



Dear Councillor

**DEVELOPMENT MANAGEMENT COMMITTEE - MONDAY, 18 DECEMBER
2023**

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

LATE REPRESENTATIONS(Pages 3 - 12)

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DEVELOPMENT MANAGEMENT COMMITTEE – 18th December 2023

LATE REPRESENTATIONS SUMMARY

3(a) 22/00668/FUL - Installation of a solar park to export up to 25 MW (AC) electricity, comprising up to 65,000 photovoltaic panels, 10 inverter/transformer cabins associated works - Land North East of Bates Lodge, Peterborough Road, Haddon.

1. 12 No. further objections have been received incorporating the points summarised below, in addition to those set out in section 6 of the DMC report. Officer responses are included below each point;

1.1 Flood risk has been severely understated as demonstrated by recent video evidence of flood events.

Officer note – For the avoidance of doubt officers can confirm receipt of a number of videos, but it is not possible to publish these on the Council's Public Access website for reasons of data protection and as their format is not supported. It is acknowledged that the footage provided shows flooding in the vicinity following recent rainfall and evidences an existing situation. It is identified in the DMC report that part of the north parcel falls within Flood Zone, as does an area of the A605 that is not part of the application site. Applications cannot be required to address existing issues with the relevant test in consideration of a planning application being whether it would mitigate its own impacts. Whilst developments cannot be required to address an existing situation, a betterment of the existing situation may occur by virtue of the mitigation needed to make the development acceptable. The Flood Risk impacts arising from the development have been assessed within the DMC report in paras. 7.71 to 7.81 and this confirms the introduction of a significant length of swales, alongside permeable paving and filter strips would sufficiently control the runoff to below greenfield rates into the adjacent brook in order to mitigate the flood risk.

1.2 35.no letters of support should be excluded because they were canvassed and are not admissible, and this is an abuse of the process.

Officer note – These letters are material submissions. No indication has been received that they do not represent the views of the residents who have signed them, and an address has been included. Therefore, the letters must be accepted and considered as part of the overall consideration of the application, in accordance with the DMC Report. There is no requirement to exclude letters that any individual has canvassed for a particular stance on an application and determination should be based on the content of the letters (whether that is in support or in objection) rather than how they are provided.

1.3 No assessment of the cost implications of the replacement of PV panels has been made.

Officer note – Para. 7.18 states that development should be assumed viable unless the applicant identifies reasons a development is not viable. Planning permissions run with the land, not an individual, and it is not a requirement to demonstrate the applicant's finance arrangements are capable of providing this development. Any condition imposed on the planning permission, particularly in respect of decommissioning, is enforceable against the landowner at the time, not the applicant if they subsequently give up any interest in the land, for example through sale.

1.4 The DMC report does not give any weight to the loss of agricultural land.

Officer note – The loss of agricultural land is considered at paras. 7.8 to 7.16 of the DMC report.

1.5 The DMC report states that food security is not considered to be a material planning consideration and is given no weight.

Officer note – Para. 7.15 of the DMC report is explicit that the “Food Security Report” is not a material consideration, not that “Food Security” is not a material point of consideration. An assessment has been made in relation to the loss of agricultural land in paras. 7.8 to 7.16. Food Security itself does not form part of any planning policy in place at this time and so is a consideration only in relation to the loss of agricultural land; should planning policy change prior to a decision notice being issued then this matter would be reassessed and, if required, referred back to the Development Management Committee.

1.6 The Local Plan has been ignored in the recommendation.

Officer note – The DMC report notes the policies of the Local Plan at para 3.1 and through the detailed assessment in section 7 considers that the development accords with those identified policies. For the avoidance of doubt, and as already set out in the DMC report, Solar Farm development is not allocated in the current Local Plan and falls to be assessed against other policies within the Local Plan, principally LP35. Therefore, the fact that this site is not allocated is not considered relevant.

1.7 The request for an east-west elevation has not been referenced.

Officer note – Officers note the request; additional plans are not considered necessary to understand the impacts of the development noting the topographical information and submitted elevations of the solar panels available within the application.

- 1.8 The DMC report is misleading on the scale of BMV land within the site and only references a single point of Grade 2 Land.

Officer note – The extent of BMV land is clearly set out within paras. 7.12 to 7.13 of the DMC report. The number of soil samples of Grade 3a land has not been specifically referenced in the DMC report, as instead the hectarage of this Grade of agricultural land is set out as being 8.3ha (of the 46ha of the whole site). This is considered a clearer, more appropriate format to consider and assess the impact of the development on BMV land. The reference to the sample point of Grade 2 Land was only noted in the context of considering whether it was reflective of the agricultural land classification of the site. As this sample did not reflect any other classification of agricultural land on or surrounding the site it was therefore considered an anomaly as noted within the DMC report.

- 1.9 The original application was rejected, and the applicant has subsequently been given an excessive amount of opportunity to amend the application.

Officer note – The application at its outset was invalid on the grounds that visibility splays to the access had not been shown. It was therefore not validated until this missing information was submitted, it is not the case that the application was ‘rejected’ as no assessment was made of its merits at that time. It is for the LPA to choose whether to offer the opportunity to amend an application. As set out in para. 5.16 of the Council’s Statement of Community Involvement, strategic applications, of which this application is, are exempt from the ‘no amendments policy’ and it is common for a number of amendments to be made to such applications noting their scale and the NPPF requirement for positive and proactive consideration of applications.

