proposed development would satisfactorily avoid the 'best and most versatile' agricultural land and focus on that of least value, thus complying with Policies 4 and 22 of the Local Plan and the NPPF.

## **Planning balance**

- 16.44 Both Policy 22 of the Local Plan and paragraph 168 of the NPPF state that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy. This could be reasonably interpreted to include proposals to extend the lifetime of an already permitted solar farm. The same limb of NPPF paragraph 168 also states that LPAs should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
- 16.45 Numerous planning permissions within the Dorset Council area have been granted to extend the operational period of a solar farm to 40 years. The proposal is therefore not unusual or irrational in this respect.
- 16.46 For the scheme to remain compliant with Policy 22 of the Local Plan it should be satisfied that any adverse impacts and issues that may arise from retaining the solar farm for an additional 5 years can be mitigated for this additional period of time. The benefits should outweigh any adverse impacts that may remain.
- 1.47 It is still accepted that the scale of development is such that it would be challenging to fully mitigate the visual and landscape impact. The presence of solar arrays would change the character of the landscape and result in a degree of harm to local landscape character areas and the setting of the DNL for an additional 5 years.
- 16.48 However, the lifetime extension of the already permitted solar farm by a further 5 years would provide 5 additional years of very substantial public benefits in terms of national and local renewable energy generation and meeting key Local Plan objectives.
- 16.49 With the re-imposition of conditions, flood risks and ecology would not be adversely affected and could all continue to be suitably mitigated for the additional 5 years the solar farm would be in situ. Highway and transport impacts, the impact upon residential neighbouring amenity and other material planning considerations set out in this report can also be satisfied for a further 5 years and avoid adverse effects.
- 16.50 On balance, officers consider that the public benefits arising from an additional 5 years of renewable energy production would outweigh any residual visual and landscape harm that may prevail for a further 5 years.

## **17.0 Conclusion**

- 17.1 Officers consider that any residual adverse visual impact and landscape harm arising from the development being in situ for 40 years (rather than 35 years) would be outweighed by the very substantial public benefits highlighted above.

- 17.2 The proposed development remains compliant with Policies 1, 2, 3, 4, 5, 20, 22, 24 and 25 of the North Dorset Local Plan Part 1 (2016) and chapter 14 of the NPPF as a material consideration.
- 17.3 The variation of condition 2 is therefore recommended for approval, subject to a minor amendment to condition 5 and verbatim re-imposition of all other conditions (none of which have been sought to be discharged at the time of writing this report).

## 18.0 Recommendation

**Grant** planning permission, subject to the same conditions (aside from amended conditions 2 and 5) as the original permission:

1. The development hereby permitted shall be begun before 14/01/2027.

Reason: This condition is required by Section 73 of the Town and Country Planning Act 1990 because the time limit for implementation cannot be changed.

2. This permission is limited to a period of 40 years from the date of first export of electricity to the grid. Written notice shall be given to the Local Planning Authority within 14 days of the date when electricity is first exported to the grid by the development hereby permitted. Thereafter, the development (including all ancillary equipment and buildings) hereby permitted shall be removed in its entirety and the land restored to its former condition within 40 years and six months of the date of first export to the grid, or within 18 months of the cessation of generation of electricity if the development fails to generate electricity for 12 consecutive months, whichever is the sooner. The land shall be restored in accordance with a scheme of decommissioning works and land restoration (including timescales) pursuant to condition 18 of this consent.

Reason: To ensure the impacts of the development exist only for the lifetime of the development.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 1641 0200 05  
Planning Layout 1641 0201 01 Iss15  
LEEP 12761/P11 Rev K  
Construction Compound Plan 13823-HYD-XX-XX-DR-TP-0002 Rev P02  
Passing Space Plan 13823-HYD-XX-XX-DR-TP-0001 Rev P01  
HV Compound Elevation Views 1641-0208-81 Iss04  
HV Compound Plan View 1641-0208-80 Iss04  
Aux Transformer Detail 1641-0207-02 Iss02  
Access Road Sections 1641-0208-10 Iss02  
Welfare Container Detail 1641-0207-41 Iss02  
Fence Detail 1641-0205-01 Iss02  
PV Mounting System 1641-0201-28 Iss02

Transformer Station Detail 1641-0207-00 Iss01  
Spares Container Detail 1641-0207-40 Iss02

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Prior to commencement of development a detailed Arboricultural Method Statement (AMS), prepared by a qualified tree specialist, providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the local planning authority. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:
  - a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.
  - b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).
  - c) a schedule of tree work conforming to BS3998.
  - d) details of the area for storage of materials, concrete mixing and any bonfires;
  - e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility
  - f) details of any no-dig specification for all works within the root protection area for retained trees
  - g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges to be retained will not be damaged prior to, or during the construction works.

