

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 11 February 2015  
at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
M D Binks, Mrs H Bainbridge, J M Downes,  
E G Luxton, Mrs M E Squires (Vice  
Chairman), R L Stanley, Mrs L J Holloway,  
D J Knowles and J D Squire

### **Apologies**

#### **Councillors**

Mrs D L Brandon, R F Radford,  
A V G Griffiths, P J Heal and K D Wilson

### **Also Present**

#### **Councillors**

M A Lucas

### **Present**

#### **Officers:**

Jonathan Guscott (Head of Planning and  
Regeneration), Thea Billeter (Principal  
Planning Officer), Tina Maryan (Principal  
Planning Officer), Simon Trafford (Area  
Planning Officer), Alison Fish (Area  
Planning Officer) and Sally Gabriel  
(Principal Member Services Officer)

## **141 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs Mrs D L Brandon, P J Heal, A V G Griffiths, R F Radford and K D Wilson.

## **142 PUBLIC QUESTION TIME (00-02-28)**

1. Mr Woolley speaking on behalf of Cllr Tanner representing Bampton Town Council and referring to Item 7 on the agenda (Bowdens Lane, Shillingford) said that as we stated last November we have looked into the Company behind the scheme and have no confidence in their commitment to the safe operation of eventual disposal of this potentially toxic, industrial structure. They have not consulted us over this application and were most disrespectful about our valid comments against their previous proposal. They are not a Company that we want to do business with. So can we ask that you do not put us in that position?

The Head of Planning and Regeneration stated that the applicant is not a material planning consideration. Members have to consider if the site is suitable for solar PV arrays, having no faith in the company applying for consent is not a matter for consideration.

2. Mr Woolley speaking on behalf of Cllr Tanner representing Bampton Town Council and referring to Item 7 on the agenda (Bowdens Lane, Shillingford) stated that officers clearly identified, a long time ago, the deficiencies and omissions there are in this application and these have been confirmed by the independent SLR report. Nationally we have heard that the subsidy for solar farms will be cut and existing commitments will exceed the allowed budget by £40m so this scheme is unaffordable. So the application is flawed, not wanted and unaffordable so can we ask why it has taken so long for your officers to provide the collateral you sought for refusal?

The Head of Planning and Regeneration stated that we are the determining authority; officers consider the planning matters and Members decide if it is appropriate to grant permission by balancing the material planning considerations.

3. Mr Woolley speaking on behalf of Cllr Tanner representing Bampton Town Council and referring to Item 7 on the agenda (Bowdens Lane, Shillingford) Bampton Town Council has noted the high quality of the objections received. Our local economy depends on peoples love of this unspoilt countryside and its country pursuits so we ask you to protect our livelihood and this beautiful valley on one of the main access points into Devon. We are concerned about the increased flood risk it creates to Bampton and knowing the area with the existing congestion in Bampton we cannot see how the proposed convoy scheme during construction can possibly work. It is the wrong scheme in the wrong place, we do not need or want it; so can we ask you to finally reject this proposal today?

The Head of Planning and Regeneration stated that the Environment Agency are the statutory consultees on flood risk, its observations are taken into account when consideration of the application takes place.

4. Mr Woolley referring to item 7 on the agenda (Bowdens Lane) stated that when this application was discussed at the Planning meeting on 5 November 2014, Councillors voted 13-0 to refuse permission but asked for both a site visit and for the officers to provide a report fully laying out the reasons for refusal and any implications, noting that your officers had recommended acceptance. The site visit took place on 2 December 2014 and today you have a fourth officers report together with the 2 sets of further comments provided by us for the 4 February meeting and now for this meeting, hopefully this will give you the information you require to ratify your refusal today. We respectfully ask that you put aside your frustrations at the inordinate delay in getting to this point and ratify refusal today.

The Head of Planning and Regeneration explained that Members need to consider whether there was sufficient evidence to defend refusal at appeal.

5. Mr Woolley continued stating that it is unfortunate that the Wessex Solar Energy have taken advantage of what we feel has been an unnecessary delay, not caused by Councillors, to submit an appeal due to non-determination. The issue will now be determined by the Planning Inspector so

can we ask if it will be Councillors who will present the case for refusal to the Inspector?

The Head of Planning and Regeneration explained the delay with the deferral of the decision for an implications report on refusing the application, issues regarding whether the minutes were recorded correctly and concerns regarding the contents of the implications report. The applicant had a right of appeal on non-determination or refusal of the application. The Inspector will now decide the application having reviewed all the evidence. He explained that the appeal would be dealt with via written representations. An appeal strategy would be put together by Members with the support of officers.

6. Mr Scott again referring to item 7 on the agenda asked now that officers have produced a fourth report, the information requested by Councillors on 5 November 2014 can we be assured that it is these reasons, supported by our further comments for refusal of this application that will be submitted to the Inspector?

The Head of Planning and Regeneration stated that it is a matter for the Committee to consider reasons for refusal that could be defended at appeal.

7. Mr Scott on behalf of Mrs North and again referring to item 7 on the agenda stated that we note that Wessex Solar Energy have copied the minutes of a Bampton Town Council meeting which discussed the future of the Bowden's Lane children's playground presumably to throw doubt on the concerns raised by residents about the safety risks during construction. We should make it clear that Bampton Town Council are conducting a public consultation exercise on the future of this play park and ask Councillors not to make any assumptions today on its future.

The Head of Planning and Regeneration stated that the construction period was a very short period of time, any problems would be short-lived and are not grounds for refusal.

8. Dr Wickstead again referring to Item 7 on the agenda (Bowdens Lane) stated that we note that the question of panel types first raised on 5 November has still not been answered by officers and so the concerns raised over the pollution from potentially toxic panels during damage in operation and disposal still remain. Can we ask why this important question has not been answered by either Wessex Solar Energy or officers?

The Head of Planning and Regeneration stated that panel types were not a planning consideration, it is a matter for the developer which type of panel they use; we have no planning grounds to insist on panel type.

9. Dr Wickstead continued stating that at the meeting on 5 November and in papers produced since, objectors have pointed out that when asking Members to balance the benefits against the drawbacks, your officers have consistently overstated those benefits by a factor of 10 to 1. Can we ask that Members assess the benefits using the advice of Regen South West that the average expected output is 0.5mw and not the installed capacity of 5mw as repeatedly quoted by officers?

The Head of Planning and Regeneration stated that the original officer's report came to the conclusion that the advantages of renewable energy generation outweighed the disadvantages of the scheme, Members did not agree, they gave more weight to the impact on the locality and other issues which have been addressed in this report.

**143 MINUTES OF THE PREVIOUS MEETING (00-24-46)**

The minutes of the previous meeting were signed as a correct record of the meeting.

**144 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members that the next ordinary meeting would take place on 4 March with a special meeting taking place on 18 March.

**145 DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

**146 THE PLANS LIST (00-25-32)**

The Committee considered the applications in the plans list \*.

Note: \*List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

**RESOLVED** that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 1 on the Plans List (***14/01454/FULL – Installation of ground mounted photovoltaic solar panel array to generate 4kW of power at land at Stairhill Farm, Moorlake, Crediton***) be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note: The following late information was reported:

4<sup>th</sup> February 2015 – Comments received from Crediton Hamlets Parish Council  
As this was only a small scheme it was agreed to raise no objection.

11<sup>th</sup> February 2015 –  
Condition 5 should read

All electricity services associated with the development shall be placed underground

(ii) No 3 on the Plans List (***14/01918/FULL – Change of use of agricultural land to form 1 traveller pitch, utility block and creation of new visibility splay – land at NGR 303826 111652, Muxbeare Lane, Willand*** ) be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note: The following late information was reported: Members are advised that Reason 10 on page 38 should actually be Condition 10 and Reason 11 should be Condition 10. To read as follows:

Condition 10.

This permission shall provide only for one gypsy and traveller pitch to be occupied by a single family unit. No more than 2 caravan(s), (of which no more than one shall be a static caravan or mobile home) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time. Any caravans positioned on the site shall be capable of being towed on the public highway, in accordance with the relevant Highways Act legislation, without division into separate parts.

Reason 10.

For the avoidance of doubt and to concur with the nature of this application having regard to the submitted details and to minimise the visual impact of the development.

(b) No 2 on the Plans List (***14/01748/FULL – Reserved Matters for the erection of 112 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, drainage, pumping station and landscaping, together with all other associated development following outline approval 13/00859/MOUT – land and buildings at NGR 302994 107178 – Former Cummings Nursery, Culm Lea, Cullompton*** ).

The Area Planning Officer outlined the contents of the report by way of presentation outlining the site location plan, the relationship with the existing dwellings, the existing footpath and the riverside walkway. He highlighted the access route to the south east of the site, which was not under the control of the applicant, the proposed site plan, the house types, car parking spaces, the acoustic fencing, elevations and site sections and explained that he had been in communication with the developers regarding the possible secondary access.

Consideration was given to the additional conditions on the update sheet, who would take responsibility for the maintenance on the site, waste bin storage, the attenuations ponds, and improvements to J28 of the M5. Discussion took place regarding the design of the proposed development as Members felt that the design was incompatible with the existing development, they also had concerns regarding the lack of pedestrian walkways throughout the new and existing sites.

It was therefore:

**RESOLVED** that Members were minded to refuse the application and therefore wish to defer the decision to allow for a report to be received setting out the implications for the proposed decision based on the following reasons:

- The design issues based on layout, density, massing and external appearance; and
- The proposed development was not in character with the adjoining Culm Lea residential development.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs L J Holloway)

Notes:

- (i) Cllrs Mrs F J Colthorpe and R L Stanley declared personal interests as the applicant was known to them;
- (ii) Cllr Mrs L J Holloway spoke as Ward Member;
- (iii) The following late information was reported:

9th February 2015 –

Page 13 (with reference to the supporting information paragraph)

Further revisions to the layout of the area of open space have been submitted to clarify matters raised by the highway authority (in terms of the indicative footpath route), and in terms of the details and the position of the acoustic fencing that is proposed.

In addition to the revised plans the applicant has submitted further micro-drainage results and information about the proposed outflows/discharge rates.

Page 25 (with reference to conditions 6 and 7).

The following response from the Environment Agency has been received after the report had been drafted.

Condition 6.

Having looked at your latest Microdrainage results we are satisfied that the drainage proposal as shown on Drawing 0025 PDL/001 Rev H better aligns with the philosophy of Suds, than the original designs, and is a reasonable scheme for this brownfield site. We see no reason why Condition 6 cannot now be discharged.

Please note that the Environment Agency do not have a statutory Suds approving role and thus this message should not be construed as being our formal approval of the design.

Condition 7.

We welcome inclusion within the Drainage Maintenance Plan Rev B of a written commitment to maintain 'headwalls and flow controls'. We see no reason why Condition 7 cannot now be discharged.

In summary the Environment Agency are now supporting the scheme



11th February 2015 – Additional conditions and reasons as follows (page 25 onwards):

11. No development shall begin until a detailed methodology for the formation and construction of both the retention ponds (including an inspection schedule) has been submitted to, and been approved in writing by the Local Planning Authority. The approved methodology and inspection schedule shall be strictly adhered to for the completion of this part of the development, which shall be completed prior to the occupation of the dwellings hereby approved.

Reason: To ensure that this part of the scheme drains effectively in order to maintain the general amenities of the area in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).

12. A detailed drawing showing a surfaced pathway that links the open space area within the site to the footway that follows the northern perimeter of the site and onto the permissive footpath that follows a path along and adjacent to the north western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling, and maintained as such thereafter.

Reason: In order to secure pedestrian access from the site to the wider pedestrian network and links to Cullompton, in accordance with policy DM2 and DM14 of Local Plan Part 3: (Development Management Policies).

13. A detailed drawing showing a scheme of perimeter landscaping and planting around both of the retention ponds shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling. All planted materials shall be maintained and any trees or plants removed, dying, being severely damaged or becoming seriously diseased shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 and DM14 of Local Plan Part 3: (Development Management Policies).

(c) No 4 on the Plans *List (14/01932/MFULL – Installation of a ground mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabin, sub station buildings, access tracks, fencing and CCTV – land at NGR 307922 118303 (Wiseburrow Farm) Burlescombe).*

The Area Planning Officer outlined the contents of the report highlighting the proposed layout of the site, the closest neighbouring properties, the elevation of the proposed panels and other buildings on the site, the position of the deer fencing and the CCTV cameras. She presented photographs taken from various visual points and highlighted the concerns of visual impact identifying the listed buildings in the vicinity and the concerns of the Parish Council who had raised issues with regard to the visual impact from local footpaths. The assessment of the heritage assets within a 2km radius had been submitted which only partially covered the Conservation Area

of Holcombe Rogus and had not included the Grade 1 listed building of Holcombe Court.

Consideration was given to the visual impact of the proposed development, the views of the Parish Council and the proposed screening of the site.

**RESOLVED** that planning permission be refused for the following reason:  
That in the opinion of the Local Planning Authority insufficient information has been submitted with the application to adequately demonstrate the visual and landscape impact of the proposed development. In particular, there are a number of public footpaths to the north and west of the site, including the Grand Western Canal Country Park and Conservation Area and there appears to be a limited assessment of the impact of the development from these public vantage points; there appears to be no assessment as to the impact on listed buildings and the specific impact on the nearest properties should be considered individually. The landscape and visual impact of the proposal is a material consideration but insufficient information has been received to enable the Local Planning Authority to conclude whether or not the development will have a significant adverse impact on the visual and landscape character of the area contrary to Policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan 1), Policies DM2, DM5 and DM7 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Cllr Mrs H Bainbridge, M D Binks, Mrs F J Colthorpe, J M Downes, Mrs L J Holloway, D J Knowles, E G Luxton, J D Squire, Mrs M R Squires and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application.
- (ii) Mr Lawson (Project Manager) spoke;
- (ii) Cllrs Mrs H Bainbridge and M A Lucas spoke as Ward Members;
- (iii) The Chairman read a letter from the local MP
- (iv) The following late information was reported:

Additional consultation response received from Culmstock Parish Council:

Culmstock Parish Council are concerned the ground-mounted photovoltaic solar farm will have a negative visual impact from Culmstock Beacon which has stunning views over the Blackdown Hills AONB and surrounding valleys. Culmstock Beacon is a wonderful natural area on the top of the hill and we believe its views should be preserved.

Conservation officers comments - I have not been out on site but it appears to me that quite a lot of heritage assets will be detrimentally impacted by this proposal. The ZVT shows an awful lot more heritage assets affected than those on the legend of Figure 3. High status listed buildings not included in the assessment include Court



Hall and Church of St Simon and St Jude in Hockworthy, the group at Ayshford and also Holcombe Court and its complex of associated buildings together with Church of All Saints in Holcome Rogus. The potential cumulative impact of this proposal with existing and approved schemes in the vicinity on these assets and on the wider historic landscape particularly on the setting of the Grand Western Canal conservation area gives rise for concern. (The sit at Redhill has been left off Figure 2 as no decision..are there others that should be taken into account when assessing potential cumulative impact? Can't see any categories of "in planning" schemes mentioned in 6.5of the landscape and visual impact assessment report on Figure 2).

English Heritage - 10/2/15 - We have visited the site and are aware that whilst close range views of it are quite hard to obtain from public vantage points, it does appear to be quite visible in longer-range views relating to a number of heritage assets where we consider that further evidence needs to be provided by the applicants that material harm will not be caused to their setting.

In order to conform with paragraph 128 of NPPF, we would expect applications for solar arrays of this extent to provide a comprehensive landscape and visual impact assessment and heritage impact assessment in relation to designated heritage assets within a 3.5 radius of the application site. The heritage impact assessment should provide an analysis of both direct and indirect impacts, in the latter case we would advise that it follows the procedure set out in our guidance on *The Setting of Heritage Assets*.

Whilst an archaeological desk-based assessment has been undertaken in support of this application, it limits the area of study to 2km around the application site and only selects a limited range of heritage assets within that range for detailed analysis of the solar array's potential impact on their setting. Moreover, in the section which does undertake that limited analysis, it appears to only consider the potential visual impact in views of the development from the heritage asset, rather than considering the wider intervisibility whereby the solar array might be visible in views towards the heritage asset. This is particularly relevant in the example of the Church of St Mary the Virgin at Burlescombe, whose tower we believe may be visible from the road passing to the north of the solar array and views of it could therefore potentially be affected by the development.

We are particularly surprised that Holcombe Rogus is not given greater attention in the Desk Based Assessment, since it is not only a conservation area but part of the village contains four highly graded listed buildings in an elevated position. Whilst we have not viewed the development site from Holcombe Rogus Court itself, we have identified its likely visibility from the churchyard. Given that Holcombe Rogus, Burlescombe church and Canonsleigh Gatehouse are three grade I listed building which are all identified within the ZTV of the development, it is also surprising that no photomontages are provided in relation to the intervisibility of the solar array with these highly sensitive receptors. Given the evidence of the ZTV and our own site visit, we believe that the potential for the intervisibility of these highly sensitive assets with the solar array might cause harm to their setting, and that photomontage evidence is required to demonstrate that such harm would not arise.

In the absence of such information, and from the assessment that we have so far been able to make, we must take a cautious approach to the potential harm this proposal could cause to heritage assets of the highest designation and advise that it

could lead to an objection from English Heritage unless the applicant can convincingly demonstrate that such harm would not occur or that it would be outweighed by a public benefit. In weighing up the balance between that harm and any public benefit that might result from the proposal we would advise your Authority to exercise great caution in determining this application. This is particularly the case taking into account paragraph 129 of the NPPF, which exhorts local authorities to “identify and assess the particular significance of any heritage asset that may be affected by a proposal” and “take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.

### **Recommendation**

We would urge you to address the above issues, and if you would like further advice should additional information be submitted, please contact us.

Comments received from Devon Buildings Group – The Devon Buildings Group is an organisation which is interested in all aspects of Devon's built heritage and in particular its conservation. My committee's attention has been drawn to the proposed solar array at Wiseburrow Farm, Burlescombe. We understand that this will be visible from Holcombe Court, arguably the most important Elizabethan house in Devon and which formed the subject of the Group's summer meeting in 2013. The house is surrounded by its own historic landscape which incorporates deliberate viewpoints. To be able to see the array from these would diminish the quality of the wider setting of the house contrary to the objectives of the NPPF. The Group therefore objects to the application and hope that your Council will take this objection into account in making its decision. Secretary Devon Buildings Group.

Email from applicant regarding Highway Authority comments – ‘The Highway Authority has suggested that in order to address the highway authority’s concerns, either suitable visibility splays are provided at the site access or a banksman is present for all vehicle movements into and out of the site during the construction phase of the development. The submitted CTMP proposed the use of a banksman for larger vehicles accessing the site (see paragraph. 4.7 of CTMP).

It is considered that the use of a banksman for all vehicles entering and exiting the site would be the most appropriate measure in this situation, as the provision of the necessary visibility splays would be considered a permanent measure for what is only a temporary proposal (with a short construction timeframe).