- 1.10 No consultation was carried out on the latest amendments of the 28th November, contrary to requirements.

Officer note – There is no statutory requirement to carry out a reconsultation of amended plans, rather it is for the LPA to consider whether that is necessary having regard to the extent and nature of any changes made, and the comments that have been received. In this instance the changes received on the 28th November were to address screening queries made by the Council's Landscape Consultant as a technical consultee and are along a relatively minor length of the boundary. For clarity, full consultation was undertaken on the substantial change to the landscape proposals and noting that the final amendments would not address wider comments that raised objections in respect of the principal landscape impact, it was not considered necessary to re-consult.

- 1.11 An independent LVIA was submitted that confirms the applicant's report understates the impacts of the development and the application is therefore unreliable. This calls into question the reliability of the applicant's submission.

Officer note – This report was considered and assessed as part of the assessment of the impacts of the development on Character and Landscape at paras. 7.22 to 7.37 of the DMC report. It is acknowledged that landscape impact is a subjective matter but the role of the LPA in assessing a planning application is to consider all material information and come to a conclusion having regard to the evidence available. In this instance, the findings of both the applicant's and third party reports have been considered and a conclusion reached as set out in the DMC Report. That local residents may object, and submit supporting evidence, does not alter that officers are required to assess and form a view on all the evidenced submitted, and the weight to be attributed to such evidence is a matter for the decision maker.

- 1.12 The application should be deferred to await the publication of the Land Use Framework on the 19th December.

Officer note – The Land Use Framework, as clearly set out in the House of Commons report on Environmental Change and Food Security dated 8th December 2023, falls under the Department for Environment, Food and Rural Affairs (DEFRA), and is not material Planning Policy. That document states, at para. 139, that Planning Matters are not within the remit of that Department, and that further conversations will be had with the Department for Levelling Up, Housing and Communities, (DLUHC) who are the Central Government department responsible for the formation of national planning policy. There is no indication that the publication of this Land Use Framework would materially change planning policy, and the House of Commons report itself identifies that consequential changes to the NPPF will be required; however, and as set out in 1.5 above, should the planning policy change, or there be new material planning considerations prior to a decision being issued, then the application will be required to be reassessed in accordance with the policy in place at the time of determination.

- 1.13 The Council should direct solar development to use existing roof space, not agricultural land.

Officer note – The Council cannot control the type or locations of applications that are submitted. An applicant has a right to submit an application and it must be considered and determined in accordance with the relevant legislation, national and local planning policy.

- 1.14 The proposal is removing greenbelt land.

Officer note – the site is not Green Belt land. Green Belt is a specific designation of which none is present in Huntingdonshire District.

1.15 There would be a loss of productive agricultural land.

Officer note – The loss of agricultural land, and the relevant policy considerations, are set out in paras. 7.4 to 7.21 of the DMC report.

1.16 There would be harm to the landscape.

Officer note – Landscape impacts have been considered in paras. 7.22 to 7.37.

1.17 The land will receive limited sunlight.

Officer note – It is not considered there is any basis to conclude that the solar array would not produce sufficient energy to ensure its viability, and, as set out in para. 7.18 of the DMC report, the application should be assumed as viable.

1.18 No detail has been provided for the environmental damage and carbon footprint of building the solar farm.

Officer note – Para. 7.113 of the DMC report considers carbon impacts, and other environmental impacts have been considered throughout the assessment.

1.19 The site access is extremely dangerous.

Officer note – Highway safety and impacts of the access are considered at paras. 7.38 to 7.47 of the DMC report.

1.20 The details of connecting to the grid are vague and there are not details of how the connection will cross existing roads and obstacles.

Officer note – This is set out at para. 1.4 of the DMC report. It is the applicant's responsibility to ensure they have any and all appropriate permissions, but the only matter for consideration at this stage is the application proposed, not any potential future applications.

2. Officers also note comments regarding the lack of comment from Haddon Parish Meeting. While the Parish Meeting was consulted in accordance with statutory requirements, it is not a material consideration that they did not reply. It should be noted, however, that this application, as set out at the top of the DMC report, was referred to DMC by the Chief Planning Officer rather than being determined under Delegated Powers; this was recommended by the Case Officer, noting the concerns regarding the lack of consultation reply from Haddon in this instance and having regard to the level of local interest from residents and elected Members.
3. Officers have been made aware that a briefing note may have been circulated to members. It is unclear whether this has been circulated to all members. A version has been published on the Council's Public Access website. For clarity, this does not raise any further matters in relation to the application.

3(b) 22/01137/S73 - Variation of Condition 2 (Plans listed in table above) to allow for revised ridge heights and fenestration changes for 20/01146/FUL as amended by 22/00964/S73 To create a two lane egress onto Stukeley Road from Lidl's existing access. - The White Gates, Thrapston Road, Bythorn.

There are no late representations for this item.

3(c) 23/01327/FUL - Change of use of Montagu House from current E Class. Reversion to original built intent (C3 Domestic) to provide 3 self contained domestic dwellings, with each dwelling to have own off road parking, and garden amenity space. - 81 High Street, Huntingdon.

There are no late representations for this item.

3(d) 23/01328/LBC - Change of use of Montagu House from current E Class. Reversion to original built intent (C3 Domestic) to provide 3 self contained domestic dwellings, with each dwelling to have own off road parking, and garden amenity space. - 81 High Street, Huntingdon.

There are no late representations for this item.

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