5. Prior to commencement of the development hereby approved a final hard and soft landscaping scheme, showing precise details of all existing and proposed tree, shrub and hedgerow planting (including positions and/or density, species and planting size) and a schedule of materials and finishes to be used for all new areas of hard landscaping/surfacing/paths and means of enclosures must be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping must be carried out in accordance with the approved details and, in the case of soft landscaping, carried out before the end of the first available planting season following substantial completion of the development. In the 39 year period following commencement of the development any existing and proposed trees, shrubs or hedgerows that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as shall first be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate mitigation for the landscape and visual impact of the proposals and the provision of an appropriate landscaping scheme has been agreed.

6. Prior to commencement of the development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and the party responsible, must have been submitted to and approved in writing by the local planning authority. The scheme must provide mitigation measures to intercept turbid flows and reduce erosion risk. Thereafter, the surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

7. Prior to commencement of the development details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system must have been submitted to and approved in writing by the local planning authority. The details must include a Soil Management Plan which considers measures to avoid over compaction of soils, during and post construction, as well as maintenance and protection of grass cover. The maintenance and management scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

8. Prior to commencement of the development a detailed drainage design for the access roads, any areas of hardstanding and swales must have been submitted to and approved in writing by the local planning authority. Thereafter, the drainage schemes must be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

9. Prior to the installation of the transformers, inverters, CCTV equipment & poles, all fencing and other ancillary equipment a plan showing the locations of these structures and details of the external material finish of each of these structures must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: To mitigate the wider visual impact of the development, including the setting of the Dorset AONB.

10. Prior to commencement of the development the submitted Construction Environmental Management Plan (CEMP) must be implemented and adhered to fully for the full length of the construction period.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

11. The development hereby approved shall be carried out in accordance with the details set out in the Flood Risk Assessment and Drainage Strategy, dated 18 March 2021. Thereafter, the scheme shall be managed and maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

12. The long-term mitigation and protocols in the event of a flood event shall be carried out in accordance with the details set out in the Flood Warning and Evacuation Plan, dated 22 July 2022 for the lifetime of the development in accordance with the approved details.

Reason: To ensure public safety in the event of flooding.

13. The long-term management, maintenance and monitoring of the landscape and environment of the site shall be implemented in full and in accordance with the details and timescales within the approved Landscape and Ecological Management Plan (LEMP) dated September 2022 throughout the lifetime of the development.

Reason: To ensure impacts upon the local landscape, nature conservation interests and biodiversity are satisfactorily mitigated and enhanced.

14. In the event that contamination is found at any time during the construction of the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). If any contamination is found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

15. All new and existing healthy native hedgerows on and around the application site shall be maintained at a height of at least 3 metres above ground level.

Reason: To mitigate the wider visual impact of the development within the setting of the Dorset AONB.

16. Prior to the installation of any CCTV poles, a plan confirming the height of the CCTV poles must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved plan and the CCTV poles shall be no taller than 3.5 metres in height above ground level.

Reason: To allow for the detailed design of CCTV to ensure full site coverage and consideration of impacts upon the local landscape character.

17. No construction or decommissioning works shall take place except between the following hours:

0700 to 1800 Monday to Friday  
0700 to 1700 Saturday

No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

No construction deliveries shall be made to the site except between the following hours:

0900 to 1700 Monday to Saturday

No construction deliveries shall take place at any time on Sunday or a Bank Holiday.

Reason: In the interests of neighbouring amenity and local traffic generation.

18. Not later than 6 months before decommissioning of the whole development hereby approved is required a scheme for decommissioning and the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the removal of the solar arrays and all associated above ground structures, equipment, means of enclosures and foundations, to a depth of at least one metre below finished ground level. The scheme shall include the management and timing of any works; a traffic management plan; an environmental management plan including measures to protect wildlife and habitat; identification of access routes; restoration measures to return the site back to its condition at the time of the granting of planning permission; and a programme of implementation (to include timescales). Thereafter, decommissioning and restoration shall be carried out in accordance with the approved scheme.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of landscape, nature conservation or archaeological significance.

### **Informative Notes:**

#### 1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

2. Care should be taken to ensure that solar panels do not focus surface water flows, which could cause erosion and interrupt the site's natural hydrology.
3. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at [DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
4. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to [floodriskmanagement@dorsetcouncil.gov.uk](mailto:floodriskmanagement@dorsetcouncil.gov.uk).
5. An Environmental Permit may be required from the EA, as relevant regulator for all works to a designated Main River that take place in, under or over, or as prescribed under relevant byelaws in accordance with section 109 of the Water Resources Act 1991. To clarify the Environment Agency's



requirements, the applicant should contact the relevant department by emailing [floodriskpermit@environment-agency.gov.uk](mailto:floodriskpermit@environment-agency.gov.uk).

6. The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect