

# Public Document Pack

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**PLEASE NOTE:** Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

**A MEETING** of the **PLANNING COMMITTEE** will be held in the Town Hall on Wednesday, 11 February 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 4 March 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

**KEVIN FINAN**  
Chief Executive  
3 February 2015

**Councillors:** Mrs F J Colthorpe (Chairman), M D Binks, Mrs H Bainbridge, Mrs D L Brandon, J M Downes, E G Luxton, R F Radford, Mrs M E Squires (Vice Chairman), R L Stanley, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, J D Squire and K D Wilson

## A G E N D A

### **MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE**

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitutes.
- 2 **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
- 3 **MINUTES OF THE PREVIOUS MEETING**  
To receive the minutes of the previous meeting (to follow).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 5 **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.

- 6     **THE PLANS LIST** (*Pages 5 - 72*)  
To consider the planning applications contained in the list.
- 7     **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**  
(*Pages 73 - 100*)  
To consider a report of the Head of Planning to report to Members on 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.
- 8     **PLANNING PERFORMANCE 2014-15 QUARTER THREE** (*Pages 101 - 104*)  
Report of the Head of Planning and Regeneration providing the Committee with information on the performance of Planning Services for quarter three 1<sup>st</sup> October to 31<sup>st</sup> December 2014.

**The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. The reports within this agenda have been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.**

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

Fax:

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

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## PLANNING COMMITTEE AGENDA - 11th February 2015

### Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u>   |
|-----------------|--|
| 1.              | <p>14/01454/FULL - Installation of ground-mounted photovoltaic solar panel array to generate 4kW of power at Land at Stairhill Farm, Moorlake, Crediton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |
| 2.              | <p>14/01748/MARM - 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 at Land and Buildings at NGR 302994 107178 (Former Cummings Nursery), Culm Lea, Cullompton.</p> <p><b>RECOMMENDATION</b><br/>Approve Reserved Matters subject to conditions</p> |
| 3.              | <p>14/01918/FULL - Change of use of agricultural land to form 1 traveller pitch, utility block and creation of new visibility splay at Land at NGR 303826 111652, Muxbear Lane, Willand.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |
| 4.              | <p>14/01932/MFUL - Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV at Land at NGR 307922 118303 (Wiseburrow Farm), Burlescombe, Devon.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p>   |
| 5.              | <p>14/01984/MFUL - Installation of a ground-mounted photovoltaic solar farm to generate 4.8MW of power (site area 9.30 ha) with associated infrastructure including inverters, transformers, substations, communications building, fence, and pole-mounted security cameras at Land at NGR 308764 118163 (Redhill Farm), Burlescombe, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |

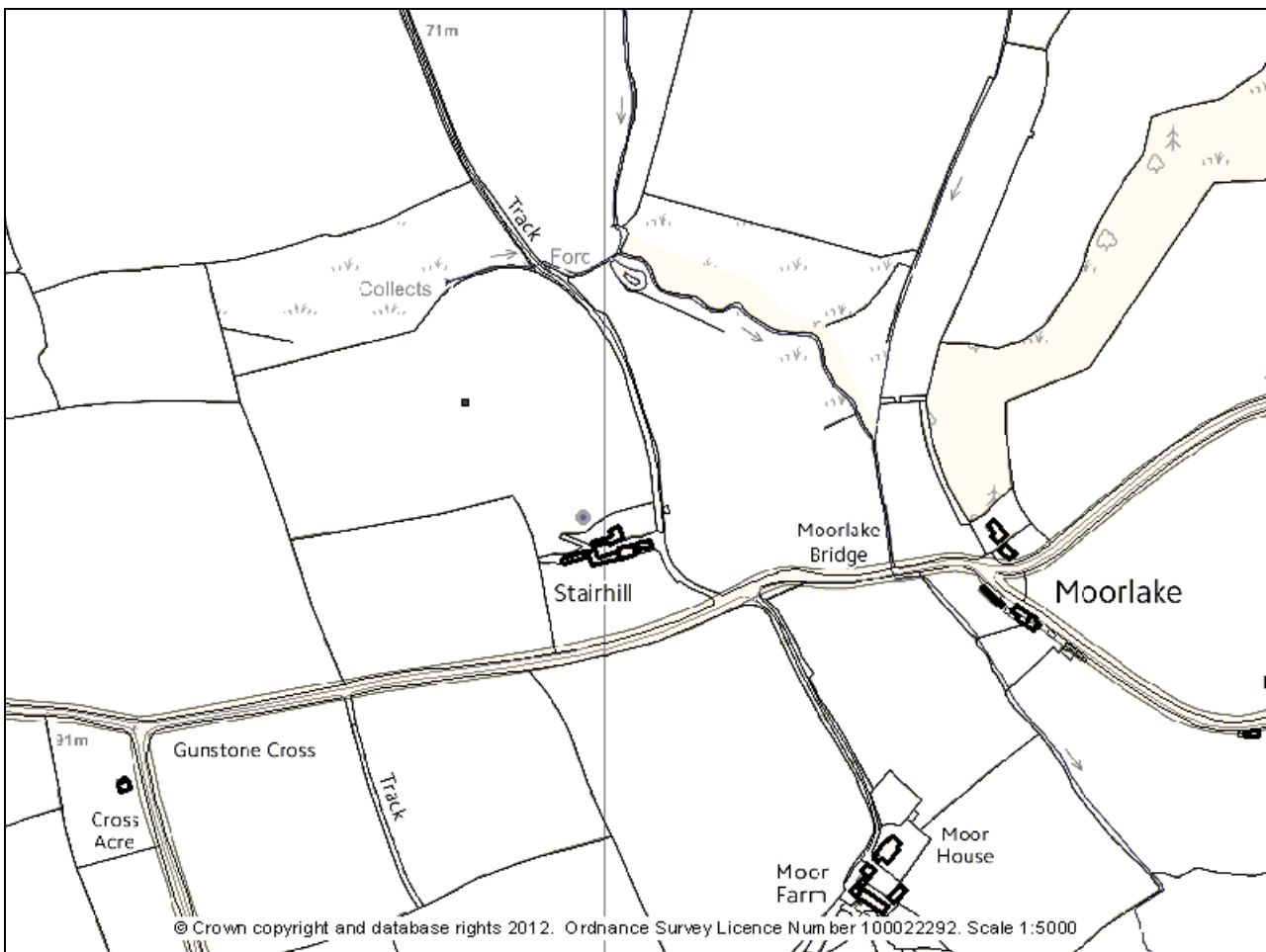
**Grid Ref:** 280883 : 99477

**Applicant:** Mr G Wright

**Location:** Land at Stairhill Farm  
Moorlake Crediton

**Proposal:** Installation of ground-mounted photovoltaic solar panel array to generate 4kW of power

**Date Valid:** 5th January 2015



## **Application No. 14/01454/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

Installation of 2 x 8 panel photovoltaic arrays to generate 4kW of power.

It is proposed to install the panels in 2 rows in a field adjacent to the back garden of the property. The siting of the arrays is to the edge/margin of the field, to reduce the impact on the use of the agricultural field, and is approximately 2 metres from the boundary of the curtilage of Stairhill Farm.

The panels are frame mounted and will stand up to 2.354m high, with each array measuring 8.076m in length, and 3m in depth.

The power is for Stairhill Farm, which is a Listed Building and residential property the array will have a separation distance of approximately 17m.

There is no information as to how the array will be connected; therefore a specific condition will be included to ensure the cables are taken underground.

### **APPLICANT'S SUPPORTING INFORMATION**

Application Form  
Plans

### **PLANNING HISTORY**

No relevant Planning History

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR5 - Climate Change  
COR18 - Countryside

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM5 - Renewable and low carbon energy  
DM27 - Development affecting heritage assets

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 9th January 2015 - No comments

EXETER INTERNATIONAL AIRPORT - 8th January 2015

We acknowledge receipt of the above planning application for the Installation of PV solar panels at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter International Airport has no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

Please see attached guidance note from the CAA, in particular point 3. If glint or glare from this development does create an issue for pilots then the developer must make every effort to minimise this hazard.

NATURAL ENGLAND - 13th January 2015

Natural England has no comments to make regarding this application. Please see the information below for further advice on when Natural England should be consulted and links to guidance on the gov.uk website.

#### Impact Risk Zones

You can search the 'Magic' mapping website to see if the development is in or near a protected site, including SSSIs, SPAs and SACs and if you need to consult Natural England.

1. Within the mapping tool, select 'sites of special scientific interest' and 'impact risk zones for SSSIs'.
2. Use the 'identify' button to select a location and see the types of development Natural England need to be consulted about.

You can also download the risk zone data for your own mapping software. If the proposal affects a European site (SPA or SAC), check if the proposal will pass the 3 tests in this guidance:

Assess planning proposals for protected sites: alternative solutions, imperative reasons of overriding public interest and compensatory measures Unless there are additional local consultation arrangements in place, Natural England should be consulted for all developments where:  
The Proposals effects a protected species not covered by the Standing Advice;  
The proposal requires an environmental impact assessment;  
The proposal is likely to damage features of a Site of Special Scientific Interest (SSSI);  
The proposal is likely to have a significant effect upon Special Area of Conservation (SAC), Special Protection Area (SPA) or Wetland of International Importance under the Ramsar Convention (Ramsar Sites);  
The proposal could lead to the loss of more than 20 ha of the best and most versatile agricultural land;  
Any minerals and waste development where the land will be restored for agriculture

CREDITON TOWN COUNCIL - 22nd January 2015 - No objections

CHERITON BISHOP PARISH COUNCIL - 13th January 2015 - No comments.

TEIGHBRIDGE DISTRICT COUNCIL - 16th January 2015 - No comments

#### **REPRESENTATIONS**

None.

#### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application site lies beyond the rear curtilage of the dwellinghouse, which is Listed Building and residential property within the open countryside. The site area comprises a corner of an agricultural field. The main property is a detached farm house located to the south east of the proposed site.

The Farm yard is set to the south and west of the main farm house below the site for the solar array site. The farm buildings include open fronted linhays and stone barns. Access to the farm house is off the main highway to the front of the farm house and existing barns. A bridle way runs from the main access to the farm and along the eastern extremity of the site. There are no views of the proposed development from the bridle way due to the topography of the land.  
Access to the field is via a short track from the farm yard.

The key policy test for the assessment is outlined in Policy DM5 as follows:



Proposals for renewable or low carbon energy will be permitted where they do not have a significant adverse impact on the character, amenity, and visual quality of the area, including cumulative impacts of similar developments within the parish or additional parishes.

Where significant impacts are identified through environmental impact assessment, the council will balance the impact against the wider benefits of delivering renewable and low carbon energy, considering:

- a) Landscape character and heritage assets
- b) Environmental amenity of nearby properties in accordance with Policy DM/7
- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a)
- d) Biodiversity (avoiding habitat fragmentation)

The property benefits from the ownership of the application field which is located to the rear of the house. The arrays are sited, approximately 17metres from the northern boundary of the main house, and it is considered to be respectful to the setting of the listed property and not considered to represent overdevelopment in relation to it. Furthermore given the proposed location it will not be visible from the wider public realm.

The site is bounded by hedging, which will assist in screening the array from the host dwelling and neighbouring dwellings some 338m to the east. Therefore it is not considered that the proposal will adversely affect the living conditions of the occupiers of nearby dwellings and/or visual amenities of the area.

The installation will make use of a small area of the field. Although there will be a very small area of agricultural land no-longer in use for agriculture, the location of the proposed is situated to minimise its impact on the farming activities, and so reduce the loss of grazing land. Being located to the margin of the field this will moderate any impact. The proposed is within landscape character 3E Lowland Plains and is agricultural land value grade 4.

Given the scale and nature of the proposal it is not considered that it will result in any adverse visual, landscape and/or environmental impacts, and therefore given the renewable energy benefits that will arise, it is recommended that planning permission is granted.

The proposal therefore complies with COR5 and COR18 of the Local Plan Part 1 (Mid Devon Core Strategy) and Policies DM1, DM5, and DM27 of the Local Plan Part 3 (Development Management Policies) Proposed Submission, and policies and Government advice in the National Planning Policy Framework (NPPF).

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The Photovoltaic Array hereby approved, shall be used only for the production of electricity. On its becoming redundant for such purpose, it shall be demolished, and all materials resulting from the demolition shall be removed from the site, within 6 months of the date this occurs.
4. Prior to installation details are to be provided in writing of the type, colour, size of solar panels to be installed and the colour and material of the supporting framework to the panels. Such approved details shall be so retained.
5. All telephone, electricity and mains gas services to the building shall be placed underground.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the rural character of the area in accordance with policies COR18 of Mid Devon Core Strategy (Local Plan Part 1)
4. To safeguard the rural area and the Listed building in accordance with policies COR18 of Mid Devon Core Strategy (Local Plan Part 1), and Policy DM27 of the Local Plan Part 3 (Development Management Policies).
5. In order to safeguard the visual amenity of the area and the character and appearance of the listed building in accordance with policy DM27 of the Local Plan Part 3 (Development Management Policies).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The application proposal is for the erection of a small scale photovoltaic array comprising 16 panels adjacent to the curtilage of a residential property in the open countryside is considered an acceptable addition to the site without

- (i) Having an adverse impact on the landscape and character of the area or any nearby heritage assets,
- (ii) Adversely affecting the environmental and visual amenities of any nearby residential property
- (iii) Adversely affecting the availability of productive agricultural land
- (iv) Adversely affecting local habitats within the site and surrounding area

As such the proposed development complies with policies COR5 and COR18 of the Mid Devon Core Strategy Local Plan Part 1), policies DM1, DM5 and DM27 of the Local Plan Part 3 (Development Management Policies), and government advice in the National Planning Policy Framework (NPPF).

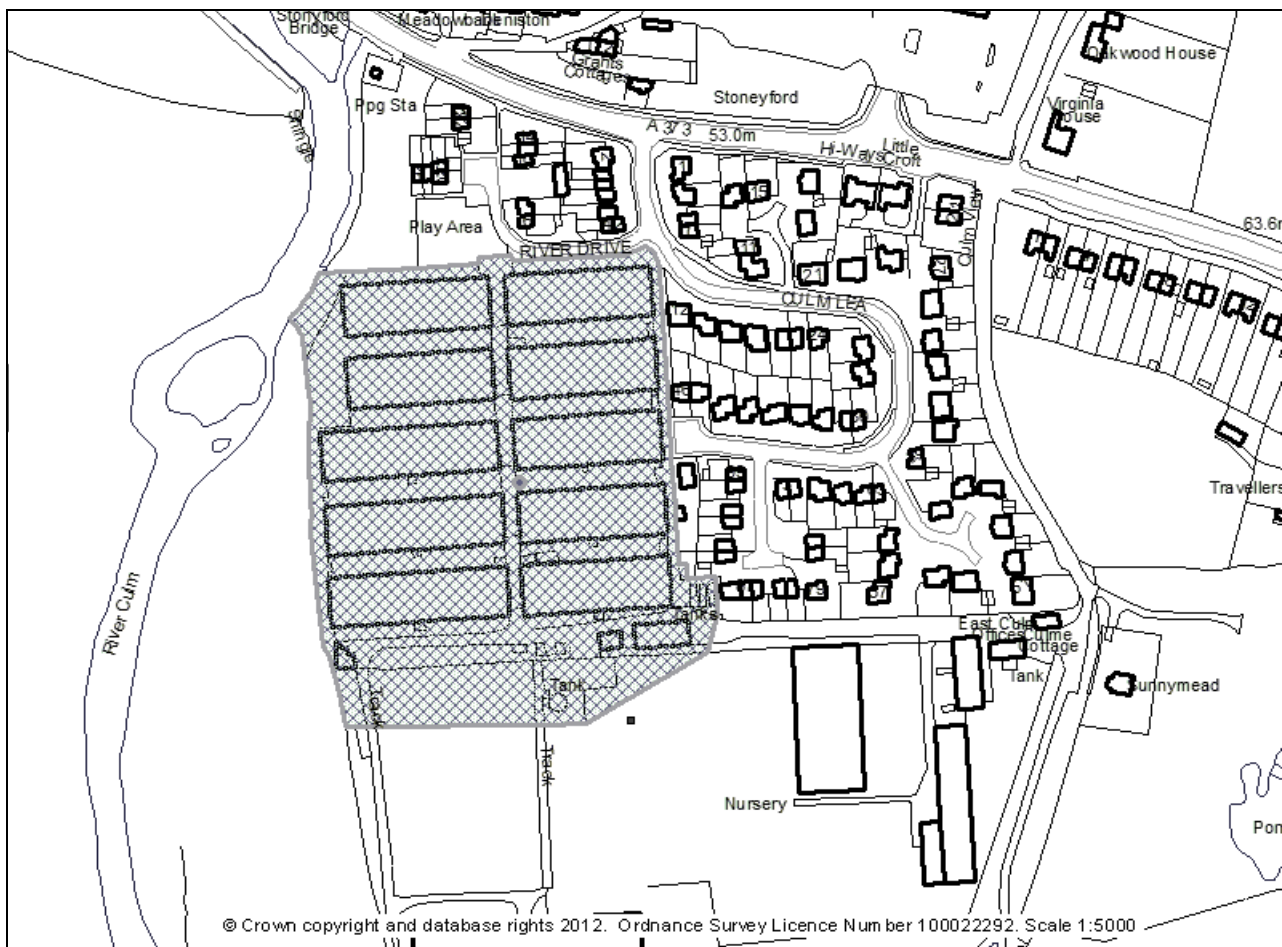
**Grid Ref:** 302994 : 107178

**Applicant:** Mr Steve Russell

**Location:** Land and Buildings at  
NGR 302994 107178  
(Former Cummings  
Nursery) Culm Lea  
Cullompton

**Proposal:** 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

**Date Valid:** 24th October 2014



## Application No. 14/01748/MARM

### RECOMMENDATION

Approve Reserved Matters subject to conditions

### PROPOSED DEVELOPMENT

Reserved Matters application for the erection of 112 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, and landscaping, together with all other associated development, following Outline approval 13/00859/MOUT.

This application proposes 112 dwellings (104 houses and 8 flats) across the site, and the application proposes the following issues for consideration:

- Siting of the building plots
- Architecture and design of all buildings
- Height, scale and massing of all buildings
- Design and layout of public and other highway infrastructure (carriageway, footpaths) within the site area
- Design and layout of open space and landscaped areas
- Parking provision

The layout includes; 4 x 1 bedroom houses, 8 x 1 bedroom apartments, 35 x 2 bedroom house, 57 x 3 bedroom houses, 8 x 4 bedroom houses. In total there are 13 different housing types.

The affordable houses comprise the 1 bed houses and flats, 18 x 2 houses and 8 x 3 bed houses, comprising 38 units in total which is 35% (policy calculation:112-4).

The majority of the houses are proposed in buildings with accommodation over two floors and on these house types the eves level is set at approximately 5.0 metres & ridge set at approximately 8.5 metres. The 8 x 1 apartments are set out in two separate building block which are similar in terms of height to the house blocks. The 4 x 1 bedroom houses are with single storey units with eves set at approximately 2.5 metres and ridge level at just above 5.5 metres.

The layout includes 193 parking spaces, either on plot, as an integral part of the layout and/or in dedicated on street parking zones. 59 of the houses are proposed with a garage.

Access into the site is from River Drive as from the agreed point of access established by the outline permission with the estate road leading into 3 tree lined avenues that terminate directly in front of the proposed open space that provides the buffer / boundary between the new houses and the open space that sits beyond the site. This area is to be remodelled to also accommodate 2 flood water retention ponds. Approximately 60 trees are proposed as part of the new highway design, and on the site boundary in conjunction with defined areas of planted hedgerow on the site boundary.

Amendments to the original plans have been received (7 January) which includes the following revisions to the scheme layout, with the number of houses remaining at 112:

- Removal of pedestrian link to neighbouring estate adjacent to plot 8.
- Re-positioning of dwellings along Road 1 to improve relationship between plots 9/10 and neighbouring property and to give additional garage.
- Inclusion of bin/bike stores for plots 15-22.
- Traffic priority at Road 3 junction altered and Road 3 changed to shared surface.
- Defensible planting added to western boundaries of plots bordering POS.
- Access footpath adjacent to plot 52 removed.
- Plots 59-61 shuffled to improve relationship and parking.
- Parking for plots 65-75 rationalised.
- Access between garages to plots 80&81 removed.
- Entry junction to development brought in line with engineer drawings.
- Adjustment of patio locations to ensure level access to meet Code for Sustainable Homes (CFSH).

## **APPLICANT'S SUPPORTING INFORMATION**

The application was first registered with the following information:

Application Form, Red Line site plan.  
Design & Access statement, compiled by GJR  
Carbon Reduction Strategy prepared by AES Southern Ltd  
Site waste Management Plan prepared by Devonshire Homes  
Site layout, individual house type elevations and floor plans, accommodation schedule and street elevations prepared by GJR  
Landscaping / planting proposals prepared by Redbay Design

Additional Information was subsequently submitted as follows:

7th January: Revised site layout plan and revisions to elevations and layouts for some house types (relating to revised position of windows at rear and confirmation of patio zones), preliminary Drainage layout plan, Drainage Maintenance Plan, a copy South West Water's Developer Evaluation Report.

Further additional information/plans showing the relationship between the public open space/retention tanks and the main development area are to be submitted and will be incorporated in the presentation of the Committee Meeting on the 5th February.

## **PLANNING HISTORY**

13/00859/MOUT: The application was granted permission subject to a section 106 agreement and conditions, after it was considered by the Planning Committee at their meeting on 8th January 2014. A number of the conditions which the applicant is seeking to have discharged at this stage are listed as follows: 4, 6, 7, 8, 17 & 19 (in part).

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR3 - Meeting Housing Needs  
COR8 - Infrastructure Provision  
COR9 - Access  
COR11 - Flooding  
COR14 - Cullompton

### **Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)**

AL/DE/1 - Housing Plan, Monitor and Manage  
AL/DE/2 - Overall Affordable Housing Provision  
AL/DE/3 - Affordable Housing Site Target  
AL/DE/4 - Occupation of Affordable Housing  
AL/DE/5 - Inclusive Design and Layout  
AL/IN/3 - Public Open Space  
AL/IN/6 - Carbon Footprint Reduction

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM3 - Sustainable design  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes

## CONSULTATIONS

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 29th October 2014 - The traffic impact of the proposed development was dealt with at the outline stage and this application addresses the reserved matters only, specifically for the layout, scale, appearance, landscaping and design of the development in relation to conditions 1 and 4 of approval 13/00859/MOUT. I also note that a similar number of dwellings is now proposed.

The Agency therefore has no objection to this application.

CULLOMPTON TOWN COUNCIL - 19 December 2014

At a recent meeting of Cullompton Town Council, it was resolved that the Council recommends that this application is granted permission subject to the following:

Wheelie bins: There is concern about location spaces for wheelie bins for flats, these should be adjacent to the flats and not halfway down the road.

Car parking: It was noted that the majority of the plots only have one allocated parking space and there is very limited visitor parking which will result in cars parking on the public highway which in turn makes it difficult for refuse collection lorries etc. More parking required.

Outflow water pipes: Please ensure that the outflow pipes are capped to ensure that water flows out but not in.

Emergency access: The proposed location of removable bollards is not suitable for emergency vehicle access, the access for emergency vehicles should be relocated to come off the farm access lane.

Flood mitigation: Confirmation required that front and back doors are above ground level to limit the risk of flooding.

Accessibility: Confirmation required with regard to the door widths being sufficient for double buggies and wheelchairs i.e. wider than 85cm.

S106 Agreement, Off-site open space contribution: This should be reworded to state that the sum of £1205 per Dwelling payable by the developer to the District Council for the provision of formal playing fields in the Parish (not the District).

Size of properties: Particular concern about 1 Bed affordable units which are only 47m<sup>2</sup>. We understand that the guidelines recommend that a property is not less than 50m<sup>2</sup>. Please could you clarify whether properties meet the Parker Morris standard house size guidelines.

Public Rights of Way

Part of Public Footpath No. 2 from Honiton Road to Duke Street passes close to or within Devonshire Homes land. From the photographs below Cullompton Town Council would urge MDDC to get the footpath and gates upgraded along this section. Suggested requirements include:

- a) Make the footpath a good all weather all-purpose surface (tarmac or similar).
- b) Remove kissing gates and install gates that allow for Mobility Scooter and pushchair access. (DCC footpaths have many alternative gates to kissing gates).
- c) Failure to provide disabled wheelchair access puts them in breach of the Equality Act 2010. Gates need to allow a mobility scooter 85cm wide and 165 cm long access.
- d) Long term opportunity to create a pedestrian (car free walking route to Last Bridge/Duke Street avoiding Junction 28). This would help public and school pupils.

Notes from DCC public Health report

Devon County Council Public Health Annual Report 2013-14:

Taking advantage of our natural environment to improve our health is one of the objectives of the Local Nature Partnership, a new statutory partnership to promote the natural environment - The Devon Local Nature Partnership.

## EQUALITY ACT 2010: PUBLIC SECTOR EQUALITY DUTY

### What is the Equality Duty?

The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work - in shaping policy, in delivering services, and in relation to their own employees. Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies - such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others (e.g. pavements, footpaths, gates, accessibility).

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

Discrimination means treating one person worse than another because of a protected characteristic (known as direct discrimination); or putting in place a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified (known as indirect discrimination).

It could be argued that if MDDC and DCC fail to use house developer funds to make the Cullompton Public footpaths accessible to wheelchair users they are engaging in indirect discrimination and are in breach of the equality Act 2010 (this is particularly noteworthy as the SUSTRANS footpath document of 2004 advocated developing Cullompton's footpaths and this has been ignored up to now).

College Surgery partnership organised weekly walks to be healthy as per the Devon Local Nature Partnership. No one in Cullompton who uses a wheelchair or mobility scooter can take part in these walks as very few of the footpaths are not accessible to wheelchairs.

Q1. Will MDDC ensure the footpaths in the Northwest extension become wheelchair accessible?

Q2. Will MDDC ensure footpath No. 2 alongside Cummings Nursery becomes wheelchair accessible?

Q3. Will MDDC ensure the Knowle Lane development makes public footpaths wheelchair accessible.

26th January 2015 - Recommend grant approval. There is a concern that the bank of the river Culm at the NW corner of the site is eroding and the footpath adjacent the site is in danger of being lost. cc to DCC Footpaths Officer (Ross Mills).

ENVIRONMENT AGENCY - 29th October 2014 - We have no objections to the proposal, despite no Flood Risk Assessment having been submitted with this application.

A Flood Risk Assessment has been agreed in respect of application 13/00859 and conditions recommended, providing these are included as part of this application, we are happy that flood risk has been considered.

Please also refer to our suggested contaminated land conditions and comments.

27th January 2015-

I refer to your email, regarding the above, which was received on the 15th January 2015.

ENVIRONMENT AGENCY POSITION.

In terms of condition 6 we consider that there is insufficient information to discharge the condition at this stage. We also question the design outflow of 145l/s.

Whilst the 'PRELIMINARY DRAINAGE LAYOUT' by AWP helps us understand the Suds layout it does lack detail regarding quite fundamental elements. We would advise that engineering drawings be produced detailing the swales and attenuation basins including details of inflow and outflow structures and flow control devices. On the issue of the outflow hydrobrake, we recommend that your authority gains clarification of the specification of the feature to be used. We further advise that a outflow arrangement be provided that would manage low flows, as well as the proposed design flow of '145l/s'. Failure to do so would result in the scheme attenuating water in only very rare circumstances, rather than over a range of rainfall events.

In terms of Condition 7 we suggest that specific reference be made to ensure the inflow and outflow structures, and any associated flow control devices, will be regularly inspected, and cleared of debris if found necessary.

HIGHWAY AUTHORITY - 11 November 2014 - no objection in principle to the application but has the following observations which need to be addressed prior to any conditions being imposed. The Applicant or the Local Planning Authority may wish to discuss these prior to an amended plan being submitted if so they should contact Ian Sorenson to discuss

Comments on layout of reserve matters application and the Highway Authority recommends that they should be addressed prior to consent being granted..

1. Visitor space r/o plot 74 and space 91 should be 3m wide given side obstructions.
2. Private lane between 31 and 32 needs to be extended to provide sufficient turning for plot 32 and widen to 4.1m and/or look at swept path of turning vehicles.
3. Highway Authority has concerns at access to number 35 and its proximity to the junction given forward visibilities are restricted by trees. Consider removing the trees outside 58 and 57 or handing property and drive.
4. Turning head in Avenue 1 is too short needs to be a minimum of 8.0m, recommend that the garages of plots 87 and 86 are set back to accommodate.
5. Turning head in Avenue 2 should be all tarmac and continuous with the road to avoid confusion which can currently be taken as additional parking for plot numbers 59 and 60.
6. Tree adjacent to space 3 in the block of spaces should be removed to provide forward visibility also tree adjacent to space 1.
7. Footpaths linking Avenues 1 and 2 to the Public right of way will breach the sound attenuation and should be avoided, also the links do not connect to the right of way and no access over the field is available to the applicant .footpath should be provided which links both avenues with the footpath along river drive and the details of its connection onto the right of way at the North West corner should be agreed with eth Highway Authority and the rights of way Officer.
8. The parking provision on the development has a number of properties with one space and a garage, the Local plan does not recognise a garage as a space. However the provision of the visitor spaces gives a general provision in compliance with the average 1.7 spaces required by the Local Planning Authority. However plot 59 has a space which is too short for two vehicles and will encourage parking on the footway and the garage should be dropped back to provide a clear 10m in front., In addition plots 50 and 52 only have a garage space and the Planning Authority may wish to have visitor spaces allocated to the properties.

#### RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

20th January 2015

Further to my previous letter the applicant has addressed most of the concerns and the Highway Authority are happy to impose conditions. The items that are still outstanding from my previous letter are item 6 position of a number of trees and they can be addressed through the section 278 access works. Item 7 is still relevant and I confirm my conversation with the planning officer and the need to realign the footpaths to form a cohesive link to the north west of the site. The drainage drawing a do not show any gullies and this has been requested of the applicant, and a condition approving the surface water is requested.

Notwithstanding the above the highway Authority would have no further observations and would request the following conditions be imposed.



Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

3. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway.

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out.

C) The footway on the public highway frontage required by this permission has been constructed up to base course level.

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

4. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems.

The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk.

6. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

ENVIRONMENTAL HEALTH - 10th November 2014 - Contaminated Land - No further comments

Air Quality - No further comments

Drainage - No further comments

Noise & other nuisances - No further comments

Housing Standards - No objections

Licensing - No comments

Food Hygiene - N/A

Health and Safety - No further comments

DEVON COUNTY EDUCATION - 6th November 2014

Following receipt of your letter regarding the above planning application. A contribution towards education infrastructure via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary schools within 1.5 mile radius of this development are St Andrews Primary School and Willowbank Primary School, both of which are deemed full after taking into account other approved developments within Cullompton. This development of 112 dwellings is expected to produce 28 primary aged pupils which will increase the shortfall of pupil places. The contribution required is £318,122.00 which would be used to increase education facilities in the area of development which includes a contribution towards ICT equipment required.

The secondary schools within the development area is Cullompton Community College which currently has capacity for the 16.8 secondary aged pupils expected to be created by this development.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

\*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

#### DEVON & CORNWALL POLICE AUTHORITY - 5th November 2014

The main concerns that the Police have is in relation to defensible planting, and one area of excessive permeability from a parking area. Further defensible planting is requested at the following locations:

The corner of plot 37 in order to deter a desire line developing, this may already have a fence. Externally along the perimeter fences of plots 32,34,35,59,89, this is to avoid the community conflict of getting too close to the perimeter fence, or the recovery of balls etc over the fence, or even kicking a ball against the fences. If the gradient is steep and overgrown hence impossible to play ball games this will not be necessary. There requires to be defensible space in front of 110,111, and 112 to allow ownership of the front of their homes, not leading directly onto POS. There appears to be a pathway leading from the parking area (for 38-42) between 52 and 53. This does not serve the users of the car parking area and makes the area vulnerable to crime and anti social behaviour. Can this path be removed please.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 27th November 2014 - The affordable housing mix required would be as follows:

4 x 1 bed house

8 x 1 bed flat

18 x 2 bed house

8 x 3 bed house

We would require all of the affordable housing to be at affordable rent.

#### NATURAL ENGLAND - 4th November 2014

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

#### Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

SOUTH WEST WATER - 10th November 2014 - The public foul sewer network does not have sufficient capacity to serve the proposals without causing the public sewer network to surcharge, with resultant flooding.

This has been made known to the applicants and who have funded a detailed investigation to establish the level and cost of improvements necessary to accommodate the foul flows generated by their particular development.

Should your Council be mindful to approve this application South West Water will therefore require the following condition to be imposed:

#### Foul Drainage

No development shall commence until:

- a) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the Development).

16th January 2015 - the foul drainage improvements identified in the evaluation report are required to allow us to support the development proposals.

The recommended improvements will be undertaken as a result of the developer entering into a sewer requisition under Section 98 of the Water Act which will result in the costs being apportioned between the developer and ourselves in line with that legislation.

Until such time as the requisition has been entered into and the legal agreement signed we cannot agree to condition 17 being discharged as there is no guarantee that the requisition will actually be progressed.

The requisition can be submitted once detailed planning/reserved matter permission is held and the legal elements concluded with 1 -2 months which would then allow us to agree to the planning condition being discharged in full.

ENVIRONMENT AGENCY - 27th January 2015

In terms of condition 6 we consider that there is insufficient information to discharge the condition at this stage. We also question the design outflow of 145l/s.

Whilst the 'PRELIMINARY DRAINAGE LAYOUT' by AWP helps us understand the Suds layout it does lack detail regarding quite fundamental elements. We would advise that engineering drawings be produced detailing the swales and attenuation basins including details of inflow and outflow structures and flow control devices. On the issue of the outflow hydrobrake, we recommend that your authority gains clarification of the specification of the feature to be used. We further advise that a outflow arrangement be provided that would manage low flows, as well as the proposed design flow of '145l/s'. Failure to do so would result in the scheme attenuating water in only very rare circumstances, rather than over a range of rainfall events.

In terms of Condition 7 we suggest that specific reference be made to ensure the inflow and outflow structures, and any associated flow control devices, will be regularly inspected, and cleared of debris if found necessary.

27th January 2015 -

We have no concerns regarding the planting plan as shown on Drawing 'Flood Plan for the Flood Zone' by redbaydesign.

## REPRESENTATIONS

4 representations have been received raising the following concerns about the development:

- Concern about the increase in traffic seeking access to the M5.
- Light Pollution from new street lighting impacting on the existing properties on River Drive and the new properties.
- Pedestrian and cycle routes between the site and the River Culm and Cullompton should be provided.
- The scheme includes too many houses with inadequate levels of parking.
- Does the scheme inadequate areas of open space.
- Public transport between the site and other destinations should be encouraged.
- Concern about the relationship between plots 9 and 10, and the existing property on Culm Lea that sits adjacent.

Further notifications were sent out to contributors regards the revisions to the plans received on the 7th January as outlined above in this report. At the time of writing this report one further comment has been received which recognises the improvements to the layout in terms of the relationship between plots 9 and 10 and the existing adjacent property.

One further comment is raised regards the position of the boundary fence to the site and how it will affect the ability of the occupier to maintain the side elevation of the garage building. In response to this particular point it is considered to be a matter between the occupier and whoever will become the owner of the land adjacent as would be the case as existing.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**Policy DM1, DM2 , DM3, DM8, DM14 and DM15 of Mid Devon Local Plan 3 (Development Management Policies) out the key policy considerations for the assessment. Your officer's recommendations are set out below under the following headings.**

**Policy/ Planning History**  
**The Scheme Layout**  
**Design Quality**  
**Impact on general amenities of the area (existing residents)**  
**Design of landscaped areas**  
**Parking provision**  
**Other issues**

### **Policy / Planning History.**

The site lies just outside the settlement boundary of Cullompton, and comprises a largely flat (with a slight slope from east to west and south to north) and rectangular shaped site to the east of the M5 and the River Culm. Historically the site was used for horticultural purposes, and although the horticultural use has not been operation for a number of years, the 10 commercial scale Green Houses remain on site and have fallen into a state of disrepair.

Outline planning permission has been granted, as a departure to the development plan, for the development of the site under reference: 13/00859/MOUT. The outline planning permission approves the principal of residential development on the site with an approved means of access, with all matters relating to quantum of development, siting, layout, appearance and landscaping reserved for future consideration. Members may remember that when this outline application was first submitted outline permission was sought for up to 120 dwellings.

This reserved matters application proposes 112 new dwellings, of which 38 would be affordable homes and therefore in accordance with the relevant policy and terms of the section 106 agreement pursuant to the outline approval. As stated the housing mix as set out above reflects the guidance provided by the Housing Enabling manager.

The site is close to the River Culm and the part of the site on the western boundary falls within the operational flood plain of it, however no development is proposed on this part of the site. The scheme includes two basins to retain surface water run off which is then subsequently channelled to the River Culm utilising the existing outfall pipe that has served the site historically. The size of the basins have been modelled to have a 30% capacity above the predicted 1:100 year event. With regards to this matter the Environment Agency raise no concerns about the flood risk associated with the proposed houses as proposed within the developable area, and their comments are awaited with regards to the operational details.

The number of parking spaces complies with the adopted standards outlined at Policy DM8 achieving an average of 1.7 spaces per dwelling and this does not include the provision of garages.

The issue of density was raised at the outline stage with a further comment from a single stakeholder at this stage of the process. As the site is 2.78 hectares the scheme delivers a density of 40 dwellings per hectare. Policy COR 1 promotes densities of between 30-70 per hectare with the potential to achieve the highest densities in town centres. Whilst the proposals achieve a higher density for the new estate compared to the existing Culm Lea estate, the density as proposed is at the lower end of threshold which is now allowable in policy terms. It is also relevant that the site coverage in terms of built footprint as proposed is probably not significantly different from the existing situation given the presence of the existing 10 Green Houses.

In summary subject to the site layout being considered acceptable in terms of how it fits within the context of the site, there would be are no policy objections to the development on density ground.

## **The Scheme Layout / Structure**

The layout before members has been developed in conjunction with discussion with officers developing the concept on the basis of a feeder road leading into the site at a point close to the junction of Culm Lea and River Drive as approved. The road follows a path due south curving round the southern boundary, with two tree lined avenues leading off of it down to the areas of open space on the western boundary. Whilst the arrangement for the layout is fairly linear it provides 5 blocks of housing.

On the main feeder road the road width is 5.5 metres in width with a separation of approximately 12.0 metres from house to house either side of the carriageway. However the layout has been designed so that there are very few instance of front elevations of the houses facing other.

The tree lined avenues are narrower in terms of carriageway width (4.8 metres) but reflecting the verge to accommodate the trees there is a separation distance of approximately 15.0 metres from house to house either side of the carriageway which will help maintain the amenities of future occupiers given that the layout along the Avenues are more regimental.

The layout includes two access points on the southern boundary which could be used for emergency, a pedestrian footpath to the houses that face River Drive purposes and a circulation route around the public open space on the western boundary which both link up to the permissive footpath that heads out to the River Culm.

The layout includes two access points on the southern boundary which could be used for emergency purposes, a pedestrian footpath to the houses that face River Drive and a circulation route around the public open space on the western boundary which both link up to the permissive footpath that heads out to the River Culm. An acoustic barrier is proposed along the western boundary which comprises the following details.

In summary the layout as it has been revised for 112 dwellings creates a development which presents an efficient and effective use of the site. It seeks to deliver a scheme layout with defined legible routes leading through the site to the main area of open space that links out to the River Culm walkway beyond.

## **Design Issues / Scheme Quality**

The prevailing context directly adjacent to the site comprises two storey detached, semi-detached or terrace houses (some with attached garages). The scheme reflects this with predominantly two storey buildings (including the two apartment blocks) across the site with the inclusion of some 4 single storey 1 bed houses.

Elevations of the all the house types have been provided and two character types are proposed. The houses lining the two avenues are to be brick faced with slightly higher eves and clay tiled roof coverings, not dissimilar to a Victorian style design. The houses off of the main loop are designed on more of a cottage style basis, with rendered faces, slate roof coverings with, slight lower eves and narrower porches. The scheme includes a significant amount of new tree planting (including street trees) and landscaping across the site, and which will help soften the new built form as proposed.

As stated above the housing is arranged in 5 blocks, where there is a back to back relationship between the house blocks it is a minimum of 20.0 metres, and a minimum of 10.0 metres where there is a rear to side relationship.

The dwellings range in size as follows:

- 1 bed flats @ 47 square metres
- 1 bed house @ 47 square metres with defined garden areas 39 square metres
- 2 bed houses @ with a range 61 -78 square metres with gardens of between 29-54 square metres
- 3 bed house @ with a range 82 -102.5 square metres with garden areas of between of 34-81 square metres
- 4 bed houses @ 118 to 147 square metres with garden areas ranging from 128 to 147 square metres.

As set out above all the houses benefit from private amenity space (rear gardens) with defined patio areas. Whilst the occupiers of the 8 apartments will not benefit from a rear garden each of the buildings has an area of communal space adjacent to the buildings. Finally the internal floor areas as proposed and set out above meet the minimum space standards as required by policy.

In summary the applicant proposals will provide for an estate type environment with a range of house sizes and with the social housing pepper potted around the site in groups of 10 or less.

There are a variety of house types based around two design types. The issue of the density that will be delivered is addressed above. Overall it is not considered that there would be justification to refuse the application on the grounds that the quality of the housing in terms of the visual appearance of the new buildings, and/or in terms of the standard of the accommodation for the future occupiers, falls below the standards expected by Policy (DM2, DM 14, DM15).

### **Impact on general amenities of the area (existing residents)**

The new houses will effectively sit as an extension to the existing Culm Lea housing estate with existing residential properties on part of the northern and across the eastern boundaries to the site. There have not many comments from local stakeholders expressing concern about the details of the development that are proposed. However where comments have been that highlight amenity issues for existing occupiers, the applicant has made some amendments to the scheme to seek to positively address those comments. This has included revisions to siting of the house blocks on plot 9 and 10 and the removal of the proposed adopted footpath that links back into the existing estate. Although the separation distance between the house blocks on the eastern boundary and the existing houses on Culm Lea falls just short of 10.0 metres, the back of the new houses will present to the side elevation of the existing houses that are adjacent.

The applicant has confirmed that the boundary treatment to the rears of plots 3-14, 15-18, 19-22, 24-31 (adjacent the existing properties on the estate and to remaining part of the former nursery site) will be standard close boarded timber fence 1.8 metres in height, which reflects the treatment to the plots on the site. With regards to River Drive the layout proposes a split terrace of two and three bedroom houses with front door access and front garden areas set back from a new section of footway.

### **Tree issues / Design of landscaped areas**

As stated the application scheme includes significant new tree planting with the public realm area of the site. A hedgerow is also proposed around the verge of plot 37 to redress an issue raised by the police architectural liaison officer, as have the other comments that have been raised by him.

The applicant has submitted detailed plans showing the scope of new planting details for the new trees (redbay design drawing 283.086). The details will be required to be implemented in full prior to the occupation of the first dwelling within the relevant phase.

The space on the western boundary will provide a dual function, accommodating two basins to retain any surface water run-off from the development before is it discharge into the River Culm in managed way, and an area of public open /amenity space that will link to the existing public right of way onto the land and river beyond. A detailed landscape management strategy will be required to be submitted and approved in writing as a conditional requirement. A phasing plan condition will establish the timing of the delivery of each aspect of this part of the development to ensure that it relates to the delivery of the new housing as required.

### **Parking provision**

As stated above the number of car parking spaces complies with the terms of Policy DM8 in numerical terms; however not all the parking spaces are provided on plot. A number of dedicated spaces will be set out adjacent to the highway areas with four parking court proposals to serve approximately 18 of the houses proposed. In all instances the parking areas have designed with good natural surveillance and with convenient points of access to the properties to which they will provide parking for. It is noted that the police architectural liaison officer has not expressed concern about these arrangements

In summary it is considered that the parking arrangements now sufficiently comply with the guidance in the adopted SPD on parking.



## **Other Issues.**

The applicant has submitted the relevant information to discharge the terms of a number of conditions on the outline permission as outlined below.

6. No development shall be commenced until details of the surface water drainage system, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained. The surface water details shall utilise infiltration systems unless it is proven that ground conditions dictate otherwise, and above ground swales, and detention areas.
7. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS shall thereafter be managed in accordance with the agreed details.

No further comments have yet been received from the Environment Agency regards the submitted details at the time of writing this report, and will be provided as an update before the committee meeting.

17. Prior to the commencement of the development a scheme for improvement of the public foul sewerage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with those approved details.

In response to the details submitted to discharge this SWW have responded (15/01) as follows:

The foul drainage improvements identified in the evaluation report are required to allow us to support the development proposals.

The recommended improvements will be undertaken as a result of the developer entering into a sewer requisition under Section 98 of the Water Act which will result in the costs being apportioned between the developer and ourselves in line with that legislation.

Until such time as the requisition has been entered into and the legal agreement signed we cannot agree to condition 17 being discharged as there is no guarantee that the requisition will actually be progressed.

The requisition can be submitted once detailed planning/reserved matter permission is held and the legal elements concluded with 1 -2 months which would then allow us to agree to the planning condition being discharged in full.

Finally the application submissions satisfactorily discharge the terms of condition 4 ( sub sections i, iv and iiv), 6 and part of 19 in that the development is registered with a Code for Sustainable Homes certification body and a pre-assessment report has been submitted.

## **Summary**

The layout, scale, appearance and landscaping details are considered acceptable in demonstrating that it will be possible to extend the existing Culm Lea estate to accommodate a further 112 dwellings on the site in a manner which is on balance acceptable in policy terms and respectful to amenities of the neighbouring occupiers.

## **CONDITIONS**

1. No development shall begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority.

2. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.
3. No development shall begin until a scheme for the management and maintenance of all areas the communal open space and retention ponds as shown on the submitted plans has been submitted to, and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented on completion of development and the open space and retention ponds shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.
4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
5. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
6. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
  - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
7. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
  - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.
8. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

9. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
  
10. The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

## REASONS FOR CONDITIONS

1. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
2. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
3. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure the proper development of the site.
6. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
7. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

8. To protect water quality and minimise flood risk.
9. In order to ensure the proper management over the development of the site and to protect the general amenities of the area.
10. To ensure that the appearance of the development is satisfactory and in order to enhance the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The layout, scale, appearance and landscaping details are considered acceptable in demonstrating that it will be possible to accommodate 112 dwellings on the site, including 35% affordable housing, in a manner which is on balance respectful in townscape terms and to the amenities of the neighbouring occupiers. On this basis the proposals are considered to sufficiently comply with the Policies DM1, DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies), and Policies in the National Planning Policy Framework. Therefore reserved matters approval is recommended to be issued subject to the following further conditions and reasons.

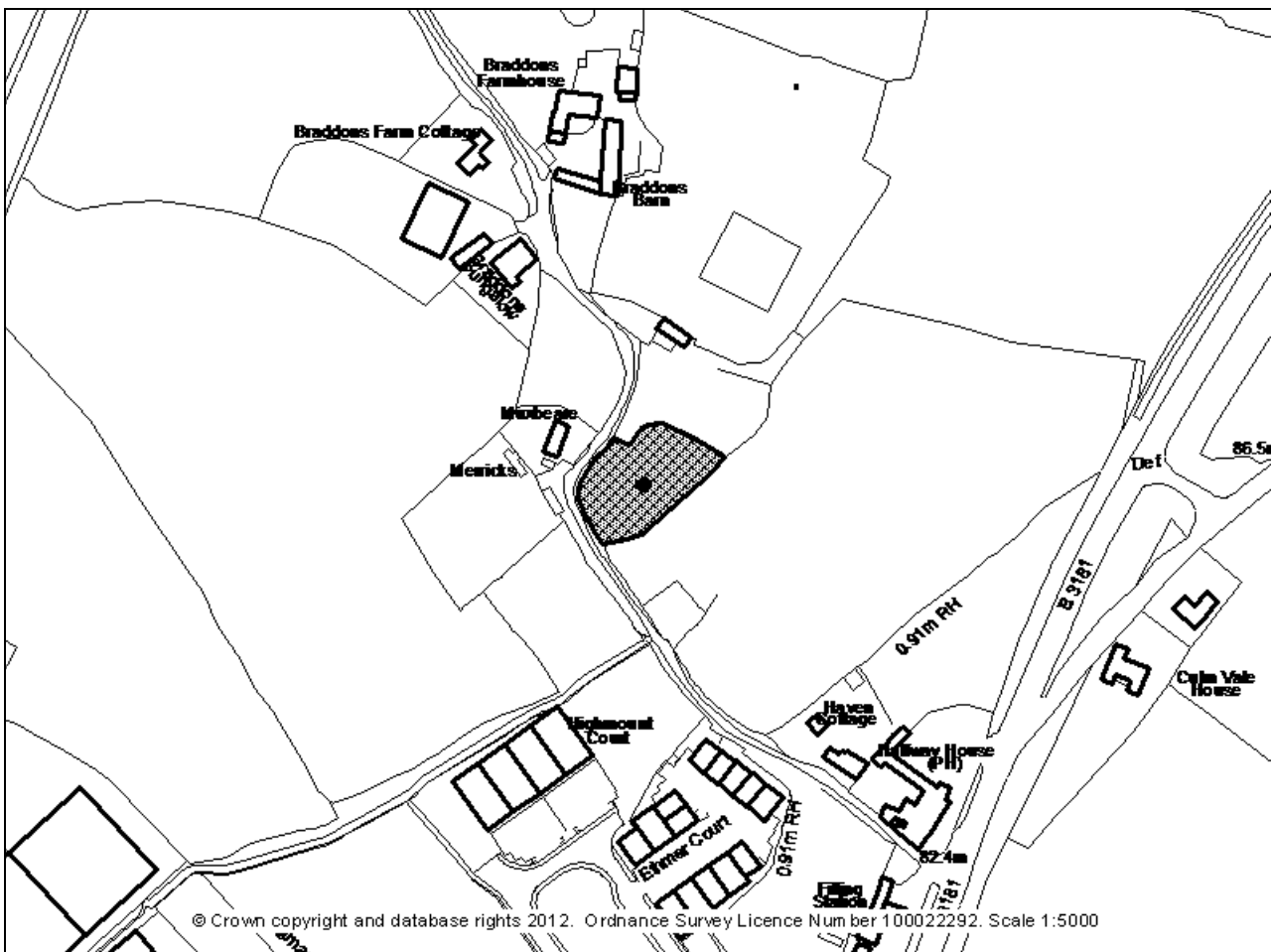
**Grid Ref:** 303826 : 111652

**Applicant:** Mr S Finning

**Location:** Land at NGR 303826  
111652 Muxbeare  
Lane Willand

**Proposal:** Change of use of  
agricultural land to  
form 1 traveller pitch,  
utility block and  
creation of new  
visibility splay

**Date Valid:** 17th November 2014



## **Application No. 14/01918/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

This application relates to the provision of a new gypsy and traveller pitch on a site outside but close to the settlement limit of Willand. The application is a revised scheme, following refusal of a similar application in 2014. The site is accessed from an existing agricultural access on the inside corner of a bend in the highway. The application proposes retaining this access but removing vegetation either side of the access to improve visibility. The highway runs along the western side of the site. There are 2 dwellings on the opposite side of the road at this location, 'Muxbeare' and 'Merricks'.

The application proposes the provision of a single pitch incorporating one static caravan, one touring caravan, an amenity building (bathroom and kitchen) measuring 4.7m x 3.3m with a pitch roof, parking and amenity space. The application also includes proposals for drainage including soakaways to deal with surface water from the touring and static van hardstanding and the amenity building and a treatment plant for foul drainage.

The site is approximately 2.5 m above the level of the adjacent highway and it is proposed to site the pitch in the most eastern corner of the application site

### **APPLICANT'S SUPPORTING INFORMATION**

Foul Drainage Assessment form  
Percolation test results and details of package treatment plant proposed  
Planning, design and access statement  
Confidential information regarding the travelling history of the applicant, letters from GP and supporting letters from other travellers and the Plymouth & Devon Racial Equality Council

### **PLANNING HISTORY**

10/00815/FULL Retention of access track and hardstanding for agricultural use - PERMIT - 21.07.10  
14/00453/FULL Change of use of agricultural land to provide 1 traveller pitch including amenity block, and associated works - REFUSED - 13.10.14

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR9 - Access  
COR12 - Development Focus  
COR18 - Countryside

#### **Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)**

AL/DE/7 - Gypsy and Traveller Pitches

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 5th December 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

#### HALBERTON PARISH COUNCIL - 24 December 2014

It was agreed that all the objections raised by the Parish Council at its Planning Committee Meeting in April and submitted to MDDC were still pertinent. The Parish Council also had grave doubts as to whether the testing stated to have been carried out, had been effected and that the required storm drain was actually in situ as it was not shown on the plans.

#### WILLAND PARISH COUNCIL - 12th January 2015

Willand Parish Council objects to this application, the observations submitted in April 2014 remain unchanged. It is noted that the current Design and Access Statement does not give the full reasons for the earlier refusal. I have included a copy of the observations submitted 25th April 2014 for reference below: Willand Parish Council recommend refusal of this application for the following reasons/concerns:

1. Outside of the settlement area;
2. Unsuitable access to the site;
3. Visual impact on area;
4. Parking/turning of vehicles on site;
5. Removal of section of ancient wall/hedgerow;
6. Drainage problems on site and in the area;
7. Impact on local infrastructure and services;
8. Is there a need for more sites in the area?

#### 1. Outside of the settlement area

The proposed site is outside of the settlement area for Willand and therefore considered to be in open countryside. We are advised that earlier applications to site a caravan at this location were refused.

#### 2. Unsuitable access to the site

Access will be via a country lane which has been closed to through traffic by traffic order with only access permitted. It is narrow with little opportunity to pass. It is a designated cycle way and used as a footpath for recreational purposes. There is no pavement.

The proposed entrance is on a bend and directly opposite other existing property entrances.

Although works are proposed it is still considered unsuitable for a vehicle towing a caravan to enter and exit.

#### 3. Visual impact on area

The ground rises on this site and it is considered that the proposal will have an adverse visual impact on existing residents and on those using the cycleway and footpath. The size of the site has the potential for expansion with further pitches and could have an adverse cumulative impact in the future. This has been experienced elsewhere within the parish. It is not considered that 'screening' will be effective. There is the potential to overlook existing property.

#### 4. Parking/turning of vehicles on site

Although the applicant refers to vehicles being able to enter and leave the site in forward gear on the plans available concern is expressed as to whether there will be room to turn if the parking spaces are in use.

#### 5. Removal of section of ancient wall/hedgerow

The construction of the proposed visibility splay at the entrance to the site will require the removal of what locals describe as an ancient stone wall and section of hedgerow which will have potential environmental and wildlife impact. Would an Environmental Impact Assessment be appropriate?

#### 6. Drainage problems on site and in the area

The Foul Water Assessment indicates that the treatment plant will discharge into a watercourse. Local information is that there is no watercourse and concern is expressed as to the potential effect of further water discharge into Muxbeare Lane. Surface water will also increase with the construction of areas of hard standing. No indication is given as to how this will be dealt with but ground levels indicate a potential discharge to the roadway. The cycleway is already suffering damage as the result of 'run off' from another nearby site.

#### 7. Impact on local infrastructure and services

Although the distance from the site to school etc. meets NPPF guidance the fact is that the local primary school is already overcapacity as is the pre-school. Additional expansion, however small, will impact on other local services and facilities which are equally at/over capacity.

#### 8. Is there a need for more sites in the area?

There is no clear information in the application as to who will occupy this site or their need. There is a suggestion that they are currently housed.

Willand already has a gypsy/traveller site with 8 approved pitches and an application is being considered for another 3 pitches on the site. There are also a number of 'private' sites around the parish boundary in adjoining parishes. This current site does not appear to be necessary in overall planning considerations.

## **REPRESENTATIONS**

4 letters of objection have been received raising the following issues:

Muxbeare Lane is single track and part of the National Cycle Way, is unsuitable for large vehicles and has no passing bays.

There is no mains drainage and there is a problem with runoff.

Development will be visible from the road.

Development will overlook the property opposite and any lighting could be distracting.

Understand that the applicant does not plan to live on the site but will rent it out as has happened on other sites owned by him.

In theory there could be different caravans coming and going every week.

The entrance is on a bad bend which already has two properties accessed on it. A third access will increase the risk.

The septic tank overflow is shown running into a stream, to our knowledge there is no stream.

Believe that if this is granted, an application for more caravans will be received.

This application is no different to the previous application.

The creation of a wide verge for the visibility splay would render the drainage system DCC Highways put in, useless.

Improving visibility could encourage motorists to increase their speed as the already do at the bottom of the lane.

The soakaway sites will be located on made up ground.

The owners of the Orchard have two wells fed by aquifers and so the soakaways would potentially be within 50m of the abstraction of water.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The primary material considerations in the determination of this application are:**

- 1. Policy**
- 2. Sustainability of the site and its location**
- 3. Can the need be met elsewhere in Mid Devon?**
- 4. Personal circumstances**
- 5. Visual impact**
- 6. Drainage**
- 7. Highway safety**
- 8. Other matters including impact on settled community**
- 9. Planning balance**

### **1. Policy**

The Development Plan in force consists of the Mid Devon Core Strategy (Local Plan Part 1), Mid Devon Allocations and Infrastructure Development Plan Document adopted in October 2010, and the Local Plan Part 3 (Development Management Policies) adopted October 2013. The Development Plan sets out the following policies in respect of Gypsy/Traveller sites and development in the countryside:

The Mid Devon Core Strategy (Local Plan Part 1), in its Policy COR1, sets the distribution of new development to meet sustainability objectives; with Policy COR12 concentrating development principally on the 3 main towns within the District and Policy COR9 seeking to ensure that new development reduces the need to travel by car.

Development outside recognised settlements is further strictly controlled by Policies COR13 to COR 17: Policy COR18 ('Countryside') provides a list of appropriate rural developments which are subject to detailed criteria- based development control policies, and which are set out more fully in Policy AL/DE/7.



Policy AL/DE/7 of the Mid Devon Allocations and Infrastructure Development Plan Document sets out the situations in which applications for private gypsy and traveller pitches will be permitted. It states that pitches will be permitted provided that the need cannot reasonably be met on another site within Mid Devon which has consent or is allocated for gypsy and traveller pitches, that the site is within 30 minutes travel by means of public transport, walking and/or cycling of a hospital and secondary school and that occupation is limited to those meeting the definition of Gypsies and Travellers in the relevant national policy - currently Planning Policy for Traveller Sites (PPTS).

Policy DM2 of Local Plan Part 3 (Development Management Policies) refers to development proposals involving the construction of new buildings seeking to achieve energy and water efficiency and overall sustainable design.

Relevant Government Guidance in this instance is the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). The NPPF states that it should be read in conjunction with the PPTS and the PPTS states that its aim is to 'ensure the fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interest of the settled community'. There is a further government document 'Designing Gypsy and Traveller sites; good practice guidance' which has been considered in relation to the proposed utility/amenity block.

The PPTS states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It goes on to say that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

It requires that Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- . the existing level of local provision and need for sites
- . the availability (or lack) of alternative accommodation for the applicants
- . other personal circumstances of the applicant
- . that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- . that they should determine applications for sites from any travellers and not just those with local connections

It also requires that when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

All these matters are therefore considered below:

## **2. Sustainability of the site and its location**

In terms of the location of the site, Policy COR18 specifically states that sites for occupation by persons falling within the definition of a 'gypsy or traveller' are acceptable in principle in the open countryside. The site is located just on the edge of Willand with a short walk to the pub, and a garage with small shop. It is also with walking distance of other facilities in Willand including post office and shop, churches, church and village hall, shop, restaurant, pharmacy, dentist, hairdressers, tennis courts and primary school. The village is also served by a regular bus service so that it is possible to reach both secondary schools and the hospital via public transport within 30 minutes travel time.

Therefore in terms of the site's location, it is considered to comply with Policies COR1, OR12, COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/7 of the Allocations and Infrastructure Development Plan Document.

### **3. Can the need be met on another pitch or site in Mid Devon?**

The last Gypsy and Traveller Accommodation Assessment (GTAA) was carried out was back in 2006 and demonstrated the need across the district until 2011. The Local Planning Authority do not have an up to date published GTAA although work has been commissioned on one as part of the new Local Plan being produced. The Local Planning Authority have provided for further gypsy and traveller pitches within allocated sites in the AIDPD. The Tiverton EUE has progressed to application stage and therefore there is a reasonable prospect that gypsy and traveller pitches will be available within a further 3-5 years. In a recent appeal decision for a single pitch in flood zone 3, the Inspector found that despite the risk to the safety of the occupant of the site by siting a caravan in an area at high risk of flood, the lack of a five year supply of gypsy and traveller pitches in the District as a result of not having an up-to-date GTAA weighed significantly in favour of the application and a temporary planning permission was granted for a period of five years. The findings of this decision must be taken into account in reaching a decision on this current application.

### **4. Personal circumstances**

The previous application was considered to have insufficient supporting information to demonstrate that the applicant has a nomadic habit of life. This application has been supported by a new detailed timeline of the applicant's lifestyle since 2004.

It is clear that up until 2010/2011 the applicant was leading a nomadic habit of life, travelling around the South West and into Gloucestershire, Wiltshire and south east Wales looking for work. For education purposes in late 2010 the applicant and his family settled a pitch on his parents site elsewhere in Mid Devon but continued to travel in holidays. However, it was anticipated that the site would be sold and in advance of this the applicant and his family moved into bricks and mortar accommodation. Following this there was a brief period of travelling for work by caravan before the applicant and his family settled in the house in Cullompton they currently reside in to enable his son to attend school on a regular basis. The applicant has advised that it is no longer possible to return to live on his parents' site and the latest caravan count conducted in January 2015 showed that there are the maximum permitted number of caravans on this site, suggesting it is occupied to capacity. In addition, the applicant has advised that residing in a dwelling restricts their traditional outdoor lifestyle and way of life and consequently the family have not settled well and it is affecting health, an assertion which is backed up by letters from the applicant's GP. A letter has been submitted in support of the application from the Plymouth and Devon Racial Equality Council (which was received by the LPA as part of the earlier application) which identifies the applicant as coming from a Romany Gypsy ethnicity and which supports the assertion that he meets with the definition of a traveller as set out in the PPTS. In addition, a number of supporting letters have been submitted from the travelling community to detail that the applicant has led a nomadic habit of life.

The level of information provided in respect of the applicant's personal circumstances is significantly increased from the earlier refused submission and is now considered to clearly demonstrate that the applicant has a nomadic habit of life so as to satisfy the Local Planning Authority that he meets with the definition of a gypsy and traveller as set out in the PPTS.

### **5. Visual impact**

Apart from at the access, the site is relatively well screened from the highway by an established hedge with trees and the difference in levels (approx. 2.5m above road level) means that the positioning of a pitch ( with associated paraphernalia) in the eastern most corner of the site would not be highly visible from the surrounding approaches. However, in order to improve and provide adequate visibility at the site entrance, it would be necessary to remove trees and hedges, lower the ground to no higher than 600mm above road level within the visibility splay and grass the relatively wide verge which would be provided. This would open up the views into the site and also change the appearance of this part of Muxbeare Lane. It is proposed to replant a hedge at the back of the visibility splay on the higher ground but this would take some years to mature and would not be at the same level as the road.

The PPTS advises that LPA's should give weight to the effective use of brownfield land and sites which are well planned 'in such a way as to positively enhance the environment'.

In this instance the site is considered to be a greenfield site and the loss of the established hedge and trees to be replaced by a wide flat verge is not considered to be an enhancement in visual terms and would alter the character of this short section of the lane. However this impact must be balanced by the improvement in visibility around the corner and which is on the National Cycle Network route and this would deliver a benefit. Muxbeare Lane is largely narrow in nature and enclosed by trees and hedging with little or no verges. However directly opposite the site entrance is a detached bungalow set back from the road and an existing rendered barn which has a narrow verge in front of it, as well as a second property which is accessed between the barn and the bungalow. The presence of these properties gives this particular part of Muxbeare Lane a slightly more open character than elsewhere on the lane. The Tree Officer has visited the site and found that the species within the hedgerow have a good mix and it is likely to be of some age, however it is presently unmanaged and the Sycamore species within it is becoming invasive.

Whilst there would be some benefits arising from the access improvements insofar as they would improve visibility around the corner and this would be to the benefit of all users of the lane, the harm caused to the overall visual appearance of this part of the lane as a result of the removal of the hedge and creation of a wide grassed verge is considered to, on balance, outweigh any benefits arising.

The location of the pitch in the eastern most corner, would seem to be the most appropriate location in terms of visual impact as it is considered that this would be the least visible part of the site and the new landscaping would help to provide some screening over the longer term. It is suggested that if the application is approved, a condition could be attached to require submission of the details of any access gates as in this location, it is considered that these should be agricultural/rural in appearance and not residential. Details of the access track surfacing would also be required in order to ensure again that a 'rural' rather than urban/residential feel is retained.

## **6. Drainage**

The Local Planning Authority are aware of historic concerns from residents along Muxbeare Lane in respect of drainage. The application proposes the use of soakaways to deal with surface water runoff from the pitch and amenity building and a treatment plant to deal with foul drainage. The application includes percolation test results which Building Control Officers have confirmed demonstrate that the means of drainage proposed are acceptable. The percolation tests were carried out on land which objectors state is made up ground, however given that the test results demonstrate acceptable percolation at these points, this is not considered to preclude the use of soakaways. Although alterations are proposed to improve visibility around the corner of the road, this will not widen the road or alter its alignment and therefore should not have a significant impact upon the flow of water in this area along the road. A condition is recommended for imposition to ensure that surface water from the access, parking and turning does not discharge onto the highway.

The Environment Agency have provided standing advice on this application which states that in flood zone 1 a change of use to a highly vulnerable use (this includes caravans for habitable use) does not require any consultation with the EA. Consequently it is considered that subject to conditions requiring that suitable surface water and foul drainage is in place prior to occupation, there are no grounds to refuse the application with regards to drainage.

## **7. Highway safety**

The Highway Authority have advised that standing advice applies. This requires that visibility in each direction of 25m is required. The plans submitted by the applicant indicate that sufficient visibility is technically achievable. Concern has been expressed by residents that Muxbeare Lane serves as a cycle and pedestrian route but it is not considered that the addition of one further unit of accommodation accessed via the lane would be so detrimental to highway and pedestrian safety as to warrant refusal. As already explained, the proposal would also deliver enhanced visibility around the bend in Muxbeare Lane.

## **8. Other matters including impact on settled community**

The PPTS states that 'Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.' Concern has also been expressed that approving one pitch here may lead to further pitches being approved on the site in due course.

However, every application must be determined on its own merits in the context of the planning policy which prevails at that time and therefore this should not form part of the consideration of this current application. This end of Muxbeare Lane serves approximately 8 other detached residential properties in reasonably large plots. Within the immediate locality of Willand there is one site which has 8 consented pitches on it and one temporary pitch which has recently been allowed on appeal but at the time of writing is not yet occupied. Should this application be granted this would bring the total number of pitches in and around Willand to 10. Having regard to the relatively large size of the village and the number and size of properties in Muxbeare Lane, this number of pitches would not have a dominating impact upon the settled community in the village or place undue pressure on local infrastructure.

Concern has been expressed about the possibility of overlooking of the property 'Muxbeare' to the west of and set down from the site. Your officers have considered this but are of the view that as there is approx. 40m between the property and edge of the proposed pitch (even given the difference in levels) and given that some landscaping could be conditioned it would not result in a level of overlooking which would be so detrimental as to warrant refusal on this basis. The concerns about the impact of external lighting can be covered by condition.

## **9. Planning balance**

Local Planning Authorities, as public bodies, are subject to duties imposed by the Human Rights Act 1998 and are therefore required to act compatibly with the rights conveyed by the European Convention on Human Rights (ECHR), which was enacted by the Human Rights Act 1998.

In particular, Article 8 of the Convention provides that:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

These rights would be engaged should the application be refused or only allowed for a temporary period. Article 8 relates to the right to respect for private and family life and as conferred in legal judgements, implies a balancing exercise at Article 8(2) to be weighed against the wider public interest.

The applicant does not currently occupy the site and has alternative accommodation at present; however information has been provided with regard to his travelling lifestyle to demonstrate that he meets the definition of a gypsy and traveller as set out in the PPTS. Similarly, evidence has been provided to demonstrate that the applicant's health is being detrimentally affected as a result of living in bricks and mortar accommodation and not being able to live a traditional Romany gypsy lifestyle.

For the reasons set out above the development would result in an unacceptable visual impact and the harm arising from this needs to be balanced against the needs of the applicant in securing an appropriate site to live on. In this instance the location of the site is considered to be acceptable and it is only the visual impacts arising from the provision of an appropriate access which would otherwise render the application unacceptable. With well designed planting, the visual impacts would be reduced in the longer term and although the new access arrangements would significantly alter the character of the lane, some mitigation could be provided.

Having regard to the outcome of the recent G&T appeal mentioned earlier in this report, whereby the needs of the applicant outweighed the harm arising from siting a caravan in an area liable to flood and that sufficient information has now been provided to demonstrate the applicant's nomadic habit of life, it is considered that the needs of the applicant now outweigh any visual harm arising from the creation of the altered access and planning permission is recommended to be approved.

As the site is in an appropriate location, close to the defined limits of the village of Willand and within easy access of facilities and services, it would not be appropriate to impose a condition restricting occupation to the applicant only. Similarly, whilst the development will lead to some visual harm, the location of the site is good and it is not considered that the harm arising is so significant so as to only merit the granting of a temporary planning permission and for this reason a permanent planning permission is recommended.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
4. No other part of the development shall be commenced until the access, parking and turning areas have been provided in accordance with details that shall previously been submitted to, and been approved in writing by the Local Planning Authority. Such details shall include a timeframe for provision, details of the gradient of the access, surfacing and drainage.
5. No development shall take place until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment (including any gates and gate piers) to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
6. No other development shall begin until the visibility splays shown on the approved plans have been constructed in accordance with the details required by condition 5. There shall be no obstruction to visibility within these splays over 600mm above adjoining road level, and such visibility splays shall be retained.
7. The surface water drainage of the access, visibility splays, turning and parking shall be designed to prevent the discharge of surface water onto any highway.
8. The foul and surface water drainage details submitted shall be implemented in full and be operational prior to the first occupation of the site for the permitted purposes and thereafter be retained.
9. The site shall not be occupied by any persons other than gypsies and travellers as defined in annex 1 of DCLG 'Planning Policy for Traveller Sites' as follows:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

## REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the character and amenities of the area given its location in the open countryside and to mitigate the visual impact of the development so as to minimise any visual harm arising, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies) .
4. To safeguard the character and amenities of the area given its location in the open countryside.
5. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance DM2 (criterion d) Local Plan Part 3 (Development Management Policies).
6. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance DM2 (criterion d) Local Plan Part 3 (Development Management Policies).
7. To prevent damage and to restrict the surface water running onto the highway in the interests of highway safety in accordance with DM2 (criterion d) Local Plan Part 3 (Development Management Policies) and/or in accordance with guidance in the National Planning Policy Framework (NPPF).
8. To ensure the provision of adequate foul and surface water drainage arrangements for the site, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies) .
9. To concur with the nature of the application to ensure that the site meets the needs of only bona fide gypsies and travellers in accordance with government guidance.
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.
11. 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.

## REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

It has been demonstrated that the applicant meets with the definition of a Gypsy and Traveller and that they have a need for appropriate accommodation. The application site is close to the defined settlement limits of the village of Willand, where a range of facilities and services can be accessed. The site is also within a reasonable distance of medical facilities available in Tiverton and schools in Uffculme and Cullompton.

Having regard to all representations and consultation responses received, the proposal will not cause demonstrable harm to the privacy or amenity of any neighbouring dwellings and will not exacerbate existing drainage issues in the locality as subject to conditions, appropriate drainage arrangements are proposed. The development of the site necessitates the provision of an altered access which will result in harm to visual amenity, however this harm can be partially mitigated through appropriate landscaping and the needs of the applicant to have an appropriate pitch on which to reside is considered to outweigh the harm caused. Taking into account all material considerations the application meets with the requirements of policies COR1, COR9, COR12 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), AL/DE/7 of Allocations and Infrastructure Development Plan Document and DM2 of Local Plan Part 3 (Development Management Policies).

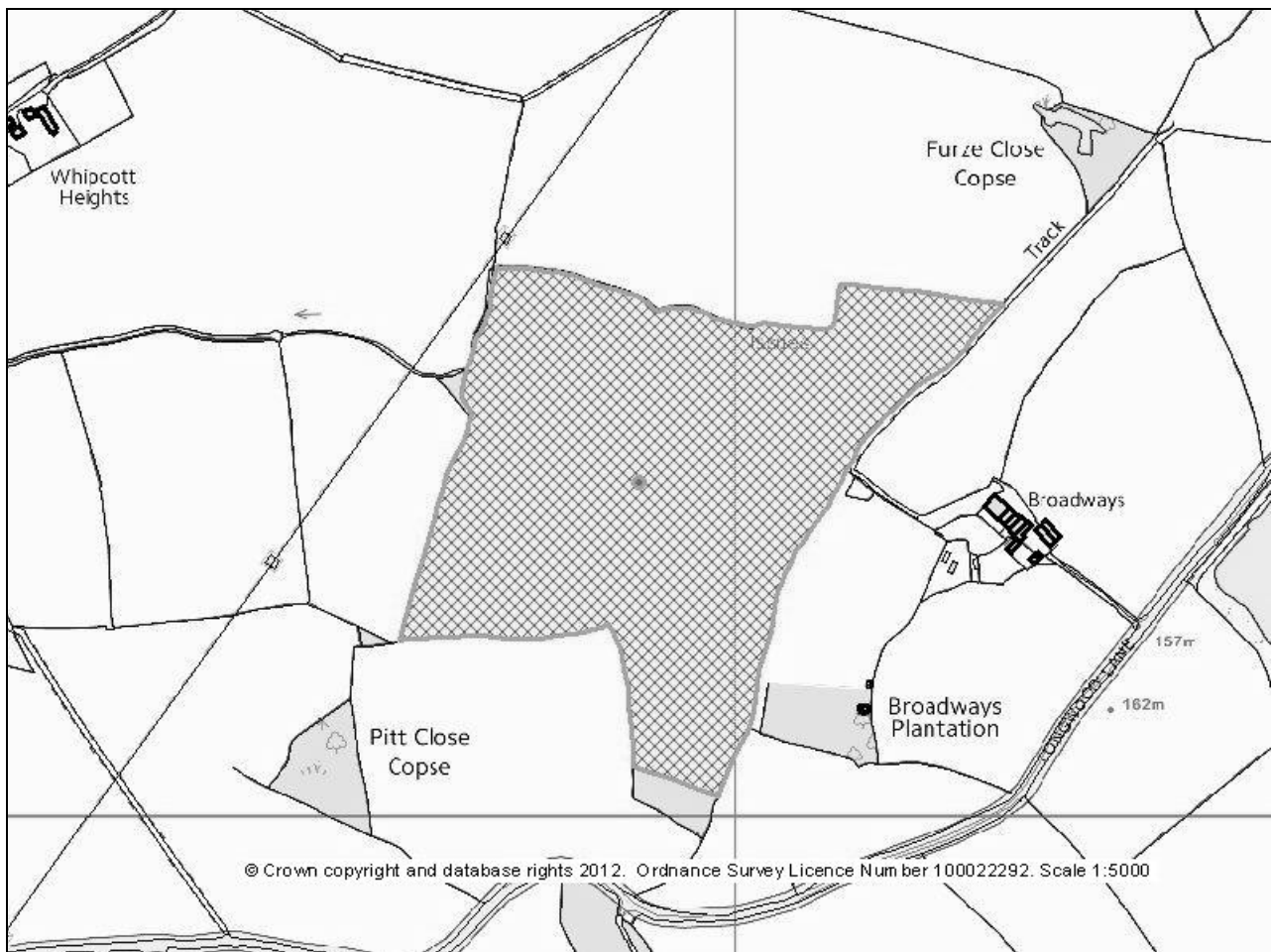
**Grid Ref:** 307922 : 118303

**Applicant:** Mr & Mrs J H Diment

**Location:** Land at NGR 307922  
118303 (Wiseburrow  
Farm) Burlescombe  
Devon

**Proposal:** Installation of a  
ground-mounted  
photovoltaic solar farm  
to generate up to 6MW  
of power (site area  
11ha) with associated  
infrastructure including  
inverter cabins, sub  
station buildings,  
access tracks, fencing  
and CCTV

**Date Valid:** 26th November 2014



## **RECOMMENDATION**

Refuse permission.

## **PROPOSED DEVELOPMENT**

This application seeks planning permission for the installation of a 6MW solar array on approximately 11 hectares (27 acres) of land forming part of Wiseburrow Farm, Burlescombe (although the site is in the Parish of Holcombe Rogus) for a period of 25 years.

The site comprises a single irregular shape field lying approximately 700m to the south of the County Highway which takes traffic from the A38 to the Westleigh Quarry and approximately 120m to the north of Longdown Lane, a class 3 road which runs from the A38 to the village of Westleigh. The land is gently sloping broadly sloping down from east to west. The field is enclosed by hedgerows with sporadic trees. The closest residential property to the site is 'Broadways' which is 115m away to the south east.

The land is currently in agricultural use and will continue to be grazed by sheep.

The panels are proposed to be laid out in rows across the site in a west-east direction. The distance between the rows of panels will be approximately 4.9m and they will be angled at 20 degrees. The panels are to be mounted on metal frames which have been pile driven or screwed into the ground with a maximum height above ground level of 2.4m.

Six inverter cabins are proposed across the site. Each structure measures 2.9m long , 2.4m wide and is 2m high. The inverters are proposed to be finished in a Green colour.

A substation is proposed within two pre-fabricated cabins located next to each other, one measuring 6m long, 3.6m wide and 4m high and the other measuring 3.6m long, 2.75m wide and 3.5m high and are proposed to be finished in a Green colour.

A 1.8m high stock-proof deer fence is proposed to surround the site with CCTV cameras mounted on 2.3m high poles at 50m intervals points along the fence. There will be no external lighting and the fence will be positioned 4m away from the boundary hedging.

A new 3.5m wide access track across the site is proposed from an existing access onto the Westleigh Quarry Road

The area of ground proposed to be covered by the rows of solar panels and associated infrastructure totals approximately 30% of the total site area with the remainder of the site being grassed land constituting the gaps between the rows of panels and the land between the fence and the installation.

## **APPLICANT'S SUPPORTING INFORMATION**

Planning Supporting Statement  
Agricultural Land Classification Report  
Arboricultural Impact Assessment  
Flood Risk Assessment and SUDS Strategy  
Archaeological desk-based Assessment  
Statement of pre-application Community Consultation  
Transport Statement  
Landscape and Visual Impact Assessment  
Ecological Assessment  
Waste Audit Statement

## **PLANNING HISTORY**

No relevant history



## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness  
COR5 - Climate Change  
COR9 - Access  
COR11 - Flooding  
COR18 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design  
DM5 - Renewable and low carbon energy  
DM7 - Pollution  
DM27 - Development affecting heritage assets  
DM29 - Protected landscapes

## **CONSULTATIONS**

HOLCOMBE ROGUS PARISH COUNCIL - 19th January 2015 - Holcombe Rogus Parish Council

Further photographs and new map no. 2 showing the approximate locations numbered 1 to 15.

See associated documents for photographs and new map no. 2.

HOLCOMBE ROGUS PARISH COUNCIL - 18th December 2014 - Our Council considered the above application at its meeting on 9th December which was attended by the applicants and members of the public. Members of the Council viewed the site from various viewpoints and considered the representations made at the meeting and letters of objection filed on MDDC's web-site.

I am instructed by the Council to convey our objections to the proposed development. Our Council considers that the proposed development is unacceptable because of the adverse impacts of a solar farm located on the application site.

In particular,

The proposed development is located on a stretch of undulating pasture land that starts at the boundary of the existing business and commercial centres at Greenham and Lobsgrove Business Estates. The development will have an adverse impact on the character of the landscape. It is not considered appropriate to introduce a commercial use into the open countryside.

Whilst the visual impact of the development is to some extent ameliorated by the topography, there will still be an unacceptable adverse visual impact. In particular, there will be clear views of the development from Whipcott, Broadways Farm, Rileys House, the road adjoining the Grand Western Canal, Ridgeway Farm and public footpath, Durley Moor cross roads and other locations within the area. The Council does not share the view of the applicant's consultants that the visual impact is not significant. There will, in the Council's view, be a high adverse impact in various locations including residential properties.

Additionally given the topography, the Council does not consider that the site could be adequately screened. The Council have considered the cumulative impact of solar farms in the parish and adjoining parishes.

There are already a number of solar farms in the area, not least the solar farm at Ayshford at Junction 27 of the M5 which is probably a case where the visual impact was not fully appreciated at the time permission was granted. This underlines the need to exercise caution when considering applications for sites where it is not abundantly clear that visual impact is not issue or otherwise an unacceptable cumulative impact will arise. The MDDC Planning Committee need to go to various locations from which the application site can be viewed. May we suggest that you liaise with me so that the Parish Council can assist the Committee members in viewing the site?

Coincidentally, a planning application for a solar farm at Redhill Farm came before our Council for consideration at the same time as the Wiseburrow Farm application.

This is relevant to the issue of cumulative impact. In terms of the lack of visual impact in particular, the Redhill Farm proposal is far superior to the Wiseburrow Farm development proposal.

The Council does not consider that, given the above matters, the loss of agricultural land (class 3b according to the applicant's consultants) should be sanctioned. Given the above issues, our Council does not consider that the Wiseburrow Farm development would be in accordance with planning policy including in particular the NPPF and subsequent guidance and Mid-Devon's Local Plan Part 3 Policy DM5.

We should also mention that the applicant's consultants indicated that some form of community benefit would be available for the benefit of the parish but we do not have any detailed proposals.

HIGHWAY AUTHORITY - 10th December 2014 - The Highway Authority has no objections in principle to the above application, The Access is confirmed by the Highway Authority to be substandard in terms of visibility in both directions for the speed of vehicles and this is acknowledged by the applicant in part. The applicant has indicated the use of a banksman to cater for larger vehicles but given the traffic generated along this route and speed the banksman would need to be present for all vehicles entering and leaving the site.

The Highway Authority would seek that the applicant investigate whether or not they can make improvements to the visibility splay. The current speed of traffic gives rise to concerns.

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

1. The proposed development would be likely to result in a material increase in the volume and a material change in the character of traffic entering and leaving the County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

ENVIRONMENT AGENCY - 12th December 2014 - We have no objections to the proposal providing development proceeds in accordance with the submitted Flood Risk Assessment.

HISTORIC ENVIRONMENT SERVICE - 17th December 2014

Previous archaeological work on this site indicates that the archaeological potential of the site is low and, as such, no archaeological mitigation is required. However, the archive for the geophysical survey undertaken on the site still needs, in accordance with para 141 of the National Planning Policy Framework (NPPF), to be deposited with an appropriate repository.

Para 141 of the NPPF states: "They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible."

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the creation and deposition of an archive of the results of the geophysical survey undertaken by AB Heritage Services Ltd in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework that an appropriate archive is created and deposited and made publically accessible.'

Please note that this is a variation on the usually worded archaeological condition.

We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

NATURAL ENGLAND - 4th December 2014 - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)  
The Conservation of Habitats and Species Regulations 2010 (as amended)

The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development. We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

#### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

#### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so.

ENVIRONMENTAL HEALTH - 11th December 2014 -  
Contaminated land - No objection to this proposal  
Air quality - No objection to this proposal  
Drainage - No objection to this proposal  
Noise and other nuisances - No objections to this proposal  
Housing standards - N/a  
Licensing - N/a  
Food Hygiene - N/a  
Health and safety - No objection to this proposal

EXETER INTERNATIONAL AIRPORT - 2 December 2014 - no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

Please see guidance note from the CAA, in particular point 3. If glint or glare from this development does create an issue for pilots then the developer must make every effort to minimise this hazard.

NATIONAL GRID - 4th December 2014 - An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of National Grid's network areas please see the National Grid website [www.nationalgrid.com/uk/Gas/Safety/work/](http://www.nationalgrid.com/uk/Gas/Safety/work/)

#### Are My Works Affected?

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application. If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action. Please let us know whether National Grid can provide you with technical or other information that may be of assistance to you in the determination of the application. As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us. We will endeavour to contact you within 21 days from the date of this response.

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

#### Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) apparatus. This assessment does NOT include:

- National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www.nationalgrid.com/NR/rdonlyres/6D6525F9-59EB-4825-BA89-DBD7E68882C7/51319/EssentialGuidance.pdf>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications. NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

6th January 2015 - no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead line -ZZ. Enclosed location map to show the location of National Grid's Overhead Lines within the vicinity of proposal.

CULMSTOCK PARISH COUNCIL - 15th January 2015  
Wish to recommend refusal on the grounds of not being environmentally friendly.

DEVON & CORNWALL POLICE AUTHORITY - 8th December 2014

#### Solar Farm Security

The below recommendations follow guidelines produced by BRE National Solar Centre.

#### Risk

The South West of England has been identified as having the necessary solar power to make commercial Solar Farms a viable option. Farming energy from the sun using photovoltaic panels on a commercial scale is a new venture and will bring with it new risks and challenges to protect the location and panels from criminals. Because this is a new project there is no UK crime data to base crime prevention advice on. Policing experience elsewhere indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals and they will be stolen. The main risk will come from organised gangs (travelling criminals) who will use heavy duty tools and vehicles to remove large quantities of the panels. Once stolen the panels may be moved from the crime scene before re emerging for sale.

#### Site

In view of the potential risk when considering suitable location for Solar Farms a major consideration from a police view will be how the site can be protected from unauthorised vehicle entry. Full consideration of the natural defences of location should be taken into consideration for e.g. steep gradient, Substantial hedging, Rivers etc. Where ever possible the boundary protection of the site should be an appropriate distance from the actual panels to discourage parking a vehicle against the boundary and manually lifting panels onto the vehicle.

#### Access to the Site

The solar company/site owner will require vehicular access to the site. The physical security guarding this access must be robust to sustain a high level of attack as these sites will probably be remote and lacking any natural surveillance.

Consideration should be given to protecting the access road at two separate locations (1) At the actual entrance to the site and (2) set away from the specific entrance to keep authorised vehicles a substantial distance from the site.

The security of solar farms must be properly assessed by all those involved in the planning process. To be considered a truly sustainable resource within the National Grid, solar farms will need to be as secure as possible. All planning applications should therefore include full details of the security proposals within the Design and Access Statement (as required by Department for Communities and Local Government Circular 1/2006 paragraph 87). The security measures to be incorporated at each location will have to be considered on a site specific basis. They will obviously be determined to some degree by, for example, the existing landscape and local planning constraints etc.,

The basic principle of all crime prevention is to provide layers of defence to whatever is in need of protection. In the case of Solar Farms this protection will almost certainly require both the physical element, such as fences or ditches and also the utilisation of appropriate technology such as CCTV and motion detectors.

The advice offered below covers the general crime prevention points which should be considered by any applicant.

#### Perimeter Security and Access Control

If perimeter fencing is to be used then it should be a proven security fence. The recommendation would be to install fencing which has been tested and approved to current UK Government standards. Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most appropriate. Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders.

However if supplemented with movement detectors attached to the fence together with motion detectors/beams internally this could potentially be acceptable. Planting up and alongside any fencing will be acceptable providing there is no detrimental effect upon site surveillance that is available or allow easy access over the fence by climbing trees etc.. The standard for rating bollards, blockers and gates is PAS 68:2007 and PAS 68:2010.

Landscaping techniques such as ditches and berms (bunds) may also be appropriate in some instances. To be effective in stopping vehicles these need to be designed carefully. Police are able to provide further specific advice in relation to the design of such defences upon request. There should be a minimum number of vehicular access points onto site, ideally only one.

Clearly such access points will present the most obvious means for the criminal also and therefore will require a robust and adequate defence.

Some thought should also be given to the wider issues of access around any site. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving gates etc. Again this provides layers of difficulty for the criminal to overcome.

#### Electronic Security

There is a huge range of electronic security available. For most sites it is very likely that this will play an important role. In selecting which type of technology to employ a proper assessment on a site specific basis should be undertaken to ensure any system will be fit for purpose. For CCTV this assessment is commonly called an Operational Requirement (OR). An obvious example would be to establish how effective will the CCTV be at night at these locations, bearing in mind distance involved, quality of lens/equipment. There will be little point in deploying CCTV or other defence unless it is monitored in some way or can provide an instant alert in some form and also who would then respond to this? There does need to be an operational requirement (OR) that the installer must adhere to in order to comply with data Protection legislation. The OR will identify who responds to an intruder and what actions are intended. The OR also identifies the expectations of each individual camera as well as response requirements. There is requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible. There is also a requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible.

Appropriate signage is also required.

CCTV which simply records will probably be of very limited value and basically not fit for purpose, there for contravening data protection legislation.

#### Other Options

The presence of site security personnel in some capacity should be considered including perhaps in terms of some types of response to site alarm activations. If the individual solar panels can be marked overtly this would reduce the ease with which they could be re sold/re used and thus help act as an additional deterrent. Covert marking should also be considered. Consultation with local police Beat managers following installation would be beneficial identifying points of access, routes to the site etc in the event of assistance being required.

### REPRESENTATIONS

15 letters of objection received, including one from the CPRE summarised as follows:

- Top of site is visible from hamlet of Whipcott
- Access track will increase runoff
- Should be placed on adjacent industrial estate
- Will have really significant impact on landscape
- Highly visible from 'Riley's House'
- Impact on canal and other tourist attractions
- Greenham has a large business park this is further industrialisation of this area
- With Redhill application, in total 50 acres of agricultural land would be lost
- Nature and size of site is such that it cannot be screened
- Support initiative to generate green energy but should not be at the expense of removing good quality agricultural land
- DCLG have amended planning rules so that solar is not put in fields used for farming
- Parish of Burlescombe and Westleigh is already blighted by solar installations

- Parish has a number of brownfield (quarry) sites that could be used
- Construction management plan needs to be effective
- No current need for any renewable energy projects to meet 2020 target of 15%
- Errors in application documents
- Benefits of scheme have been over-exaggerated
- Government strategy and policy seeks to use brownfield or low quality agricultural land
- Query conclusion that land is 3b when it should be 3a
- No noise assessment has been submitted
- Application should be refused on cumulative impact
- Risk of waterlogging to road below site
- Visible from Grade 1 manor house and therefore will have impact on it

1 letter of support received, summarised as follows:

- Site is ideal, not overlooked by public and will not be an eyesore
- Do not agree with conclusions of Holcombe Rogus Parish Council - This site is better than Redhill site and not visible from car park serving canal at Whipcott as they suggest.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main considerations in the determination of this application are:**

- 1. The benefits of renewable energy and planning policy**
- 2. Land use**
- 3. Highways**
- 4. Flooding**
- 5. Landscape and visual impact, including cumulative impact**
- 6. Ecology and other matters**
- 7. The planning balance**

### **1. The benefits of renewable energy and planning policy**

The scheme would be capable of generating up to 6 megawatts of electricity annually, which the applicant states is the equivalent of the average annual electricity needs of approximately 1,800 homes. The Government's target for the amount of electricity to come from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2014, to date, the amount of electricity generated from renewable sources in the South West stands at 8.3% of demand (1,185 megawatts). Solar PVs in Devon contribute 208.44 megawatts (installed capacity) as at March 2014. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (Local Plan Part 1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (NPPF) require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy. Development must consider landscape character and heritage assets, environmental amenity of nearby properties in accordance with Policy DM7 (Pollution), quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation). In this instance the application has been screened under the Environmental Impact Assessment Regulations and an Environmental Impact Assessment has not been deemed necessary.

The NPPF states that Local Planning Authorities should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily. The NPPF also states that when determining planning applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local Planning Authorities should approve applications for renewable energy if its impacts are (or can be made) acceptable.

The overarching national policy statement for energy (EN-1) is generally aimed at nationally significant infrastructure projects but also has relevance for more local renewable energy schemes. The statement promotes renewable energy but recognises that the development of new energy infrastructure is likely to have some negative effects on biodiversity, landscape/visual amenity.

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, the proposed use of any agricultural land needs to be shown to be necessary and poorer quality land has been used in preference to higher quality land and the proposal allows for the continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Guidance also requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

## **2. Land Use**

The application is supported by an assessment of the Agricultural Land Classification of the site carried out by a Chartered Surveyor with 20 years experience in Rural surveying. The application site is classified as grade 3 according to the Agricultural Land Classification maps and therefore the report seeks to ascertain whether the land is grade 3a or 3b. The conclusion of the report's author is that the whole site is situated on 3b due to the current and historical use of the land as pasture, the inability of the land to consistently produce moderate to high yield of arable crops (as required to meet criteria for 3a) and the inability of modern agricultural machinery to navigate its way through large dips and steeper areas of land, limiting the use of the land to grazing.

The government have been clear in recent months (recent ministerial statements, including Greg Barker's speech to the solar PV industry in April 2013, the National Planning Policy Framework and the Planning Practice Guidance) that they are concerned about the provision of commercial scale solar installations on good quality agricultural land and this has been reflected in a number of appeal decisions which have been dismissed whereby an installation would take up a significant proportion of BMV land. As this land is considered to be grade 3b it would comply with policy DM5 and Government policy insofar as not utilising Best Most Versatile agricultural land.

## **3. Highways**

At the time of writing this report, the Highway Authority have raised an objection to the proposal on the grounds of substandard visibility at the site access in both directions for the speed of vehicles travelling past the site. The applicant has provided a Construction Management Plan with the application which indicates that a banksman will be used to assist with larger vehicles but the Highway Authority have advised that this demonstrates that there is a problem with visibility and has asked the applicant to investigate making improvements to the visibility splay at the site entrance. It is hoped that an update on this can be provided at committee but at the time of writing, this results in a reason for refusal of the application.

## **4. Flooding**

The site is not within an area liable to river or surface water flooding but is accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy in order to ensure that the provision of the panels will not lead to a greater rate of surface water run-off from the site. The scheme includes the provision and maintenance of swales and scrapes (to limit the erosion risk posed by the intensification of rainwater as a result of the solar arrays) to which the Environment Agency have raised no objection to the proposal.



Concerns have been expressed in letters of objection received about the possibility of the road to the south of the site becoming inundated with water run-off from the site. However with the SUDS scheme in place, the EA are satisfied there should be no increase in flood risk elsewhere.

## 5. Landscape and visual impact, including cumulative impact

The site is within the 'Devon Redlands' National Character Area and the Devon Character Area 17 'Culm Valley Lowlands'. On a more local level the site is within the Mid Devon Landscape Character Type 3B 'Lower rolling farmed and settled valley slopes'. This landscape type is gently rolling and strongly undulating with well managed hedgerows and high degrees of variation in the levels of visual containment. The roads in the landscape are mostly winding with bends that are frequently sunken and the landscape is well wooded. The Landscape Sensitivity Study on wind and PV development in Mid Devon identifies that this landscape type (outside of the Blackdown Hills Area of Outstanding Natural Beauty) has an overall medium sensitivity to solar development of the size proposed (>5 - 10ha). The study finds that the presence of some hidden areas and human activity could indicate a lower sensitivity to the principle of solar PV development but visible slopes, undeveloped hill-tops and well-wooded and pastoral character, landscape pattern and 'remote' qualities heighten levels of sensitivity. The submitted Landscape and Visual Impact Assessment (LVIA) describes the topography of the site:

- a) 'Broadly to the north, the landform slopes down to the hedgerow field boundary where it gently rises within the adjacent field. Individual trees, a block of woodland, pylons and farm buildings limit distant views to some extent
- b) Broadly to the east, the landform gently rises to a mature hedgerow with mature trees which form a linear belt restricting views out of the field
- c) Broadly to the south, the landform gently rises to a mature hedgerow with mature trees which form a linear tree belt restricting views out of the field
- d) Broadly to the west, the landform gently slopes away before the undulating wooded farmland landscape unfolds. The transmission line and associated pylons are present crossing the landscape along with glimpsed views of scattered residential properties and agricultural buildings. The church spire of Holcombe Rogus is visible, although the church and properties within this nucleated village are enclosed by mature vegetation. '

The topography is such that when your officers viewed the site from the public roads immediately surrounding the site, the site was visible from some viewpoints but not from others and the whole site was not visible at any one time. However, the site is more visible and the extent of the site is more discernible from distant views. A representative of the Parish Council has provided photographs of the site as viewed from public vantage points/public footpaths in the area. The submitted LVIA concludes that, ' the public rights of way are largely enclosed by mature linear hedgerow, linear tree belt and woodland vegetation that will restrict views of the proposed development....the magnitude of impact will be not change and the significance of the effect will be neutral'. It is your officers view that further work should be carried out to consider the magnitude of the impact and significance from the viewpoints which have been identified by the Parish Council

The Blackdown Hills Area of Outstanding Natural Beauty lies approximately 2.6km to the south east of the site. Due to the topography of the intervening land it is accepted that views of the site from the AONB and vice versa will not be possible. On this basis, the development will preserve the special beauty of the area as required by policy DM29 of Local Plan Part 3 (Development Management Policies). The LVIA also concludes that there will be no effect on Registered Parks and Gardens, National Trust property, Conservation Areas and Ancient Woodlands.

The views of the Authority's Conservation Officer were awaited at the time of writing this report and it is hoped to be able to provide this at committee. The submitted LVIA states that it would not be possible to see the site from the canal as it is predominantly enclosed by both landform and mature vegetation. The views of the GWC Joint Advisory Committee were also awaited at the time of writing this report. An objection has been received which advises that the site would be visible from the land within the grounds of Holcombe Court, a grade 1 listed manor house which is located approx. 2.2km to the north west of the site, just outside the 2km 'buffer' identified on a plan submitted with the LVIA but there would not appear to be any assessment in the LVIA of the impact of the development on the setting of any of the identified listed buildings or Holcombe Court.

Consideration must be given to the perception of cumulative landscape and visual impacts which may be experienced either by viewing more than one array in the same vista or by the sequential effects experienced by travelling along a road or right of way and viewing multiple solar arrays. At its closest, the site is approximately 350m to the north west of the currently proposed solar installation at Redhill Farm (ref. 14/01984/MFUL). The topography of the immediate landscape keeps on rising to the north of the Red Hill application site before falling away to the north on the opposite side of the Class C road Longwood Lane, toward the Wiseburrow Farm site. Combined with the presence of trees, hedges and other vegetation the two sites are not visible alongside one another in the same landscape. Similarly there is a single property 'Broadways Farm' located between the two proposed installations, however due to the sloping land it will not have any views of the proposed Red Hill installation. An objection has been received from the occupiers of a different property (Eastbrook House, c. 630m south west) regarding the potential for having solar installations on three sides (but not immediately adjacent to three installations), however it is not considered that they would have views of either the currently operational installation closer to Burlescombe or either of the proposals currently subject of planning applications.

The existing operational site closer to Burlescombe is approximately 1km away as the crow flies and the LVIA demonstrates that there is no intervisibility between the two.

In addition, consideration is given to cumulative impacts with the Ayshford Court Farm installation which is located close to J27 of the M5 and can easily be seen from the motorway, but given that the site is approximately 3.5km (as the crow flies) to the south-west of the site, any impact would be limited and there would not be significant cumulative visual impacts.

In summary, the LVIA concludes that there is no cumulative impact between the proposed site and any consented or operational solar sites. Your officers have concluded that due to the topography of the landscape, there will be no cumulative impact between this application site and the proposed site at Redhill such that in this respect the application is considered to meet with the requirements of Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Private views from residential properties have been considered in the submitted LVIA but no indication has been given as to what properties have been considered. Your officers are of the view that further detailed information should be provided on which properties have been considered as letters of objection have been received raising this as an issue.

## **6. Ecology and other matters**

The submitted Ecological Appraisal identifies the main impact of the work being on breeding birds in the hedgerows but advises that this can be mitigated against through suitable timing of works and/or carrying out a nesting bird survey prior to carrying out works. There was found to be no need for any other mitigation in terms of other protected species but there is an opportunity for biodiversity enhancement which is to be welcomed. Details of habitat protection, creation and enhancement could be conditioned. .

The site is within relatively close proximity of the Lower Whipcott (c. 0.7km to the west) Site of Special Scientific Interest (SSSI). The application site is not within the Natural England identified impact zones for those areas or any further afield SSSI's. Natural England has raised no issues regarding impacts upon the Lower Whipcott SSSI.

The application is supported by an arboricultural assessment which shows that all fencing will be set at least 4m clear of the hedgerow boundaries and the solar panels themselves will be a further 4m away from the fence. With additional mitigation measures as set out in the report, it is not considered there will be any adverse impact on either wildlife or trees in relation to this development.

Devon County Council Historic Environment Service has stated that previous archaeological work on this site indicates that the archaeological potential of the site is low and, as such, no archaeological mitigation is required.

They have however requested that the applicant be required by condition to arrange for the assessment they have carried out to be formally archived and publically available on the basis that Para 141 of the NPPF states: "They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible." However given that the assessment carried out concludes that the assessment and geo-physical survey found no known cultural heritage features within the site, and that the report is publically available on our website, it would seem disproportionate to require formal archiving by condition.

## **7. The planning balance**

The benefits of the scheme in terms of producing renewable energy is clearly set out above, as is the benefit that this site offers in terms of not utilising BMV agricultural land, not resulting in any additional flood risk and ecology.

It is also possible that by the time the Planning Committee are considering this report, the Highway Authority objections may have been overcome.

However, in this instance it is considered that the lack of justification in terms of the visual impact of the proposal weighs against the application to such an extent that a refusal is justified. It is accepted that there are unlikely to be any views of the site from the Blackdown Hills Area of Outstanding Natural Beauty due to the intervening topography, but it is not considered that the landscape and visual impact particularly from public footpaths in the area to the north and west of the site and from the Grand Western Canal Country Park and Conservation Area have been adequately considered and assessed. In addition, there appears to be no assessment as to the impact on listed buildings and the specific impact on the nearest properties should also be considered individually. A representative of the Holcombe Rogus Parish Council has provided photographs which show that the site is visible from a number of public vantage points in the area but to date, they have not been considered within a Landscape and Visual Impact Assessment.

It is on this basis that a recommendation of refusal is considered to be justified.

## **REASONS FOR REFUSAL**

1. 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.
2. The proposed development would be likely to result in a material increase in the volume and a material change in the character of traffic entering and leaving the County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

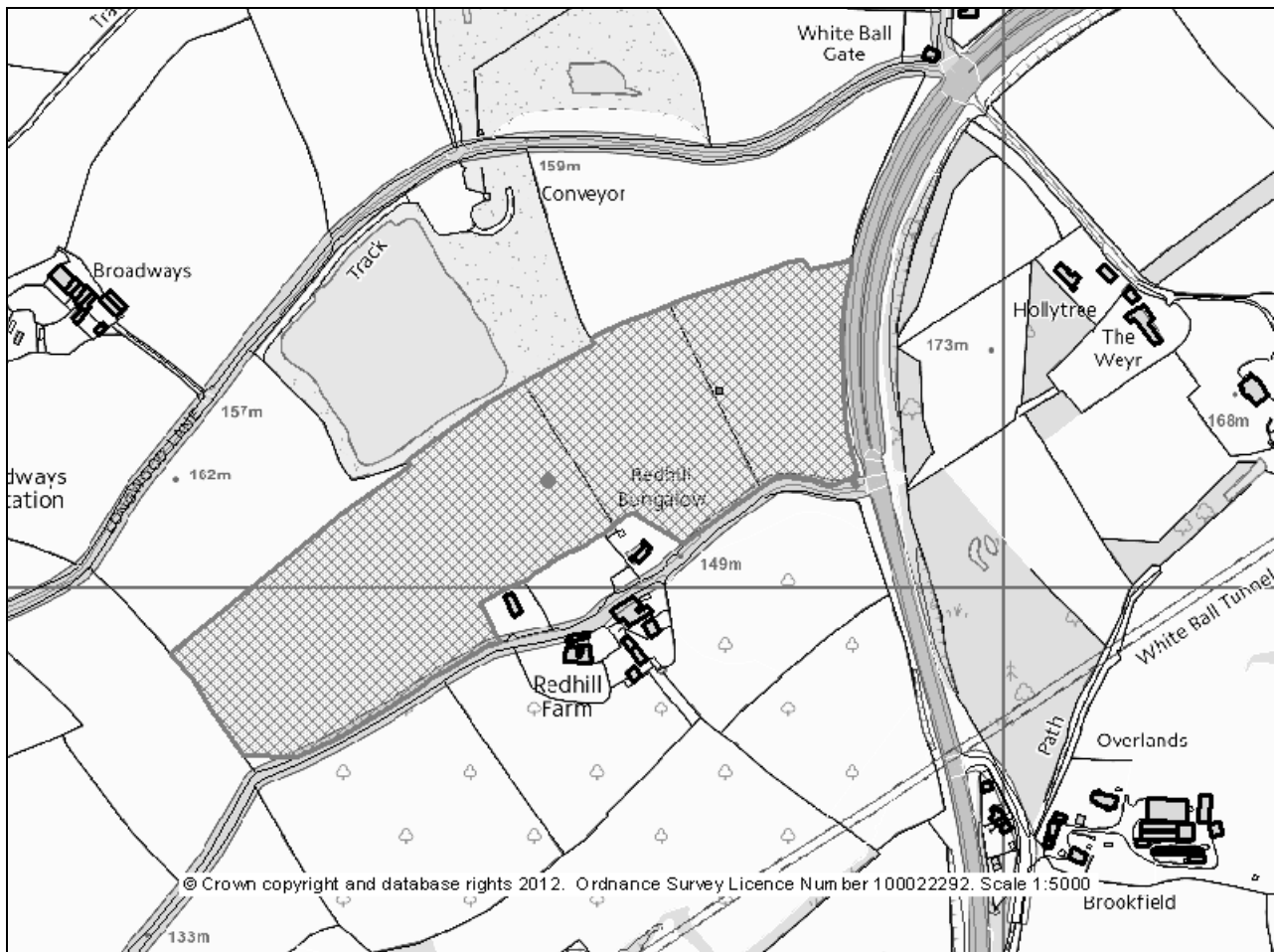
**Grid Ref:** 308764 : 118163

**Applicant:** Mr C Ryan

**Location:** Land at NGR 308764  
118163 (Redhill Farm)  
Burlescombe Devon

**Proposal:** Installation of a ground-mounted photovoltaic solar farm to generate 4.8MW of power (site area 9.30 ha) with associated infrastructure including inverters, transformers, substations, communications building, fence, and pole-mounted security cameras

**Date Valid:** 25th November 2014



**RECOMMENDATION**

Grant permission subject to conditions.

**PROPOSED DEVELOPMENT**

This application seeks planning permission for the installation of a 4.8MW solar array on approximately 9.3 hectares of land forming part of Redhill Farm, Burlescombe (although the site is in the Parish of Holcombe Rogus) for a period of 25 years.

The site comprises a linear parcel of land orientated broadly east-west which has been subdivided by stock fencing into three smaller fields. The land is undulating, having high points to the east and west and a number of dips in between. The highest point of the site in the northwest corner is approximately 17m higher than the lowest point along the southern boundary.

The land is currently used for grazing and has been restored from its former use for quarrying activities. The easternmost field was quarried during the Victorian period and much more recently the remaining two fields were quarried following planning permission being granted in 1992.

The site is bound to the east by the A38 and lies approximately 165m to the south of the boundary of Devon with Somerset. To the south of the application site is a C Class road off which the application site is proposed to be accessed. This road runs from the A38 to the village of Burlescombe passing an already operational commercial scale solar installation which is run by the applicants. To the north of the site is further former quarry land with part of it occupied by a large pond resulting from the quarrying (believed to be silt lagoons associated with Whiteball Quarry). Beyond this is a Class C road 'Longwood Lane' which runs from the A38 down toward the road linking the hamlet of Whipcott with Burlescombe and Westleigh.

A temporary construction access is proposed on the eastern boundary of the site, accessed directly from the A38.

The panels are proposed to be mounted on metal frames which have been pile driven into the ground and laid out horizontally with three panels per column. The panels are typically to be mounted 800mm from ground level at an angle of 20 - 25 degrees and have a typical maximum height above ground level of 2.11m.

Three inverter buildings are proposed across the site. Each structure measures 4.42m long , 1.52m deep and is 2.92m high. The inverters are proposed to be finished in a Moss Green colour.

Two transformers are proposed measuring 6m long, 2.5m wide and 2.8m high and are proposed to be finished in a Moss Green colour. In addition to this a single site transformer is proposed near the site entrance measuring 6.1m long, 2.5m wide and 2.6m high.

A storage building measuring 2.5m long, 3m deep and 2.5m high is proposed to be finished in Moss Green colour and sited with the cluster of other buildings at the site entrance.

A communications building is proposed to be 3.66m long, 3m deep, 2.51m high, with a satellite dish atop, finished in Moss Green and sited near to the site entrance.

The applicant's substation building is proposed to be 6.06m long, 2.44m deep, 2.9m high and like most of the other building, is to be finished in Moss Green and sited near to the site entrance.

Western Power Distribution's substation building is proposed to be 5.5m long, 4.95m deep and have a mono-pitched roof of maximum height 4.4m. This building is to be sited near the site entrance, outside of the proposed perimeter fence.

There will be ten buildings in total.

A 2m high deer fence is proposed to surround the site with a total of 18 infra-red CCTV cameras mounted on 2.4m high poles at points along the fence.

The area of ground proposed to be covered by the rows of solar panels and associated infrastructure totals approximately 35% of the total site area with the remainder of the site being grassed land constituting the gaps between the rows of panels and the land between the fence and the installation.

## **APPLICANT'S SUPPORTING INFORMATION**

Design & Access Statement  
Flood Risk Assessment  
Landscape & Visual Impact Assessment  
Construction, Decommissioning & Traffic Management Method Statement  
Wildlife Survey  
Biodiversity Management Plan  
Geophysical Survey Report  
Archaeology & Cultural Heritage Assessment  
Soils & Agricultural Land Assessment  
Sequential Analysis Study  
Statement of Community Involvement

## **PLANNING HISTORY**

89/00728/FULL - Change of use of agricultural land to winning and working of sand and gravel and subsequent restoration to forestry and agricultural use (permission expired 1997 - copy of Decision Notice available from DCC) - PERMIT - 01.07.89  
00/00461/FULL - County Matter planning application for the variation of Conditions (2) and (15) of planning permission reference number 4/06/29/89/0728 dated 24th November 1992 to reflect changes in operation in the restoration of Redhill Sand & Gravel Pit - NO OBJECTION - 27.04.00  
14/01266/PE - Request for screening opinion in respect of a solar farm - CLOSED - 23.10.14

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness  
COR5 - Climate Change  
COR9 - Access  
COR11 - Flooding  
COR18 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design  
DM5 - Renewable and low carbon energy  
DM7 - Pollution  
DM28 - Green infrastructure in major development  
DM29 - Protected landscapes

## **CONSULTATIONS**

HOLCOMBE ROGUS PARISH COUNCIL - 18th December 2014 - Our Council considered the above application at its meeting on 9th December which was attended by the applicants and members of the public. Members of the Council viewed the site from various viewpoints and considered the representations made at the meeting and the letter of objection filed on Mid Devon District Council's web-site.

Our Council does not object to the grant of planning permission for the development.

In particular, our Council has the following observations;

- It was considered that the application site was particularly well screened and with the addition of further screening as proposed on the A38 frontage, there would be insignificant visual impact.
- It was not felt that the site would contribute to an adverse cumulative impact
- The use of the existing agricultural access was helpful.
- It was noted that the application site is former quarry land that has been restored and is bounded in part by quarry lands.
- The Council noted that the agricultural land classification varies including classes 3a, 3b, 4 and 5. Whilst the use of Class 3a land is not encouraged, it was felt that since 80 % of the land is in within classes 3b, 4 and 5, this should be acceptable given the other attributes of the site.
- Conditions should be imposed (in particular) to
  - To secure the proposed additional screening
  - To ensure current screening is maintained
  - To ensure that the solar arrays are fixed and do not move in line with sun
  - To impose reinstatement at the end of the life of the solar farm
  - To ensure that there is no lighting.
  - To ensure that there is continued agricultural use around the solar arrays where practicable.
  - To secure community benefits-see below
- Your Council should be aware that the applicant's consultants have made proposals to provide community benefits for the Parish. At the request of our Chair, the proposals were not tabled at the Council Meeting on 9th December so that the application could be considered by members purely on the planning merits. If your Council is disposed to grant planning permission, the Parish Council will, of course, have an interest in ensuring that the community benefits are properly secured by legal agreement. We shall be grateful if appropriate steps are taken to ensure that this is achieved and no doubt you will liaise with us. We will be in touch with you further about the proposals after consideration by the Parish Council.

HIGHWAY AUTHORITY - 23rd December 2014

The Highway Authority has no objection in principle, however the proposed access arrangements are unacceptable to the Highway Authority on the grounds of Highway safety.

The Highway Authority object to the provision of a right turn lane at the location of the Eastbrook lane which will encourage slow moving commercial vehicles to cross a very fast section of dual carriageway where vehicles are overtaking slow moving vehicle up hill and where the access is on the inside of the bend. While the provision is only temporary the Highway Authority safety Auditor finds the proposal unacceptable given the volumes of traffic being generated by the build. In addition to which the proposed access alignment from Eastbrook lane will give rise to vehicles entering the public highway at an acute angle making visibility to the north difficult and increasing the danger of site traffic becoming complacent due to the lightly trafficked nature of Eastbrook lane with site traffic becoming the principle flow.

The Highway Authority in its pre application advice sought the provision of a left in approach to the site, and based on the advice from the safety Auditor would amend that advice to left in and left out of Eastbrook lane with physical change to the centre Island to prevent right turning traffic, this will also necessitate review of the current signage on approach to the junction from the East.

The design of the left in left out should also allow for the access from the site to enter the highway at an angle closer to 90 degrees to the kerb. The Highway Authority has attached an illustrative sketch to inform the applicant. The construction details and specification of the road construction, and the reinstatements should be agreed with the Highway Authority prior to commencement on site and will necessitate a legal agreement under Section 278 of the Highways Act.

Recommendation:

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION**

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- A) access;
- B) visibility splays;

C) road layout, and on site turning facilities contrary to paragraph 32 of the National Planning Policy Framework contrary to paragraph 32 of the National Planning Policy Framework.

13th January 2015 -

Observations: Further to the highway Authority response and the subsequent resubmitted transport statement, The Highway Authority would raise no objection subject to the revised junction arrangement and construction management plan being conditional and therefore the following conditions should be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. PE10400-002B have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with National Planning policy Framework

3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (g) the means of enclosure of the site during construction works; and
- (h) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (i) details of wheel washing facilities and obligations
- (j) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (k) Details of the amount and location of construction worker parking.
- (l) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

26th January 2015

The proposed temporary access will fulfil the remit required for a left in left out for the proposed development and the Highway Authority would accept the proposal subject to the same conditions for construction management plan and in particular the wheel washing and roadsweeping.



ENVIRONMENT AGENCY - 6th January 2015 -

We can withdraw our objection to the proposal, subject to the inclusion of the following condition.

**CONDITION:**

The development shall include a system of swales on the downward slopes of the site, as indicated on Drawing PE10400-003 Rev A, 'PRECAUTIONARY RURAL SuDS FEATURES' which shall include check dams at suitable intervals given the steep nature of parts of the site.

**REASON:**

To prevent an increase in flooding.

12 December 2014

We object to this application unless measures to better manage surface water runoff are put in place as part of the proposed development.

The provision of PV units, and associated tracks, has the potential to concentrate run off which could result in slightly more water draining off the land, and at a faster rate, than currently.

Whilst we endorse the use of 'shallow swales' for the access roads it is good practice with PV sites to provide a system of swales (shallow ditches) parallel with site contours, at the far downward boundaries, to intercept any additional runoff that may occur. In common with all PV site proposals we advise that, as far as is reasonably practicable, a system of swales be installed. We advise your authority that the 'Proposal Drawing', as shown in the applicants Flood Risk Assessment, be amended to highlight where swales could be provided

16th January 2015 - We can withdraw our objection to the proposal, subject to the inclusion of the following condition.

**CONDITION:**

The development shall include a system of swales on the downward slopes of the site, as indicated on Drawing PE10400-003 Rev A, 'PRECAUTIONARY RURAL SuDS FEATURES' which shall include check dams at suitable intervals given the steep nature of parts of the site.

**REASON:**

To prevent an increase in flooding.

HISTORIC ENVIRONMENT SERVICE - 10th December 2014 - Previous archaeological work undertaken on this site indicates that the archaeological potential of the site is low and that this development will not have an impact upon any known heritage assets.

FORWARD PLANNING AND CONSERVATION - 18th December 2014

Redhill Farm lies on elevated land adjacent to the A38 close to the Somerset border and in close proximity to a number of quarries / sand excavations. There are two listed buildings within 1 km of the application site and several more within 5 km. The Grand Western Canal conservation area and country park lies just over 1km to the west.

**Proposal**

To construct a solar PV park on a 9.3ha field. This would include associated infrastructure of buildings, fencing and CCTV.

**Impact upon the setting of listed buildings and conservation area.**

The solar panels facing to the south will have minimal impact on the main concentration of listed buildings which lie to the north west and the conservation area to the west and all more than 1km away. The related infrastructure depending on height and colour /finish may be prominent in the landscape especially from the A38 and from the lower round to

the west. However there are no significant detrimental impacts on any designated heritage assets. The main concern would be the possible cumulative impact with Wiseburrow Farm if approved. Additional planting could assist in mitigation.

## Summary

No objection subject to satisfactory detail of finishes to infrastructure elements and additional planting to screen the most open views into the site.

NATURAL ENGLAND - 16th December 2014 - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

### Statutory nature conservation sites - no objection

This application is in close proximity to the Maiden Down Site of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

### Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Blackdown Hills AONB. We therefore advise you to seek the advice of the AONB. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

1. Airport interest in solar energy is growing rapidly as a way to reduce operating costs and to demonstrate a commitment to renewable energy and sustainable development. In response, the CAA is seeking to develop its policy on the installation of Solar Photovoltaic (SPV) Systems and their impact on aviation. In doing so, it is reviewing the results of research having been carried out in the United States by the Federal Aviation Administration (FAA) culminating in the publication of Technical Guidance for Evaluating Solar Technologies on Airports and also reviewing guidance issued by other National Aviation Safety Administrations and Authorities on this subject.

2. On completion of the review, the CAA, together with the assistance of other aviation stakeholders, will develop a policy and provide formal guidance material on the installation of SPV, principally on or in the vicinity<sup>1</sup> of licensed aerodromes but will also include guidance on installations away from aerodromes (or 'en-route'<sup>2</sup>). This document therefore constitutes interim CAA guidance until a formal policy has been developed.

#### DISCUSSION

3. At present the key safety issue is perceived to be the potential for reflection from SPV to cause glare, dazzling pilots or leading them to confuse reflections with aeronautical lights. Whilst permission is not required from the CAA for any individual or group to shine or reflect a light or lights into the sky, SPV developers should be aware of the requirements to comply with the Air Navigation Order (ANO) 2009. In particular, developers and Local Planning Authorities (LPA) should be cognisant of the following articles of the ANO with respect to any SPV development regardless of location:

- o Article 137 - Endangering safety of an aircraft.
- o Article 221 - Lights liable to endanger.
- o Article 222 - Lights which dazzle or distract.

4. The potential for SPV installations to cause electromagnetic or other interference with aeronautical Communications Navigational and Surveillance equipment (CNS) must be considered by the SPV developer, in coordination with the CAA, the aerodrome Air Traffic Service provider (ATS), the Air Navigation Service Provider (ANSP) and/or NATS and the MoD, as required.

5. Where SPV systems are installed on structures that, for example, extend above the roofline of tall buildings (either on, or 'off-aerodrome'), or where they are installed in the vertical plane (on plinths or towers), then there may be the potential for creating an obstacle hazard to aircraft and - in addition to the potential for creating turbulence hazard to aircraft - any infringement of the aerodrome Obstacle Limitation Surfaces (OLS) shall also need to be considered by the Aerodrome Licence Holder (ALH).

6. For all planned SPV installations it is best practice for the developer to consult with the operators of nearby aerodromes before any construction is initiated.

7. An ALH, in agreement with their LPA, may wish to initiate procedures so that it is only consulted on SPV planning applications at shorter distances from the aerodrome (for example within a 5 km radius), or at distances that would limit SPV development from within the aircraft operating visual circuit; however, this is at the discretion of the ALH and no CAA approval or endorsement of this decision is necessary.

#### RECOMMENDATIONS

8. It is recommended that, as part of a planning application, the SPV developer provide safety assurance documentation (including risk assessment) regarding the full potential impact of the SPV installation on aviation interests.

9. Guidance on safeguarding procedures at CAA licensed aerodromes is published within CAP 738 Safeguarding of Aerodromes and advice for unlicensed aerodromes is contained within CAP 793 Safe Operating Practices at Unlicensed Aerodromes.

10. Where proposed developments in the vicinity of aerodromes require an application for planning permission Department for Transport Circular 1/2003 the relevant LPA normally consults aerodrome operators or NATS when aeronautical interests might be affected. This consultation procedure is a statutory obligation in the case of certain major airports, and may include military establishments and certain air traffic surveillance technical sites. These arrangements are explained in and for Scotland, Scottish Government Circular 2/2003.

11. In the event of SPV developments proposed under the Electricity Act, the relevant government department should routinely consult with the CAA. There is therefore no requirement for the CAA to be separately consulted for such proposed SPV installations or developments.

12. If an installation of SPV systems is planned on-aerodrome (i.e. within its licensed boundary) then it is recommended that data on the reflectivity of the solar panel material should be included in any assessment before installation approval can be granted. Although approval for installation is the responsibility of the ALH, as part of a condition of a CAA Aerodrome Licence, the ALH is required to obtain prior consent from CAA Aerodrome Standards Department before any work is begun or approval to the developer or LPA is granted, in accordance with the procedures set out in CAP 791 Procedures for Changes to Aerodrome Infrastructure.

13. During the installation and associated construction of SPV systems there may also be a need to liaise with nearby aerodromes if cranes are to be used; CAA notification and permission is not required. The CAA is aware of changes to planning legislation that may provide for 'Permitted Development Rights' for certain micro-generation equipment on both domestic and non-domestic property, under the General Permitted Development Order (1995).

14. The CAA aims to replace this informal guidance with formal policy in due course and reserves the right to cancel, amend or alter the guidance provided in this document at its discretion upon receipt of new information.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this we have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include:

Interim CAA Guidance On Solar Photovoltaic Systems.

Accordingly, Exeter International Airport has no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

CULMSTOCK PARISH COUNCIL - 15th January 2015

Wish to recommend refusal on the grounds that it is not environmentally friendly.

26th January 2015

Culmstock Parish Council wish to submit an informal decision to recommend refusal due to not being environmentally friendly and additionally on the grounds of visual impact.

DEVON & CORNWALL POLICE AUTHORITY - 8th December 2014

Solar Farm Security

The below recommendations follow guidelines produced by BRE National Solar Centre.

Risk

The South West of England has been identified as having the necessary solar power to make commercial Solar Farms a viable option. Farming energy from the sun using photovoltaic panels on a commercial scale is a new venture and will bring with it new risks and challenges to protect the location and panels from criminals.

Because this is a new project there is no UK crime data to base crime prevention advice on. Policing experience elsewhere indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals and they will be stolen. The main risk will come from organised gangs (Travelling criminals) who will use heavy duty tools and vehicles to remove large quantities of the panels. Once stolen the panels may be moved from the crime scene before re-emerging for sale.

#### Site

In view of the potential risk when considering suitable location for Solar Farms a major consideration from a police view will be how the site can be protected from unauthorised vehicle entry. Full consideration of the natural defences of location should be taken into consideration for e.g. steep gradient, substantial hedging, Rivers etc. Where ever possible the boundary protection of the site should be an appropriate distance from the actual panels to discourage parking a vehicle against the boundary and manually lifting panels onto the vehicle.

#### Access to the Site

The solar company/site owner will require vehicular access to the site. The physical security guarding this access must be robust to sustain a high level of attack as these sites will probably be remote and lacking any natural surveillance. Consideration should be given to protecting the access road at two separate locations (1) At the actual entrance to the site and (2) set away from the specific entrance to keep authorised vehicles a substantial distance from the site.

The security of solar farms must be properly assessed by all those involved in the planning process. To be considered a truly sustainable resource within the National Grid, solar farms will need to be as secure as possible.

All planning applications should therefore include full details of the security proposals within the Design and Access Statement (as required by Department for Communities and Local Government Circular 1/2006 paragraph 87)

The security measures to be incorporated at each location will have to be considered on a site specific basis. They will obviously be determined to some degree by, for example, the existing landscape and local planning constraints etc

The basic principle of all crime prevention is to provide layers of defence to whatever is in need of protection.

In the case of Solar Farms this protection will almost certainly require both the physical element, such as fences or ditches and also the utilisation of appropriate technology such as CCTV and motion detectors. The advice offered below covers the general crime prevention points which should be considered by any applicant.

#### Perimeter Security and Access Control

If perimeter fencing is to be used then it should be a proven security fence.

The recommendation would be to install fencing which has been tested and approved to current UK Government standards.

Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most appropriate.

Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders. However if supplemented with

Movement detectors attached to the fence together with motion detectors/beams internally this could potentially be acceptable.

Planting up and alongside any fencing will be acceptable providing there is no detrimental effect upon site surveillance that is available or allow easy access over the fence by climbing trees etc..

The standard for rating bollards, blockers and gates is PAS 68:2007 and PAS 68:2010.

Landscaping techniques such as ditches and berms (bunds) may also be appropriate in some instances. To be effective in stopping vehicles these need to be designed carefully. Police are able to provide further specific advice in relation to the design of such defences upon request.

There should be a minimum number of vehicular access points onto site, ideally only one.

Clearly such access points will present the most obvious means for the criminal also and therefore will require a robust and adequate defence.

Some thought should also be given to the wider issues of access around any site. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving gates etc. Again this provides layers of difficulty for the criminal to overcome.

#### Electronic Security

There is a huge range of electronic security available. For most sites it is very likely that this will play an important role.

In selecting which type of technology to employ a proper assessment on a site specific basis should be undertaken to ensure any system will be fit for purpose.

For CCTV this assessment is commonly called an Operational Requirement (OR)

An obvious example would be to establish how effective will the CCTV be at night at these locations, bearing in mind distance involved, quality of lens/equipment.

There will be little point in deploying CCTV or other defence unless it is monitored in some way or can provide an instant alert in some form and also who would then respond to this?

There does need to be an operational requirement (OR) that the installer must adhere to in order to comply with data Protection legislation. The OR will identify who responds to an intruder and what actions are intended.

The OR also identifies the expectations of each individual camera as well as response requirements.

There is requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible. There is also a requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible.

Appropriate signage is also required.

CCTV which simply records will probably be of very limited value and basically not fit for purpose, there for contravening data protection legislation.

Other Options

The presence of site security personnel in some capacity should be considered including perhaps in terms of some types of response to site alarm activations

If the individual solar panels can be marked overtly this would reduce the ease with which they could be re sold/re used and thus help act as an additional deterrent.

Covert marking should also be considered.

Consultation with local police Beat managers following installation would be beneficial identifying points of access, routes to the site etc in the event of assistance being required.

## REPRESENTATIONS

Four letters of objection received, including one from the CPRE summarised as follows:

- There are no montages of the proposed site;
- There does not seem to be sufficient screening (in part) of the site from the A38 road;
- Some of the land is quoted as being grade 3a - this land should not be used for solar developments;
- The development would turn this area into an industrial site for the next 25 years;
- The cumulative impact of this development with others operating and proposed nearby is not acceptable;
- Suggestion that sheep will be able to graze is not supported by evidence from other installations;
- The fact that the installation requires daylight renders it useless at night and in winter;
- Will have a negative visual impact;
- DCLG amended planning rules in 2014 to ensure that whenever possible solar installations are not put in fields that could be used for farming;
- The Parish of Burlescombe is already 'blighted' by solar farms and has a number of brownfield sites available owing to extensive quarrying;
- House will have solar farms to the south, west and east;
- If approved would wish to see traffic management in place during construction
- Cannot understand why this site has been chosen (visible from the A38) over the secluded site at Wiseburrow Farm (ref. 14/01932/MFUL).

Three letters of support received, summarised as follows:

- This land has already been quarried so is not of good soil quality for food production;
- Will power 1,442 households with clean, locally produced energy, reducing the carbon footprint of the district.
- The site is well selected and additional tree and hedgerow planting will screen the fields from view;
- Has been designed to accommodate the grazing of sheep which will give the land a new agricultural use;

- Will enhance wildlife on site with the provision of bird and bat boxes and the inclusion of mammal gates;
- If we continue to rely on fossil fuels for our energy we will pollute the planet and remain vulnerable to the price fluctuations of global fossil fuel markets.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main considerations in the determination of this application are:**

- 1. The benefits of renewable energy and planning policy**
- 2. Land use**
- 3. Highways**
- 4. Flooding**
- 5. Landscape and visual impact, including cumulative impact**
- 6. Ecology and other matters**
- 7. The planning balance**

### **1. The benefits of renewable energy and planning policy**

The scheme would be capable of generating up to 4.8 megawatts of electricity annually, which the applicant states is the equivalent of the average annual electricity needs of approximately 1,442 homes. The Government's target for the amount of electricity to come from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2014, to date, the amount of electricity generated from renewable sources in the South West stands at 8.3% of demand (1,185 megawatts). Solar PVs in Devon contribute 208.44 megawatts (installed capacity) as at March 2014. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (Local Plan Part 1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (NPPF) require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy.

Development must consider landscape character and heritage assets, environmental amenity of nearby properties in accordance with Policy DM7 (Pollution), quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation). In this instance the application has been screened under the Environmental Impact Assessment Regulations and an Environmental Impact Assessment has not been deemed necessary.

The NPPF states that Local Planning Authorities should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily. The NPPF also states that when determining planning applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local Planning Authorities should approve applications for renewable energy if its impacts are (or can be made) acceptable.

The overarching national policy statement for energy (EN-1) is generally aimed at nationally significant infrastructure projects but also has relevance for more local renewable energy schemes. The statement promotes renewable energy but recognises that the development of new energy infrastructure is likely to have some negative effects on biodiversity, landscape/visual amenity.

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.

Where a proposal involves greenfield land, the proposed use of any agricultural land needs to be shown to be necessary and poorer quality land has been used in preference to higher quality land and the proposal allows for the continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Guidance also requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

## 2. Land Use

The application is supported by an assessment of the Agricultural Land Classification of the site. It has been found that the site comprises 1.9 ha of grade 3a land in the easternmost field, along with 2.7 ha of grade 3b, 4 ha of grade 4 and 0.7 ha of grade 5 agricultural land across the remainder of the site. Agricultural Land Classes 1, 2 and 3a are identified in the NPPF as being the 'Best and Most Versatile' (BMV) agricultural land and the NPPF, the Planning Practice Guidance and policy DM5 of LP3 seek to direct solar installations to lower quality agricultural land. In this instance the majority of the site (80%) comprises of lower grade agricultural land but 20% of the site is recognised BMV land.

The submitted soil appraisal concludes that based on the loss of a small amount of BMV land (1.9ha), the impact upon the availability of good quality agricultural land is of minor adverse impact during the construction phase and of negligible impact during the operational phase as the land would be used for livestock grazing.

The government have been clear in recent months that they are concerned about the provision of commercial scale solar installations on good quality agricultural land and this has been reflected in a number of appeal decisions which have been dismissed whereby an installation would take up a significant proportion of BMV land. In Mid Devon, an Inspector for an appeal allowed in February 2014 (Nether Mill Farm, ref. 12/01518/MFUL) concluded that the use of 2.2ha of grade 3a land on an overall site area of 9.4ha would not "represent such a significant loss of an agricultural asset as to override the need in national policy for renewable energy development" and that although there could be some loss in the quality and quantity of available grass, the land would have some agricultural value for grazing. In comparison to this application, the appeal proposal had a greater amount of grade 3a land proposed to be used both in terms of land take and as a percentage of the overall site area (23%).

In addition to the ALC assessment, the application is supported by a Sequential Analysis Study which looks at alternative available sites within the district and also those within a 10km radius of the site within Taunton Deane and East Devon's administrative boundaries.

Large scale solar installations require an adequate connection to the electricity grid, utilising either a 33kV or 66kV line and so the area of search is within a 1km radius of any such lines. Additionally, sites on grade 1 and 2 land have been discounted to ensure that the alternatives would be on land of equal or lower quality than the application site. The analysis concludes that there is limited available previously developed land and that the option for development on roofspace is not practical at this time as approximately 2.5ha of space is required to generate 1MW of electricity (minimum size considered as 'large scale' solar) and such sizes of roofspace are not available. The study identifies 57 greenfield locations and 9 brownfield sites (previously developed land) within the search area which would be potential alternatives; each of these are appraised in turn for suitability with some sites being at risk of flood and others being in an active use (for example, as an airfield, moto-cross track, landfill/quarry) - such sites are therefore discounted. Some of the remaining sites are in close proximity to listed buildings, others would require significant removal of vegetation, take up multiple fields or would have difficult access. The study concludes that none of these sites would be on poorer quality agricultural land than the application site and be subject to any fewer environmental constraints.

Further consideration of this matter is given in section 7 of the report.



### 3. Highways

As previously mentioned, the site is accessed off the minor road, Eastbrook Lane to the south of the site. This access is in the far south eastern corner of the site, at its closest point to the junction of the lane with the A38. At the junction of the lane the A38 has two lanes running northbound and one lane running southbound with a hatched area narrowing the southbound carriageway from two lanes to one. At present there is no dedicated right turn lane or waiting area for southbound traffic wishing to turn right into the lane, which makes waiting traffic vulnerable to being struck from behind by vehicles funnelling from two lanes to one lane; exacerbation of this situation by increasing traffic movements turning right from the southbound carriageway would not be desirable. Although located on a bend in the road, the visibility from the junction of the lane onto the A38 is good in both directions and the minimum visibility of 215m in each direction is achieved.

The construction phase of the development would see deliveries on various sizes of vehicle, up to large goods vehicles (LGV's) and including 40 foot articulated container lorries. There would be a total of approximately 200 large vehicle deliveries during the construction phase, with most being spread evenly over a 10 week period, giving an average of four 2-way trips per working day. It is proposed to restrict deliveries primarily to the period between the morning and afternoon school runs.

During the operational phase, traffic movements would be low and limited to maintenance and monitoring of the site.

A temporary construction access is proposed to provide access directly onto the A38 so as not to exacerbate the use of the junction onto Eastbrook Lane. The temporary access is proposed to be constructed to a standard sufficient to cater for the LGV's which will be used during the construction phase and would provide 215m visibility to the right (south) for traffic approaching on the northbound carriageway. The dual carriageway central reservation island is present in this location and therefore all movements at the construction junction will be restricted to left in/left out (approach from the south and J27 of the M5 and leave to the north in the direction of Wellington and J26 of the M5). Once construction of the development is finished, it is proposed that the temporary access be removed and the highway verge and hedgerow planting restored.

No alterations are proposed to the existing access to the site off Eastbrook Lane, which would be used to access the site during the operational phase, although an internal track is proposed for maintenance purposes.

Subject to conditions requiring the provision of the temporary access and one to secure a construction management plan, the Highway Authority has no objection to the proposal and having regard to this, the development is not considered to result in any danger to users of the surrounding road network and accords with the requirements of policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) in this respect.

### 4. Flooding

The site is not within an area identified as being liable to river or surface water flooding but is accompanied by a Flood Risk Assessment in order to ensure that the provision of the development will not lead to a greater rate of surface water run-off from the site.

The submitted Flood Risk Assessment has appraised the amount of land proposed to be covered by the development and separates these out into impermeable surfaces (i.e. access tracks and buildings) and the solar panels themselves, which any water will run off. A series of swales have been incorporated into the design; these swales are 2m wide and 0.3m deep and are shown as being provided on the southern side of the solar array. Subject to a condition to require the provision of these features, the Environment Agency do not object to the proposal and the application is considered to accord with the requirements of policies COR11 of Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM5 of Local Plan Part 3 (Development Management Policies) in so far as they seek to ensure that development does not increase the risk of flooding.

## 5. Landscape and visual impact, including cumulative impact

The site is within the 'Devon Redlands' National Character Area and the Devon Character Area 17 'Culm Valley Lowlands'. On a more local level the site is within the Mid Devon Landscape Character Type 3B 'Lower rolling farmed and settled valley slopes'. This landscape type is gently rolling and strongly undulating with well managed hedgerows and high degrees of variation in the levels of visual containment. The roads in the landscape are mostly winding with bends that are frequently sunken and the landscape is well wooded. The Landscape Sensitivity Study on wind and PV development in Mid Devon identifies that this landscape type (outside of the Blackdown Hills Area of Outstanding Natural Beauty) has an overall medium sensitivity to solar development of the size proposed (>5 - 10ha). The study finds that the presence of some hidden areas and human activity could indicate a lower sensitivity to the principle of solar PV development but visible slopes, undeveloped hill-tops and well-wooded and pastoral character, landscape pattern and 'remote' qualities heighten levels of sensitivity. The application site is located toward the top of White Ball Hill, with the land continuing to rise to the east and to a lesser extent to the north and with a general fall to the south and west. The site is bound by vegetation and trees and with other pockets of offsite trees and hedgerows providing further screening from more far away viewpoints.

The site itself is visually contained, with only short stretches of the immediately adjacent roads having views into the site. Such views are most easily obtained from the A38 which lies to the east, although given the high speeds at which vehicles are travelling along this road, any views are going to be glimpsed. Much of the road to the south of the application site is at a lower level than it and existing vegetation largely screens the site. There are a small number of points at which views into the site can be achieved from this road, which is single carriageway and lightly trafficked, however the solar array is not proposed to be installed in close proximity to this southern boundary such that even where there are gaps in the vegetation, due to the road being at a lower level, this should not enable views of the panels or their associated infrastructure other than from one or two narrow gateways. To the north and west the site bounds further agricultural land and the quarry lagoons and there are no public views into the site from these positions.

From further afield, the site is very difficult to see due to the rolling topography and vegetation, which limits inter-visibility across the area. Such limiting features comprise the ridge of the hill to the north, the tree-lined lane and orchards to the south, the hilltop and woodland to the east and the falling landform and vegetation to the west. These features mean that the site cannot be seen from rights of way and areas of open access land, other than distant glimpses from the Blackdown Common as discussed below.

The Blackdown Hills Area of Outstanding Natural Beauty lies approximately 1.8km to the south east of the site. The high points of the Blackdown Common and Culmstock Beacon are within the Blackdown Hills Area of Outstanding Natural Beauty and approximately 2.7km to the south east of the site. The submitted Landscape and Visual Impact Assessment includes a photograph taken from the Blackdown Common which identifies that there would be a distant view of the western section of the site above the intervening hedgerows and trees.

Culmstock Beacon faces away from the application site and is further away than the area of Blackdown Common where the submitted viewpoint was taken so views would not be obtainable; similarly views from Wellington Hill (Wellington Monument) would be screened by surrounding woodland. The submitted LVIA appraises the impact upon the Blackdown Hills Area of Outstanding Natural Beauty to be slight adverse to imperceptible and this assessment is agreed with by your Officers, who have discussed the proposal with the Blackdown Hills Area of Outstanding Natural Beauty Partnership who have indicated that they do not wish to make formal comments given the very low levels of visibility from within the Blackdown Hills Area of Outstanding Natural Beauty. Accordingly the development will preserve the special beauty of the area as required by Policy DM29 of Local Plan Part 3 (Development Management Policies).

The Authority's Conservation Officer raises no objections to the proposal, finding that the main concentration of listed buildings which lie to the north-west and the Conservation Area of the Grand Western Canal to the west are all more than 1km away and there will be a minimal impact upon the setting of these buildings and features, thereby according with the requirements of Policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM27 of Local Plan Part 3 (Development Management Policies). Such a view concurs with the findings of the submitted LVIA which includes a viewpoint from the Canal whereby the site would be beyond vegetation on the skyline and therefore not visible.

As existing, the north western boundary of the site comprises a stock proof fence to the neighbouring field. It is proposed that this be enhanced with the provision of a native species hedgerow. In addition, the eastern boundary of the site with the A38 is patchy in places. Existing trees which have died along this boundary are to be replaced with replacement Beech trees and where there are gaps of 2m or more in the existing hedgerow, this is to be planted with a native hedgerow mix as per the north eastern boundary and in time would reduce the impact of the development from the A38. In the short term, a 6m section of the eastern boundary is proposed to be removed to facilitate the temporary construction access. This will increase the visibility of the site from the A38 until replacement planting is established following the blocking up of the access after construction has ended. The temporary access only necessitates the removal of a short stretch of the hedge due to the presence of a wide verge which helps to provide sufficient visibility and it is not considered that this impact is significant.

The application site wraps around the boundaries of a neighbouring property which is not associated with the landowner or the applicant; however no objections to the application have been received from the occupiers of this property. Existing dense tree screening bounds the private garden of the property from the application site so that it is not considered that the proposed development will cause demonstrable harm to their amenity. There are no other nearby neighbouring properties who will have views of the application site (other than the land owners property), although there would be some properties in the more elevated areas of Burlescombe who will be capable of having some views of the western section of the site, above and between intervening trees and hedgerows. However, these properties are approximately 1.4km from the application site and the site would be seen alongside the surrounding hill top vegetation such that the magnitude of the effects is low and the overall effect slight to moderate adverse.

Having regard to the limited visibility of the site from viewpoints both in the short and longer distance and taking into account the supplementary planting proposed to be undertaken, it is considered that individually the proposed solar array will not cause demonstrable harm to the character of the landscape or the visual amenity of the area, thereby meeting with the requirements of Policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM5, DM27 and DM29 of Local Plan Part 3 (Development Management Policies).

Consideration must be given to the perception of cumulative landscape and visual impacts which may be experienced either by viewing more than one array in the same vista or by the sequential effects experienced by travelling along a road or right of way and viewing multiple solar arrays.

At its closest, the site is approximately 350m to the south east of the currently proposed solar installation at Wiseburrow Farm (ref. 14/01932/MFUL). The topography of the immediate landscape keeps on rising to the north of the Red Hill application site before falling away to the north on the opposite side of the Class C road Longwood Lane, toward the Wiseburrow Farm site. Combined with the presence of trees, hedges and other vegetation the two sites are not visible alongside one another in the same landscape.

Similarly there is a single property 'Broadways Farm' located between the two proposed installations, however due to the sloping land it will not have any views of the proposed Red Hill installation. Objection was received from the occupiers of a different property (Eastbrook House, c. 630m south west) regarding the potential for having solar installations on three sides (but not immediately adjacent to three installations), however it is not considered that they would have views of either the currently operational installation closer to Burlescombe or either of the proposals currently subject of planning applications.

## **6. Ecology and other matters**

The submitted Ecological Appraisal and separate confidential Badger Survey identify the boundary hedgerows and trees (other than that which bounds the A38) as being species rich and including a diverse mix of native woody species. These field boundaries have a good ecological value for wildlife and are proposed to be retained and enhanced; this retention will help to protect the habitats of any hazel dormice and bats present. The site offers optimal foraging habitat for all bat species, however the provision of the solar array is unlikely to affect the availability of foraging habitats as once operational, grassland will remain under and around the panels and the boundary vegetation will be unaffected, although 9 bat boxes are proposed as an enhancement measure. In terms of birds it is recommended that any vegetation clearance is timed to avoid the bird breeding season and habitat enhancement measures such as the installation of 15 bird boxes are proposed.

An active badger sett was identified within the application site along with numerous mammal trodden paths. It is proposed that the presence of these features be mitigated through the provision of mammal gates within the perimeter fence. Subject to the inclusion of these features the development will not cause harm to protected species and wildlife using the site.

A biodiversity management plan has been submitted in support of the application to include mitigation measures during the construction period and a series of ecological enhancement measures to enhance and safeguard key habitats. In addition to the tree and hedgerow planting previously mentioned along the north western and eastern boundaries, the areas between the boundaries of the site and the perimeter fence are to be sown with a species rich grassland mix which will be allowed to develop a varied height and tussocky structure which will be valuable to small mammals, birds and invertebrates. Such biodiversity enhancement measures are in accordance with the requirements to incorporate green infrastructure into major planning application proposals contained in policy DM28 of Local Plan Part 3 (Development Management Policies).

The site is within relatively close proximity of the Lower Whipcott (c. 1.4km to the north west) and Maiden Down (c. 1.7km to the south) Sites of Special Scientific Interest (SSSI). The application site is not within the Natural England identified impact zones for those areas or any further afield SSSI's. Natural England has indicated that the proposal will not cause harm to the Maiden Down SSSI and have also raised no issues regarding impacts upon the Lower Whipcott SSSI.

Devon County Council Historic Environment Service has stated that the site has low archaeological potential and raise no objections to the proposal.

Holcombe Rogus Parish Council discuss the provision of community benefits in their consultation response. Although the Council is happy to see solar developers providing such community funds/facilities, such provisions are not necessary to make the development acceptable and therefore cannot be requested through a Section 106 agreement and it will be up to the Parish Council to negotiate with the developer on this matter.

## **7. The planning balance**

In planning terms, it is concluded that an acceptable access to the site can be provided to serve the proposed development, adequate measures are proposed to cater for surface water run-off and having regard to the additional planting proposed, the development will have only a limited and acceptable impact upon landscape character and visual amenity, including from viewpoints within the Blackdown Hills Area of Outstanding Natural Beauty.

However, approximately 20% of the application site is classified as comprising the Best and Most Versatile agricultural land (grade 3a).

The submitted sequential analysis of site selection is considered to adequately appraise the reasonably alternative sites considered by the applicants and demonstrates that much land of lower agricultural quality would be likely to have greater impacts in respect of other considerations (e.g. landscape and visual impact, proximity to listed buildings, highways).

Whilst recent ministerial statements, including Greg Barker's speech to the solar PV industry in April 2013, the National Planning Policy Framework and the Planning Practice Guidance state that there is a preference to siting solar arrays on lower quality agricultural, or preferably brownfield land, they all state that the siting of large scale solar development is about striking a balance. In this particular instance, the site is well chosen with regard to all other material considerations and evidence has been provided by the applicants to demonstrate a sequential approach to site selection. The site would continue to be used for the grazing of livestock during the operational life of the development and as well as making a significant contribution to the generation of electricity, the development would also lead to biodiversity enhancements through the planting of additional trees and hedges, provision of bird and bat boxes and the creation of grassland habitats.

Having regard to all of these material considerations, the benefits of the scheme are considered to outweigh any harm caused through the temporary loss of 1.9ha of grade 3a agricultural land for solely agricultural purposes and the application accords with Policies COR2, COR5, COR9 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5, DM7, DM27, DM28 and DM29 of Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and Planning Practice Guidance and conditional approval of planning permission is recommended.

## CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2.
  - i) The solar PV facility shall cease to generate electricity on or before a date 25 years after the date of first export of electricity from the site.
  - ii) Confirmation of the first export date shall be provided by the undertaker to the Local Planning Authority within one month of its occurrence.
3. The development hereby permitted shall be carried out in accordance with the plans listed in the schedule on the decision notice.
4. No other part of the development hereby approved shall begin until the proposed temporary site access arrangement as indicated on drawing PE10400-004 Rev. A has been provided.
5. Within 6 weeks of the provision of the temporary access set out in condition 4 of this planning permission, a scheme for the restoration of the temporary access land, to include the replanting of a hedgerow in the location of the removed section of hedgerow and a timetable for the restoration of the land shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the land shall be restored in accordance with the approved restoration scheme.
6. Not less than 12 months before the expiry of the planning permission as set out in condition 2 or within 3 months of any prior cessation of electricity generation from the site, a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the following information:
  - a) details of the removal of the solar PV panels, frames, inverter modules, substation, fencing and cabling and restoration of the land
  - b) parking of vehicles for site personnel operatives and visitors
  - c) loading and unloading of plant and materials
  - d) storage of plant and materials
  - e) programme of works including measures for traffic management
  - f) provision of boundary hoarding behind any visibility zones
  - g) vehicle wheel wash facilities
  - h) highway condition surveys
  - i) extended Phase 1 Habitat survey which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months.

The approved decommissioning and restoration scheme shall be fully implemented within 6 months of its approval or the cessation of electricity generation, whichever is the later date.

7. The development hereby approved shall be carried out in conformity with a Construction Management Plan which shall first have been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
  - a) The timetable of the works;
  - b) Daily hours of construction;
  - c) Any road closure;
  - d) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - e) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the construction phase;

- f) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste;
- g) The means of enclosure of the site during construction works;
- h) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- i) Details of wheel washing facilities and obligations;
- j) The proposed route of all construction traffic exceeding 7.5 tonnes;
- k) Details of the amount and location of construction worker parking.

Only the approved details shall be implemented.

- 8. The approved details of new hedgerow and tree planting in the locations as shown on the approved plans, shall be carried out within 9 months of the date of the first export of electricity from the solar PV array; and any trees or plants which within the lifetime of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The new hedgerows and trees shall be planted using the specification contained in paragraphs 4.1.2 - 4.1.12 (inclusive) of the Biodiversity Management Plan by Avian Ecology and dated 25 November 2014. The existing and proposed hedgerows bounding the site shall be allowed to grow to a height of not less than 2.5 metres above the adjacent site ground level and thereafter shall be maintained at no less than this height until the solar installation has been decommissioned in accordance with condition 6.
- 9. No external artificial lighting shall be installed at the site without planning permission first having been obtained.
- 10. All cables shall be placed underground, except at the point of connection to the electricity grid system.
- 11. The swales shown on Wardell Armstrong drawing number PE10400-003 Revision A 'Precautionary rural SuDS features' shall be provided at 2m wide and 0.3m deep and shall be completed prior to the first export of electricity from the solar PV array. Following their provision the swales shall be managed and maintained in an operational condition until the site has been decommissioned in accordance with condition 6.
- 12. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development of the type referred to in Class A of Part 2 of Schedule 2, relating to the erection, construction or alteration of a gate, fence, wall, or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
- 13. The ecological mitigation and enhancement measures as contained in the Biodiversity Management Plan by Avian Ecology dated 25 November 2014 shall be implemented in full prior to the first export of electricity from the solar PV array.
- 14. The ecological monitoring measures, habitat management measures and management schedule as contained in the Biodiversity Management Plan by Avian Ecology dated 25 November 2014 shall be adhered to from the date that development on the site begins until the date the site has been decommissioned in accordance with condition 4.

## **REASONS FOR CONDITIONS**

- 1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. To reflect the temporary nature of the proposal in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
- 3. For the avoidance of doubt and in the interests of proper planning.

4. In the interests of highway safety to minimise the impact of the development on the highway network through the provision of an appropriate construction access in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. To achieve restoration of the temporary access land in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
6. To achieve restoration of the site in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
7. To ensure that adequate facilities are provided during the construction phase of the development, in the interests of highway safety in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
8. In order to provide further screening of the application site to safeguard the visual amenities of the area in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies), COR2 of Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
9. To minimise the potential for light pollution and disturbance to local amenity in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies), COR2 of Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
10. To safeguard the visual amenities of the area in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies), COR2 of Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
11. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11, DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
12. To safeguard the visual amenities of the area and the movement of protected species across the site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and D/5 of Local Plan Part 3 (Development Management Policies).
13. In the interests of safeguarding protected species and their habitat in the carrying out of this proposed development in accordance with policy COR2 of Core Strategy (Local Plan Part 1) and policies DM2, DM5 and DM28 of Local Plan Part 3 (Development Management Policies).
14. In order to secure a net gain in biodiversity in accordance with policy DM28 of Local Plan Part 3 (Development Management Policies).

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

As has been discussed, the existing operational site closer to Burlescombe is accessed off the same C Class road which gives access to the application site; they are approximately 950m apart from one another along this road and 800m as the crow flies. From this road the operational installation is easily visible, there being a clear gateway into the site and the road is level with the site at this point such that views into it are easy, albeit for car drivers, the views are short-lived and only available for a short stretch. The application site has a relatively long boundary with this class C road, however for the majority of its length the application site is significantly elevated above the road with hedge and tree boundaries screening the site. The application site cannot be seen from local public rights of way and therefore the provision of the proposed installation would not have a detrimental cumulative impact in this respect.

In addition, consideration is given to cumulative impacts with the Ayshford Court Farm installation which is located close to J27 of the M5 and can easily be seen from the motorway, although views from the A38 itself are more difficult to obtain and the site is approximately 3.7km to the south-west of the site which renders any impact as limited and there would not be significant cumulative visual impacts as a result of viewing both sites in the same journey. The two sites would not have inter-visibility with one another by virtue of topography and vegetation and there is therefore not considered to be any adverse cumulative landscape impact.

Overall, despite the close proximity of the proposed installation with both the existing operational array nearer to Burlescombe and that at Ayshford Court Farm as well as the array proposed at Wiseburrow Farm, the topography and vegetation of the surrounding landscape significantly limits public visibility of the application site in the same landscape as the other three sites and users of local roads and rights of way would not experience demonstrable cumulative impacts such that in this respect the application is considered to meet with the requirements of policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Jonathan Guscott  
Head of Planning and Regeneration



## REPORT OF THE HEAD OF PLANNING AND REGENERATION

### **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**

#### **Description of Development:**

The application is for the installation of a ground mounted photovoltaic solar array on approximately 13.34 hectares of agricultural land to generate up to 5.5MW of power, together with associated infrastructure.

The application site lies approximately 1.4 kilometres to the north-east of Shillingford. The site consists of 5 agricultural fields and extends to approximately 13.34 hectares. The land is currently used for grazing. The topography of the site is south facing sloping land on the northern side of a valley. The site itself is on the lower ground which has a gentler slope than the higher fields. An overhead electricity line runs to the south of the site.

The development would consist of 26,300 crystalline PV panels mounted on steel frames to a maximum height of 3.5 metres, in rows facing towards the south. The application includes 5 x inverter/transformer cabins. The inverter cabins are to measure 8.7 metres x 2.6 metres and have a maximum height of 3.2 metres and will be on a concrete plinth set into the ground. A control building measuring 5 metres x 5 metres and 4.5 metres in height would be provided adjacent to the electricity sub-station at the Bowdens Lane entrance.

There would be an access track running east/west from the Bowdens Lane entrance to the site which would be approximately 1.4 kilometres long, 3 metres wide and surfaced with aggregate.

It is intended that the security fencing would be deer fencing with a height of 2.5 metres with security cameras mounted on the fence posts. No lighting is proposed.

Additional hedge and copse planting is proposed.

Permission is sought for a temporary 25 year period, after which the land would revert to agriculture.

#### **REASON FOR REPORT:**

- 1. To report to Members on the outcome of the review of the Minutes of the meeting of 5 November 2014 in relation to this planning application.**
- 2. To consider the reasons for refusal proposed by the Planning Committee at the meeting of 5 November 2014 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.**

**Relationship to Corporate Plan:**

None

**Financial Implications:**

Any appeal may require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to defend and substantiate each and every reason for refusal based on evidence.

**Legal Implications:**

Planning Committee may indicate that they would have refused this application contrary to officer advice. Due to the non-determination appeal jurisdiction for the determination of the application now lies with the Planning Inspectorate. If Members conclude that they would have refused permission had they the opportunity to do so, the reasons for refusal will form the Council's appeal case. The Council will need to be in a position to robustly justify and defend any reasons, calling on policy backing within the Development Plan and any other material considerations.

**Risk Assessment:**

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

**Reason for report**

At the meeting on 5 November 2014, Planning Committee indicated that they were minded to refuse the application and in accordance with the protocol covering proposed decisions against officer recommendation, consideration of the application was deferred for a further report setting out suggested reasons for refusal, advising on the implications of these reasons for refusal (the implications report), to ensure that the original report had considered a number of specific policies which the Planning Committee listed, and to allow Planning Committee to attend a site visit. The site visit has now taken place.

The implications report was due to be considered at the Planning Committee meeting on 3 December 2014, following the site visit. At that meeting, Planning Committee were unable to approve the minutes of the previous meeting as they did not agree that the minutes were a true representation of the discussions and resolutions. The implications report had been based on the minutes and therefore could not be discussed. Consideration of the implications report was deferred until the minutes could be reviewed and the implications report reconsidered in the light of the reviewed minutes.

Since 3 December 2014, the application has been appealed to the Planning Inspectorate on non-determination. The Planning Committee are no longer able to determine this application, although it is requested that the Committee consider it to conclude whether they would have resolved to approve or refuse the application.

## 1. Review of Minutes of the meeting of 5 November 2014

The minutes drafted of the meeting of 5th November 2014 for this application (Minute 100b) were as follows:

*'RESOLVED that the Committee were minded to refuse this application but would defer making their final decision until receipt of an Officer report setting out the potential implications of the proposed decision and the taking place of a site visit. The reasons being as follows:*

- Landscape and visual impact of the proposal;*
- The effect on the local economy;*
- Highway impact;*
- Inappropriate use of medium grade agricultural land.'*

At the meeting of Planning Committee on 3rd December 2014 minute 108 records:

*'Discussion took place regarding the minutes of the previous meeting, it was suggested that the policies referred to in discussions during the Bowdens Lane application at the previous committee had not appeared in the resolution, it was also felt that appropriate reasons for refusal were not given and therefore the implications report that was before the Committee today did not contain the appropriate information. Members had sought additional information regarding a possible bond and the types of panels to be erected. It was felt that Members reasons for refusal needed to be incorporated into the implications report so that reasons were sound for appeal purposes.*

*Therefore subject to:*

*a) the withdrawal of minute 100b from the minutes of the meeting of 5 November 2014 and the submission of a fresh minute identifying the various policy numbers and additional information if this formed part of the previous final resolution following review of the audio recording of the meeting; and*

*b) an amendment to the resolution of Minute 100(e) (i) removing the words "amendment to" and inserting "additional condition",*

*the minutes of the held on 5 November 2014 were approved as a correct record and **SIGNED** by the Chairman.'*

The review of the recording of the meeting of Planning Committee 5th November 2014 has occurred and was undertaken by the Principal Member Services Officer and the Professional Services Manager. The officers reviewed the recording and came to conclusion over whether the minutes as drafted were an accurate reflection of the resolution on the application. The officers undertook this separately.

It is important to note that a range of issues were debated but did not form part of the formal resolution. Both officers have concluded that the minutes as drafted record the formal resolution of the Planning Committee, but that the minutes should also have recorded that Members wished the following policies to be had regard to when drafting the proposed reasons for refusal: COR2 a, b, c; COR5; COR11 a, b, c; DM2 a, b, c, e(ii); DM7 1.29; DM22 b, c, d and DM29 b.

These policies in themselves did not form proposed reasons for refusal, but rather were being suggested in support of the four proposed reasons. Whilst also raised during discussion on the application, the formal resolution of the Committee did not refer to the taking of a financial bond or the type of panels.

## **2. Consideration of relevant policies**

Members also asked officers to ensure that the following policies had informed their assessment of the application: COR2 a), b) and c), COR5, COR11 a), b) and c), DM2 a), b), c) and e) ii), DM7 1.29, and DM22 b), c) and d) and DM29 b).

Taking these in turn:

### **COR 2 - Local Distinctiveness**

*Development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through:*

- a) *high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places,*
- b) *the efficient use and conservation of natural resources of land, water and energy,*
- c) *the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas. Within the Blackdown Hills Area of Outstanding Natural Beauty or adjoining the Area of Outstanding Natural Beauty or Exmoor and Dartmoor National Parks, the primary objective will be to protect the special environmental qualities of that landscape and its setting,*

COR2: This policy seeks to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design, efficient use and conservation of natural resources and the preservation and enhancement of Mid Devon's natural landscape. This policy is considered in the original committee report and is included in the suggested wording for the first reason for refusal.

### **COR 5 - Climate Change**

*Measures will be sought which minimise the impact of development on climate change, and contribute towards national and regional targets for the reduction of greenhouse gas emissions, including:*

- a) *the development of renewable energy capacity will be supported in locations with an acceptable local impact, including visual, on nearby residents and wildlife.*
- b) *energy efficiency improvement measures will be supported with an acceptable impact on historic interest.*
- c) *it is intended that all new development will be carbon neutral in development and use as soon as a detailed approach can be developed through the preparation of a Supplementary Planning Document (SPD) on this subject. This is likely to be through appropriate choice of materials, energy efficiency measures, transport management, renewable energy generation and carbon fixing. Until such time as the SPD is adopted all development should take positive measures to reduce carbon emissions to a realistic minimum.*

While policy COR5 seeks to support renewable energy installations in appropriate locations to minimise the impact of development on climate change the Local Planning Authority consider the development as proposed has an unacceptable local visual impact on the largely unspoilt and undeveloped appearance of the locality by virtue of its scale, design and siting particularly when viewed from the vantage points on local roads to the north west of the site and from the B3227 during winter months This is included in the suggested wording for the first reason for refusal.

## **COR 11 - Flooding**

*The impact of flooding, taking account of the likely impact of climate change, will be managed in order to:*

- a) *reduce the risk of flooding to life and property where possible;*
- b) *guide development to sustainable locations with the lowest flood risk by applying a sequential test, and locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding;*
- c) *ensure that development does not increase the risk of flooding of properties elsewhere.*

This policy relates to flood risk and was considered in the original report. The Environment Agency has confirmed it has no objection to the proposal provided it proceeds in accordance with the surface water drainage strategy outlined in the proposal. Flooding did not form one of the Members' reasons for refusal.

## **DM2 - High quality design**

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution on to local character including any heritage or biodiversity assets and the setting of heritage assets;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:

## **ii) Siting, layout, scale and massing**

**Major residential development proposals will be required to achieve 'green' status under at least 8 of the 12 Building for Life criteria.**

Members considered the siting layout and massing of the proposed development does not make a positive contribution to the local character or takes account of surrounding landscapes contrary to DM2 by rather introduces an alien feature into an otherwise largely undeveloped landscape. This policy seeks high quality design that demonstrates a clear understanding of the site, its wider context and surrounding area, makes efficient and effective use of the site, makes a positive contribution to local character and which takes account of surrounding landscapes and the amenities of neighbouring properties in its siting, layout, scale and massing. This policy is considered in the original committee report and is included in the suggested wording for the first reason for refusal.

## **DM7 - Pollution**

*Applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.*

This policy relates to development that negatively impacts the quality of the environment through noise, odour, light, air, water, land and other forms of pollution. Where development risks negatively impacting the quality of the environment through pollution, the policy requires that the application be accompanied by a pollution impact assessment.

These issues are addressed in the original committee report. Pollution did not form one of

the Members' reasons for refusal.

#### DM22 - Agricultural development

*Agricultural development will be permitted where:*

- b) *The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area; and*
- c) *The development will not have an unacceptable adverse impact on the environment.*
- d) *The development will not have an unacceptable traffic impact on the local road network.*

DM22: This policy relates to agricultural development and requires that development is sensitively located to limit adverse effects on the living conditions of local residents and respects the character and appearance of the area, will not have an unacceptable adverse effect on the environment and will not have an unacceptable traffic impact on the local road network. Your officers do not consider that this policy is strictly relevant to the proposal as although the development could be considered to be farm diversification, it is not agricultural development. However, each of the sub-paragraphs are in this policy addressed through consideration of other policies in the original committee report.

#### DM29 - Protected landscapes

*Development proposals within or affecting the Blackdown Hills Area of Outstanding Natural Beauty, Dartmoor National Park, Exmoor National Park and the North Devon Biosphere Reserve must demonstrate that:*

- a) *Cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved or, where possible, enhanced; and*
- b) *Biodiversity will be conserved and enhanced where possible through improved linking of habitats, appropriate landscaping and habitat creation.*

*Major developments within or adjoining the Area of Outstanding Natural Beauty and Dartmoor or Exmoor National Parks will only be permitted in exceptional cases.*

DM29: This policy relates to the proposal in that the development has the potential to affect the setting of Exmoor National Park. Where development proposals affect a protected landscape, the policy seeks to conserve and enhance biodiversity where possible through linking of habitats, landscaping and habitat creation. Consideration of the requirements of this policy is included in the officer's original report. Exmoor National Park Authority was re-consulted and has confirmed it does not wish to comment on the application.

Members also asked officers to consider the Minister's Speech by Greg Barker on 25 April 2013 which is referred to in Planning Practice Guidance. This was considered in the original officer's report and under paragraph 4 above.

### 3. Reasons for refusal and implications

Set out below are:

1. The Committee's proposed draft reasons for refusal,
2. Implications of refusing the application under each reason, and
3. Consideration of the relevant policies listed in the meeting that Members wished to be taken into account when drafting these reasons.

Set out below is suggested wording for the reasons for refusal to appear on the planning decision notice, together with any implications identified for each reason for refusal. This report does not repeat the reasons for the officer's original recommendation of approval, subject to conditions. These are set out in the report presented to the 5th November

Planning Committee meeting.

### **3.1 Landscape and visual impact of the proposal**

Suggested wording:

1. 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.

In their report to Planning Committee, your officers identified that there would be some harm to the landscape character and visual quality of the area, but, in balancing that harm against the benefits of production of renewable energy, were of the opinion that the benefits outweighed the harm. Members should undertake this balancing exercise for themselves and come to a conclusion as to the weight attributable to both the harm identified and to the benefits and determine whether the harm outweighs the benefits.