In order to ensure that vehicles do not enter/exit the site without the use of a banksman, the appointed contractor and suppliers would be made aware of the requirement, and appropriate signage would be provided on both sides of the site access, notifying vehicles of the requirement to use a banksman. Additionally, advanced warning signs notifying existing road users of construction vehicles turning ahead would be placed on either side of the site access in line with paragraph 4.10 of the submitted CTMP.

During the operational phase of the development, the use of a banksman is not considered necessary, as the traffic generation of the site will consist of one maintenance vehicle every few months, which does not represent a material increase in the use of the access.

It is anticipated that this additional information is suffice to alleviate the concerns of the local highway authority. ‘

The Highway Authority have indicated that this would be acceptable and the submission of a revised Construction Management Plan could be conditioned. As a result, reason for refusal no. 2 has been addressed.

#### **REVISED RECOMMENDATION:**

Refused planning permission for the following reason:

In the opinion of the Local Planning Authority insufficient information has been submitted with the application to adequately demonstrate the visual and landscape impact of the proposed development. In particular, there are a number of public footpaths to the north and west of the site, including the Grand Western Canal Country Park and Conservation Area and there appears to be a limited assessment of the impact of the development from these public vantage points; there appears to be no assessment as to the impact on listed buildings and the specific impact on the nearest properties should be considered individually. The landscape and visual impact of the proposal is a material consideration but insufficient information has been received to enable the Local Planning Authority to conclude whether or not the development will have a significant adverse impact on the visual and landscape character of the area contrary to Policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan 1), Policies DM2 and DM5 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Further Information:

Since the Committee Report was prepared, the applicants have sent in some further photos and photo montages from affected residential properties together with a Landscape Master Plan and photomontages showing how the development will appear from those properties after the landscaping has been in place for a period of 5 years.

However, the photos and photomontages are not accompanied by any assessment of the magnitude of the impact on those properties and consequently they have not been considered further by our Officers in the determination of this application.

**(d) No 5 on the Plans List (14/01984/MFUL – Installation of ground mounted photovoltaic solar panel array to generate 4.8MW of power (site area 9.30ha) with associated infrastructure including inverters, transformers, substations, communications building, fence and pole mounted security cameras – land at NGR 308764 118163 (Redhill Farm), Burlescombe).**

The Principal Planning Officer outlined the contents of the report outlining the location plan and highlighting how the topography largely obscured the application site, the proposed layout, the proposed new temporary access, the planting scheme and further infilling that was proposed, the elevations of the panels and proposed fencing and buildings. Photographs were shown from various locations looking towards the site.

**RESOLVED** that the application be granted planning permission subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs M E Squires)

Notes:

- i) Cllr Mrs H Bainbridge declared a personal interest as the landowner was known to her;
- ii) Cllr Mrs H Bainbridge, M D Binks, Mrs F J Colthorpe, J M Downes, Mrs L J Holloway, D J Knowles, E G Luxton, J D Squire, Mrs M R Squires and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application;
- iii) Mr Ryan (Agent) spoke;
- iv) Cllrs Mrs H Bainbridge and M A Lucas spoke as Ward Members;
- v) The following late information was reported: 9<sup>th</sup> February 2015 – Additional consultation response from Holcombe Rogus Parish Council following re-consultation regarding the temporary access proposed:

Holcombe Rogus Parish Council have no objections to this application subject to the imposition of conditions that secure the removal of the temporary access immediately following the carrying out of the development and reinstatement of the boundary and provision of screening to avoid the solar farm being seen from the A38.

Additional consultation response received from Culmstock Parish Council:

Culmstock Parish Council are concerned the ground-mounted photovoltaic solar farm will have a negative visual impact from Culmstock Beacon which has stunning views over the Blackdown Hills AONB and surrounding valleys. Culmstock Beacon is a wonderful natural area on the top of the hill and we believe its views should be preserved.

