

DC/2017/01449

VARIATION OF CONDITION 6 (ALL EXISTING HEDGEROWS SHALL BE MAINTAINED AT A MINIMUM HEIGHT OF 3 METRES) - INSTALLATION OF SOLAR PANELS (APPEAL REF: APP/E6840/A/14/2212987)

MANOR FARM SOLAR PARK, FIRS ROAD, LLANVAPLEY, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 12/01/2018

1.0 APPLICATION DETAILS

- 1.1 This application relates to an existing solar park between Llanvapley and Llanvetherine. The park was allowed on appeal subject to 14 conditions. Condition 6 required that all hedgerows were maintained at a height of at least 3m so as to help screen the panels from wider views.
- 1.2 Since the solar park became operational and the hedges allowed to grow vehicles exiting have found that they are unable to gain adequate visibility to safely exit Manor Farm and the field exit opposite. It is therefore proposed to amend condition 6 to allow the hedges to be trimmed to a height of 2m either side of the Manor Farm entrance. All other areas of hedgerow will remain subject to the 3m height level.

2.0 RELEVANT PLANNING HISTORY

DC/2013/00006 - Construction of a solar park to include the installation of solar panels to generate up to 10MW of electricity with transformer housings. Security fencing and cameras. Landscaping with other associated works. Refused. Allowed on appeal (APP/ E6840/A/14/2212987) - 24/10/2014.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport

Development Management Policies

LC5 – Protection and Enhancement of Landscape Character and Appearance
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Llanarth Community Council – Recommend refusal. It is quite clear that an original condition of the consent was that the hedge be maintained at a height of 3 metres for reasons clearly explained by the Planning Inspector. The members cannot see any reason why that condition should be changed and local residents who are extremely familiar with the site have sound and consistent reasons for their objections.

This is an unnecessary request as there is plenty of visibility from the entrance. Also it does not affect the entrance opposite.

- 4.1.2 Llanover Community Council – Recommend refusal. The condition concerning the height of the hedges surrounding the site was particularly important to residents because they consider that their visual amenity will be adversely affected if Condition 6 is varied.

4.2 Neighbour Notification

17 comments received. Object for the following reasons;

- The Inspector's decision should continue to be adhered to with no variations.
- Believe that due consideration was given to screening and safety issues by the planning inspector when the planning application was originally considered. There have been no substantive changes since then.
- Highways did not object to the Landscape and Ecological Habitat Management Plan that showed the hedges at 3m high.
- The access was considered adequate for construction vehicles.
- The exit splay from Manor Farm is 12m wide and the height of the hedges does not affect visibility. Therefore no need to vary the condition.
- The panels are an eye sore and every effort should be made to screen the panels from view.
- Landscaping conditions are flouted and hedges routinely cut.
- MCC need to be more robust in enforcing conditions.
- The gap by the entrance to Manor Farm needs to be filled in as required by the landscape management plan.
- Hedges should be thickened on the field side and trimmed back on the road side.
- Suggest Manor Farm removes some solar panels from access roads if they are finding visibility is compromised rather than trying to change the planning consent. They could then set back the hedges and improve their visibility.
- Suggest that a road safety view mirror could be installed that wouldn't impact on the view of local residents of the solar farm.
- The hedges alongside the road do a very good job of hiding the site from anyone driving down Firs Road. However, the one place where there isn't a hedge to hide the solar panels is on the corner where the farm track meets Firs Road. Lowering the hedge height at this point will increase the already high visual impact of the site.
- Will MCC prosecute Luxcara because they have allowed Mr Foord to cut the hedges knowing that this breaches their Breach of Conditions Notice? Granting planning permission does not change the Breach of Conditions Notice order as that order was imposed on Luxcara.

4.3 Other Representations

None.

4.4 Local Member Representations

Cllr Sara Jones - During the original application for the solar farm a great deal of concern was raised by the visual and habitat impact from the site, and what this would mean to those that live in the vicinity as well as visitors to the local area. Whilst the application was rejected by Monmouthshire County Council, in part due to concerns

over the visual impact, the application was subsequently granted on appeal. Whilst approval was given there was very clear recognition by the Inspector that there was a visual and habitat impact from the site and, as such, imposed condition 6 on the applicant – that hedgerows be maintained at a height of 3m. As such, and given all highways issues were considered at the time of the original application, I would question the merit of amending the condition – as well as noting concern over the impact that this will have for local residents.