**147 14/01452/MFUL INSTALLATION OF SOLAR ENERGY FARM ON 13.34 HA OF LAND TO GENERATE 5.5 MEGAWATTS OF ENERGY (REVISED SCHEME) EAST OF BOWDENS LANE, SHILLINGFORD (2-33-22)**

The Committee had before it a report \* of the Head of Planning and Regeneration informing Members of the outcome of the review of the Minutes of the meeting of 5

November 2014 in relation to this planning application and to consider the reasons for refusal proposed by the Planning Committee at the meeting of 5 November 2014 in light of further advice from Officers and to decide how the Council would have determined the planning application had it the ability to do so in light of an appeal for non-determination submitted by the applicants on 23 December 2014.

The Head of Planning and Regeneration outlined the history of the application and the 4 reasons for refusal outlined by the Committee at a previous meeting: that of landscape and visual impact of the proposal, the effect on the local economy, highway impact and inappropriate use of medium grade agricultural land. The implications report set out possible reasons for refusal which would need to be substantiated at the appeal.

Consideration was given to the reasons for refusal set out in the report, the visual impact of the proposed development, possible flooding issues that may occur, the effect on the local economy with regard to shooting and fishing and employment opportunities and the impact of the heavy lorries going through Bampton during the construction period; the unnecessary development on Grade 3 agricultural land was also highlighted and discussion took place regarding the possible inclusion of Development Policies DM7 and DM29 within the reasons for refusal.

**RESOLVED** that had the Local Planning Authority had the power to determine the application, it would have been refused planning permission on the following grounds:

(i) In the opinion of the Local Planning Authority, due to the scale, design and siting of the proposed solar photovoltaic installation, the development is considered to have a significant adverse effect on the visual amenity and rural landscape character of the area, in particular when viewed from vantage points on local roads to the south and north west of the site and from the B3227 during winter months, and it has not been demonstrated that the harm could be addressed adequately by mitigation planting. The Local Planning Authority does not consider that the benefits of renewable energy production in this instance outweigh the significant adverse effect. The application is therefore considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy (LP1), DM2 and DM5 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.

The Committee required the above reason to also make reference to Mid Devon District Council's Assessment of Landscape Sensitivity to onshore wind energy and large-scale photovoltaic development in the Mid Devon initial report of October 2013. The additional wording to be agreed by the Head of Planning and Regeneration with Ward Members, one of whom is the Chairman of the Planning Committee.

(ii) In the opinion of the Local Planning Authority the proposal would represent an unacceptable development of Grade 3 agricultural land where it had not been adequately demonstrated that the use of this land is necessary, contrary to the policies of the National Planning Policy Framework which seeks to prevent the unnecessary development of agricultural land.

(Proposed by Cllr R L Stanley and seconded by Cllr M D Binks)

Notes:

- (i) Cllrs Mrs F J Colthorpe and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in Dealing with Planning Matters as they had been involved in the application as Ward Members;
- (ii) Cllr R L Stanley declared a personal interest as the objectors were known to him.
- (iii) Cllr Mrs M E Squires requested that her abstention from voting be recorded;
- (iv) \*Report previously circulated, copy attached to signed minutes.

#### 148 **PLANNING PERFORMANCE 2014-15 QUARTER THREE (3-06-46)**

The Committee had before it and **NOTED** a report\* of the Head of Planning and Regeneration providing it with information on the performance of Planning Services for Quarter 3 – 1 October – 31 December 2014. He outlined the contents of the report identifying the targets set and the performance against those targets.

Following a query regarding Conservation Area Appraisals and why these were undertaken at a time when budgets were constrained, he explained that Conservation Area Appraisal and the assessment of Heritage Assets was a statutory requirement and that this work had to be completed. He highlighted the fact that Mid Devon had 50 Conservation Areas, nearly 3000 Listed Buildings and the Council only employed 1.5 Conservation Officers.

The timetable of the Solar and Wind Landscape Impact SPD was also highlighted; the Head of Planning and Regeneration hoped this could be completed by late summer.

Members recorded their congratulations on the performance of the Planning Services.

(The meeting ended at 5.28 pm)

**CHAIRMAN**