5.0 EVALUATION

5.1 Principle of Development

The fact that a condition has been imposed on a scheme does not mean that it would not be reasonable at a point in the future to vary or remove that condition subject to the relative merits of doing so having regard to normal planning considerations.

5.2 Visual Impact

5.2.1 The reduction in the height of a total of 100m of hedge (50m each side of an existing access) from 3m to 2m will have a minimal visual impact of the solar park on the wider area. The panels will remain screened from views by the vast majority of the extensive amount of hedgerow surrounding the site. On a local level, a 2m high hedge will still largely screen the panels from views from passing vehicles, cyclists or walkers. As such it is not considered that the variation in condition will have a significant impact on the character and appearance of the area and the proposal therefore satisfies the requirements of Policy LC5 of the Local Development Plan.

5.3 Biodiversity Considerations

5.3.1 There is no question of the hedges being removed and the maintenance of this section of hedgerow at 2m rather than 3m will have minimal impact on the continued use of the hedge by any protected species or other wildlife.

5.4 Residential Amenity

5.4.1 There are no residential properties within the immediate vicinity of the area of hedgerow that is to be reduced in height that could be affected by the variation of the condition.

5.5 Highway Safety

5.5.1 The reduction in hedge height from 3m to 2m will improve safety for vehicles exiting Manor Farm and the adjacent field as well as highway users driving along Firs Road. It is unlikely that an application would have been made by the landowner to vary the height of the hedge in this location if a problem with visibility was not an issue.

5.6 Response to Other Objections

5.6.1 MCC Highways do not have any control over the height of hedgerows within private ownership and would not therefore comment on landscaping plans unless a new access is being proposed. When the solar park was being constructed the hedges had not yet grown up to their 3m height and therefore visibility was adequate for construction vehicles.

5.7 Well-Being of Future Generations (Wales) Act 2015

5.7.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

5.8 Other Issues

5.8.1 It should be noted that the conditions and numbers on this consent will vary from those on the appeal decision notice. This is because those conditions that have already been discharged will not appear on this decision notice.

5.8.2 Enforcement action by the council is a separate issue and not a material planning consideration in the determination of this application.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

| | |
|---|---|
| 1 | The development hereby permitted shall begin no later than 5 years from the date of this decision. |
| 2 | The development hereby permitted shall be carried out in accordance with the following approved plans: C.0444_01-B, C.0444_04-F, C.0444_06-B, C.0444_07- B, C.0444_10-B, GCS0012B, Transformer details (unnumbered) and Danfoss Inverter Technical Sheets (unnumbered). |
| 3 | Any trees or hedgerow plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or become otherwise defective, shall be replaced within the current planting season or the first 2 months of the next planting season, unless the local planning authority gives written approval to any variation. |
| 4 | The development shall be carried out in accordance with the approved Landscape and Ecological Habitat Management Plan. The Plan shall be monitored and a review shall be submitted in writing to the local planning authority before Year 11 of operation of the solar panel scheme; the Plan shall be reviewed thereafter in accordance with a timetable to be submitted to and approved in writing by the local planning authority. |
| 5 | Notwithstanding the requirements of Condition 5 above, all existing hedgerows shall be maintained at a minimum height of 3 metres, except the area shown on drawing no. Location Plan R J Ford 14/12/17 and Landscape Plan 1:5000 R J Ford 14/12/2017 which shall be maintained at a minimum height of 2 metres. |
| 6 | No means of external illumination or lighting shall be installed on the site without the prior written approval of the local planning authority. |
| 7 | Following the cessation of use of the site as a solar farm, or 25 years after the commissioning date, whichever is the sooner, the solar panels and all associated plant and equipment shall be removed from the land and the site shall be returned to a state suitable for agricultural use in accordance |

| | |
|--|---|
| | with the approved Decommissioning Plan, unless written approval has been granted by the local planning authority to some alternative use. |
|--|---|