### **3.2 The effect on the local economy**

Suggested wording:

2. In the opinion of the Local Planning Authority, due its adverse effect on visual amenity and rural landscape character, the proposed solar photovoltaic installation is considered to harm the rural economy in an area which relies on tourism and country pursuits and which forms a gateway to Exmoor National Park, contrary to the National Planning Policy Framework which seeks to support a prosperous rural economy. Members should consider any evidence they have of a negative impact on the rural economy of a solar farm in this location and weigh any harm identified against the benefits of the production of renewable energy. Members should ensure that the evidence on which their reason for refusal is based is robust enough to defend this reason for refusal at appeal. In addition Exmoor National Park Authority has not objected to the application. Instead it has confirmed that it does not wish to comment.

### **3.3 Highway impact**

Suggested wording:

3. In the opinion of the Local Planning Authority, the increased traffic movements in Bowdens Lane during the construction period, the road being narrow and without passing places, would cause a significant danger to other road users, including to cyclists, horse-riders, pedestrians, and children using the Bowdens Lane play area, contrary to the National Planning Policy Framework. The Highway Authority has indicated that, subject to compliance with the submitted construction management plan, it does not object to the development for reasons of highway safety. The construction period and associated disruption to the highway network would be for a limited period only (3-4 months). The National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Members should consider any evidence they have that the proposed development would have a significant impact on highway safety and ensure that the evidence on which their reason for refusal is based is robust enough to defend this reason for refusal at appeal. Members should bear in mind that the Highway Authority will not assist Members in defending this reason for refusal at appeal.

### 3.4 Inappropriate use of medium grade agricultural land

Suggested wording:

4. In the opinion of the Local Planning Authority, the proposal would represent an unacceptable development of medium quality agricultural land where it has not been adequately demonstrated that use of this land is necessary, contrary to the National Planning Policy Framework.

The National Planning Policy Framework defines “best and most versatile agricultural land” as land in grades 1, 2 and 3a of the Agricultural Land Classification and directs Local Planning Authorities to seek to use areas of poorer quality land in preference to that of a higher quality. Policy DM5 of the LP3 DMP states that development should consider the quality and productivity of the best and most versatile agricultural land and defines this as grades 1, 2 and 3a. The land has been assessed as being grade 3b with some grade 4. At the meeting on 5 November, Members referred to the content of the Minister’s Speech referred to in Planning Practice Guidance which seeks to focus solar panels on previously developed and non-agricultural land. However, it does allow for agricultural land to be used for large scale solar PV if necessary, provided it is poorer quality land and an agricultural use can continue.

The land is not considered to be best and most versatile agricultural land in grades 1, 2 and 3a” and your officers therefore consider that, if a greenfield site can be demonstrated to be *necessary* for renewable energy development, then grade 3b and 4 land would be poorer quality land and would be acceptable.

Members are directed to the original officer’s report on page 59 which refers to the applicant’s assessment of alternative sites. Members should take into consideration the applicant’s assessment and come to a conclusion as to whether the applicant has demonstrated that there are no suitable alternative previously developed sites, and therefore whether the use of greenfield land is necessary.

#### **RECOMMENDATION:**

1. Members suggested reasons for refusal are set above in this report. Of the issues identified of concern to Members in respect of this proposal Members only refuse the application on landscape and visual impact grounds on the basis that the benefits of the production of renewable energy in this case do not outweigh the harm to the landscape quality and visual amenities of the area for the reasons set out below.

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.



**Contact for any more information**

Principal Planning Officer, Tina Maryan, 01884 234336  
Professional Services Manager, Jenny Clifford, 01884 234346

**Background Papers** Planning Committee 5th November and 3<sup>rd</sup>  
December 2014

Planning Practice Guidance  
Ministerial speech 25th April 2013

**File Reference** 14/01452/MFUL

**Circulation of the Report**

Cllrs Richard Chesterton  
Members of Planning Committee

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**IMPLICATIONS  
REPORT**

**PLANNING COMMITTEE  
3<sup>rd</sup> December 2014**

**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**14/01452/MFUL - INSTALLATION OF SOLAR ENERGY FARM ON  
13.34 HA OF LAND TO GENERATE 5.5 MEGAWATTS OF ENERGY  
(REVISED SCHEME) - LAND AT NGR 299298 125070 (EAST OF  
BOWDENS LANE) SHILLINGFORD DEVON**

**Reason for Report:**

**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.**

**RECOMMENDATION**

**Grant permission, subject to conditions**

**Relationship to Corporate Plan:**

None

**Financial Implications:**

Any appeal may require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal.

**Legal Implications:**

None

**Risk Assessment:**

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

At the Planning Committee held on 5 November 2014 Members of Planning Committee resolved that they were minded to refuse the above application contrary to officer recommendation and requested a further report to consider –

1. The Committee's draft reasons for refusal, and
2. The implications of refusing the application,
3. Compliance with relevant policies.

The Committee was minded to refuse the application on the following grounds:

1. Landscape and visual impact of the proposal
2. The effect on the local economy
3. Highway impact
4. Inappropriate use of medium grade agricultural land.

#### **1. The Committee's reasons for refusal**

Set out below are the reasons for refusal which would appear on the planning decision notice:

1. 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 application is 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.
2. In the opinion of the Local Planning Authority, the increased traffic movements in Bowdens Lane during the construction period, the road being narrow and without passing places, would cause a significant danger to other road users, including to cyclists, horse-riders, pedestrians, and children using the Bowdens Lane play area, contrary to the National Planning Policy Framework.
3. In the opinion of the Local Planning Authority, due its adverse effect on visual amenity and rural landscape character, the proposed solar photovoltaic installation is considered to harm the rural economy in an area which relies on tourism and country pursuits and which forms a gateway to Exmoor National Park, contrary to the National Planning Policy Framework which seeks to support a prosperous rural economy.
4. The development would be an unacceptable development of grade 3b and 4 agricultural land and as non-brownfield land is not considered to constitute poorest quality land and as such is contrary to the National Planning Policy Framework.

#### **2. The implications of refusing the application**

Each reason for refusal must be clearly justified and supported by evidence to substantiate that reason. Where it would be possible to impose suitable conditions to address potential reasons for refusal, this approach should be taken. Taking each proposed reason for refusal in turn:

1. Landscape and visual impact of the proposal

The independent review of the submitted LVIA identified a number of shortcomings with the submitted LVIA, in particular that the quality of the landscape was underestimated and the photoviews were not all up to the standard expected. However, Members will note from the officers' report that both the submitted LVIA and the independent review of that LVIA

concluded that the site was an acceptable candidate for solar PV, subject to mitigation in the form of additional planting and provided the existing land cover remained substantially the same.

From the submitted LVIA, the independent review and your officers' own assessment of the site, including reference to the document "An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District", your officers concluded that there would be some harm to landscape character and to the visual amenities of the area.

An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District identifies that the landscape character type LCT 3E Lowland Plains in which the development would sit, has medium to high sensitivity to large scale solar PV development and the potential landscape character impact needs to be assessed taking into account this perceived level of sensitivity. The land immediately adjacent to the site is identified as LCT3A Upper Farmed and Wooded Valley Slopes which has high sensitivity to large scale solar. As the development would also affect this landscape character type, this also needs to be taken into consideration. Existing land cover acts to break up the visible extent of the solar PV development within the landscape and reduces the potential impact the development could have on landscape character. Your officers consider that due to the limited visibility of the site and the mitigating effect of existing land cover and proposed planting, the impact of the proposal on landscape character is not considered to be significant and to be acceptable when balanced against the benefits of the production of renewable energy.

Similarly, due to the limited visibility of the site from public vantage points in the landscape and the partial, filtered or long distance views of the site from private dwellings, the proposal is not considered by your officers to have a significant impact on the visual amenity of the area and to be acceptable when balanced against the benefits of the production of renewable energy.

Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to sustain the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas and policy DM2 of the LP3 DMP requires development to show a clear understanding of the characteristics of the site its wider context and surrounding area and to make a positive contribution to local character. As mentioned in the officers' report, there would be some conflict with these policies. However, policy DM5 of the LP3 DMP which is the key policy for renewable energy developments, states that the benefits of renewable energy should be balanced against its impacts.

In assessing the impacts on landscape character and the visual amenity of the area, Members should assess the significance of these impacts and weigh that against the benefits of the production of renewable energy. Given that some harm to landscape character and the visual amenities of the area has been identified, it could be that Members could reasonably conclude in the balance of planning issues that this harm outweighs the benefits of the scheme.

## 2. The effect on the local economy

Your officers set out the potential impacts on the local rural economy in their committee report. The National Planning Policy Framework seeks to support a prosperous rural economy including promoting rural tourism and leisure developments and promoting diversification of agricultural and other land-based businesses. The proposed development would have limited visibility from public vantage points and is likely only to be glimpsed from

the B3227 in the winter months when travelling along this road. Little evidence has been provided that a solar PV installation would affect the rural economy in a negative way.

Without material evidence to the contrary, your officers do not consider the impact on the rural economy to be significant enough to warrant refusing the application on this basis, bearing in mind the stated benefits of the proposal.

### 3. Highway impact

The construction period will entail a large number of vehicle movements and these are described in the officers' report. Members expressed concern at the increased traffic on Bowdens Lane, a narrow single track lane, and at HGV traffic travelling through Bampton. Whilst it is not possible to prevent HGVs travelling through Bampton, the submitted documentation refers to traffic coming west from the M5. The increase in traffic would be temporary, during the construction and decommissioning periods only. The National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Subject to the conditioning of a construction management plan, the Highway Authority has no objection to the development. Members should bear in mind that the Highway Authority would not assist the Local Planning Authority in defending a reason for refusal on highway safety grounds should the application go to appeal. Members must be able to justify refusing the application on highway safety grounds and provide evidence to back up a refusal contrary to the Highway Authority recommendation.

### 4. Inappropriate use of medium grade agricultural land

At the meeting on 5 November, Members referred to the content of the Minister's Speech referred to in Planning Practice Guidance. Planning Practice Guidance acknowledges that large scale solar farms can have a negative impact on the rural environment and seeks to focus solar on previously developed and non-agricultural land. However, it does allow for agricultural land to be used for large scale solar PV if necessary, provided it is poorer quality land and an agricultural use can continue. The Speech goes on to state that where solar farms are not on brownfield land, "you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation". The Speech is referred to in Planning Practice Guidance and is a mentioned planning consideration.

The National Planning Policy Framework defines "best and most versatile agricultural land" as land in grades 1, 2 and 3a of the Agricultural Land Classification and directs Local Planning Authorities to seek to use areas of poorer quality land in preference to that of a higher quality. Policy DM5 of the LP3 DMP clearly states that development should consider the quality and productivity of the best and most versatile agricultural land and defines this as grades 1, 2 and 3a. The land included with this application has been assessed as being grade 3b with some grade 4 which would not be in conflict with this aim. The land in question is therefore not best and most versatile, but instead a combination of moderate (3b) and poor (4). The Planning Practice Guide refers to use of poorer quality land in preference to higher quality. It does not go so far as to specify the poorest grade land (grade 5). Members would need to be able to justify a different definition of the grade of agricultural land from that identified in planning policy if they are to defend this reason for refusal at appeal as this proposed reason for refusal is not supported by Policy DM5 or guidance in the Planning Practice Guidance.

### 3. Compliance with relevant policies

Members also asked officers to consider the following policies in their assessment of the application: COR2 a), b) and c), COR5, COR11 a), b) and c), DM2 a), b), c) and e) ii), DM7 1.29, and DM22 b), c) and d) and DM29 b). Taking these in turn:

COR2: This is considered in the original committee report and also under 2. 1. above.

COR5: This policy states that the development of renewable energy capacity will be supported in locations with an acceptable local impact, including visual, on nearby residents and wildlife. These considerations were addressed in the original committee report and your officers concluded that, on balance, these impacts were acceptable. Members should also consider whether the impacts are acceptable when balances against the benefits.

COR11: The Environment Agency has confirmed it has no objection to the proposal provided it proceeds in accordance with the surface water drainage strategy outlined in the proposal. Flooding did not form one of the Members' reasons for refusal.

DM2: This is considered in the original committee report and also under 2. 1. above.

DM7: This policy relates to development that negatively impacts the quality of the environment through noise, odour, light, air, water, land and other forms of pollution. These issues are addressed in the original committee report. Pollution did not form one of the Members' reasons for refusal.

DM22: This policy relates to agricultural development. Your officers do not consider that this policy is strictly relevant to the proposal, although each of the sub-paragraphs are addressed through consideration of other policies in the original committee report.

DM29: This policy relates to the proposal in that the development has the potential to affect the setting of Exmoor National Park. However, as set out in the committee report, the site is approximately 2.8 km from Exmoor National Park and is not visible from the Park. Your officers do not consider that the development will have a significant effect on the setting of the Park. Exmoor National Park Authority was consulted on 8 September 2014 but has not responded to that consultation. Your officers have looked back through the planning history for this site and have found a consultation response from Exmoor National Park Authority in relation to the EIA screening and scoping opinion, as follows:

"9th December 2013 - Thank you for consulting with the National Park Authority on this screening and scoping opinion. The proposed site is close to the National Park but because of the nature of the landscape in this area the impact may not be as severe as with some other proposals. Providing that the planning application includes a ZVI in relation to the National Park, to help an assessment of key viewpoints and therefore potential impacts, the National Park Authority would not wish to require an Environmental Statement in this case."

Exmoor National Park Authority has been re-consulted and Members will be updated on any response.

Members also asked officers to consider the Minister's Speech by Greg Barker on 25 April 2013 which is referred to in Planning Practice Guidance. This has been considered under "Use of good quality agricultural land" above. The Speech is generally supportive of solar but recognises the concerns of communities, the loss of productive agricultural land and the over-incentivising of solar on green field land. The Minister's Speech confirms the Government's commitment to solar energy and states that the Government wants to see

more solar, but “not at any cost, not in any place and not if it rides roughshod over the views of local communities”.

The local community has objected strongly to the proposal and the concerns set out in those objections have been considered in the original committee report. The planning concerns of the community are very relevant to determining this application and must form part of the balancing exercise.

### **Conclusion:**

Members have stated that they are minded to refuse the application for the reasons given above. Your officers consider that, on balance, the scheme is acceptable, when the benefits are weighed against the harm. Members should carry out a similar balancing exercise and provide justification for each reason for refusal given if they are minded to refuse contrary to officer recommendation.

## **1.0 DESCRIPTION OF DEVELOPMENT**

1.1 The application is for the installation of a ground mounted photovoltaic solar array on approximately 13.34 hectares of agricultural land to generate up to 5.5MW of power, together with associated infrastructure.

The application site lies approximately 1.4 kilometres to the north-east of Shillingford. The site consists of 5 agricultural fields and extends to approximately 13.34 hectares. The land is currently used for grazing. The topography of the site is south facing sloping land on the northern side of a valley. The site itself is on the lower ground which has a gentler slope than the higher fields. An overhead electricity line runs to the south of the site.

The development would consist of 26,300 crystalline PV panels mounted on steel frames to a maximum height of 3.5 metres, in rows facing towards the south. The application includes 5 x inverter/transformer cabins. The inverter cabins are to measure 8.7 metres x 2.6 metres and have a maximum height of 3.2 metres and will be on a concrete plinth set into the ground. A control building measuring 5 metres x 5 metres and 4.5 metres in height would be provided adjacent to the electricity sub-station at the Bowdens Lane entrance.

There would be an access track running east/west from the Bowdens Lane entrance to the site which would be approximately 1.4 kilometres long, 3 metres wide and surfaced with aggregate.

It is intended that the security fencing would be deer fencing with a height of 2.5 metres with security cameras mounted on the fence posts. No lighting is proposed.

Additional hedge and copse planting is proposed.

Permission is sought for a temporary 25 year period, after which the land would revert to agriculture.

<b>Contact for any more information</b>	Tina Maryan 01884 234336
<b>Background Papers</b>	Application Files
<b>File Reference</b>	14/01452/MFUL
<b>Circulation of the Report</b>	Cllr Richard Chesterton





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## Menu

### Speech

## Gregory Barker speech to the Large Scale Solar Conference

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**From:** Department of Energy & Climate Change  
(<https://www.gov.uk/government/organisations/department-of-energy-climate-change>) and  
The Rt Hon **Gregory Barker MP** (<https://www.gov.uk/government/people/gregory-barker>)

**Delivered on:** 25 April 2013 (Original script, may differ from delivered version)

**Location** County Hall, Truro, Cornwall

**First published:** 25 April 2013

**Part of:** Increasing the use of low-carbon technologies  
(<https://www.gov.uk/government/policies/increasing-the-use-of-low-carbon-technologies>),  
Energy (<https://www.gov.uk/government/topics/energy>) and Climate change  
(<https://www.gov.uk/government/topics/climate-change>)

The Minister for Energy and Climate Change gave a speech to the solar PV industry on 25 April 2013.



It's a great pleasure to be here today to speak to you at the Large Scale Solar Conference. And how appropriate to be here in Cornwall! A county that has long been at the forefront of the UK's drive towards a greener economy.

And with levels of solar PV deployment now at a terrific 2.5GW, it seems like the perfect occasion to reflect on the progress the sector has made in recent years, and to map out our hopes and ambitions for the future.

There are three big points I want to get over today:

1. The Coalition Government is committed to placing solar PV at the heart of the UK's energy mix

- 2.

We have an ambitious and hands-on strategy to drive it forward

3.

Solar is rightly popular. But if we aren't careful, or if the sector expands inappropriately, that invaluable popular public support will slip through our fingers. We don't want solar to become a bone of public contention like onshore wind.

And that is my key message today. Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more.

But not at any cost... not in any place... not if it rides roughshod over the views of local communities.

As we take solar to the next level, we must be thoughtful, sensitive to public opinion, and mindful of the wider environmental and visual impacts.

But if we are smart, and there are plenty of smart people in this sector, there is no reason we can't do that successfully. Indeed, we have to!

## **Solar's progress so far**

Now earlier this year, the Prime Minister re-iterated this government's commitment to green growth.

He said "When I became Prime Minister I said I wanted Britain to have the greenest government ever and I am as committed to that today as I was then. But I want to go further."

To me it is absolutely clear. If we want to go further, solar PV must be at the centre of that ambition.

This is why solar is now, for the first time, a priority industry in the Government's Renewables Roadmap.

And solar, alongside other industries, will benefit from the Coalition Government's new Energy Bill.

The new energy framework will revolutionise our energy system through introducing measures to attract the £110 billion investment needed to replace current generating capacity and upgrade the transmission and distribution grid by 2020.

But we should be very proud of the progress that's been made in the solar sector. Particularly over the last two years.

At times the journey has been difficult. Reforming the ill-thought through and clumsy FiTs scheme was tough for the market. But the UK is now firmly established as one of the top 10 markets for solar PV worldwide. Since January, almost 400MW of solar was deployed under the Renewables Obligation. Despite one of the worst winters on record!

We have now seen over 420,000 small-scale installations, totalling almost 1.5 GW under the Feed in Tariff alone. Up and down the country, solar is powering thousands of homes and businesses and supports some 15,000 jobs.

This progress includes fantastic new projects like the 5 MW array at the Bentley Motors Factory in Crewe, the UK's largest rooftop solar array...

...Over 1 MW in the country's largest "solar bridge" at Blackfriars in London...

...and the 30 MW Wymeswold Solar Farm in Leicestershire, the UK's largest, built on a disused World War 2 airfield.

## **Making solar work for local communities**

This is a technology that is clean, reliable, accessible and is becoming increasingly affordable....

....and solar power consistently rates as the renewable technology with the highest level of public support. DECC's own public opinion tracker gives it an 82% approval rating.

We want to keep it that way.

This means it must work for local communities, with sensible, sustainable design of new projects. And for larger deployments, brownfield land should always be preferred.

The solar farm at the former Wheal Jane tin mine, just down the road, is a good example of how this can be done.

In other parts of the country, solar has been installed on disused airfields, degraded soil and former industrial sites. This is the model for future solar projects.

But this is not a new position. I have been clear on this point from when I first entered government.

Back in 2010 I told the House of Commons that "large field-based developments should not be allowed to distort the available funding for roof-based PV, other PV and other types of renewable." I still stand by this.

Indeed, in January I reiterated this in the House of Commons. I said, and I quote:

"We need to be careful that we do not over-incentivise large-scale ground-mounted projects in inappropriate places – I am thinking of greenfield agricultural land – that could generate strong opposition to our community energy agenda... ..It needs careful design and thoughtful consideration. It certainly could not be a scheme about renewable energy at any cost. Impacts on the local community, on landscape and on consumer bills have to be a real consideration..."

So our message is very clear. And it is consistent.

We have revised our subsidy structure, offering higher levels of support to building-mounted solar PV. And we will do our best to spread examples of best practice, focusing deployment on buildings and brown-field land – not green-field.

Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation...

... incorporating well thought out visual screening....

...involving communities in developing projects and bringing them with you...

...all of these will be vital in creating a sustainable future for large-scale solar PV.

## **Taking solar further**

But no one organisation can carry the solar PV revolution on which we are all embarking.

To do this the sector needs real champions...

...champions with the vision, the ambition and the resources to lead the charge on the next stage of solar PV's journey into the mainstream.

This is where the National Solar Centre comes in.

I was delighted to be asked to cut the ribbon at the NSC this afternoon. I believe it will be an essential component in underpinning the industry.

It will help establish an effective infrastructure for sustained growth through a wide range of activities:

...developing formal Technical Standards... ...due diligence... ...  
developing a range of best practise guidance and training... ...  
driving innovation through R&D.

It will also act as a nucleus to influence new markets, and to benefit from the global solar community.

The commitment the Building Research Establishment has shown in driving this forward will help lay the groundwork for more concrete links between the solar PV, building and construction sectors.

I also pay tribute to Ray Noble, who has worked unstintingly to promote and develop the solar sector in the UK. His vision and hard work has made the NSC possible.

## So, what next?

In the early summer the Coalition will be publishing the first-ever government Solar PV Strategy.

This will set out, in more detail, the work which needs to be done – both by government and the private sector – to capitalise on the sector's growth and take it to the next level.

An important part of this is the creation of a new Solar PV Strategy Group, jointly chaired by DECC and the National Solar Centre.

As the sector grows, we need to balance the huge opportunities with responsible growth. As a key part of our work on a Solar Strategy, we will work, in association with the sector, on how we can ensure that large-scale solar deployment is truly sustainable.

What criteria the sector should follow, how they can be most effectively implemented – and enforced. That way, we can achieve our twin aims of growth of solar PV and protection of our rural environment.

The Solar PV Strategy Group brings together industry and government to ensure that we work effectively to address the challenges facing the sector over the coming years.

We will be consulting this group as we finalise the Solar PV Strategy over the coming weeks.

And there are other DECC initiatives which will underpin that progress....

... including our flagship Green Deal which policy is turning out to be a real motor for driving demand...

... the new Government and Industry Solar PV Strategy Group...

... reform of the electricity markets and the other measures set out in our Energy Bill....



...and, of course, the recent changes to the FITs scheme and the RO have put in place a stable foundation on which to build further deployment. And provide good projects with the type of return needed to secure investment.

Before I conclude I would like to mention something many of you will consider to be the "elephant in the room"....

...the European Commission's anti-dumping investigation into PV imports from China.

I completely understand the difficulties and uncertainty this is already causing many of you.

I want to reassure you that the government is working hard to ensure the Commission's response and any measures imposed are proportionate and take account of wider effects on the industry.

We will have greater clarity on the Commission's intentions early in the summer and I would strongly urge you to continue to work through your trade associations. As I know you already do.

## **Conclusion**

The UK already is one of the best places for green energy, for green investment and for green jobs across the world.

And it is right that we should be putting solar PV at the heart of our green energy policy.

And I want us to continue to work together – government and industry – because this is a shared endeavour.

You are the businesses who can continue to develop our expertise in solar technology. To use this technology to cut costs, compete internationally and boost jobs.

You are the experts who can help us build the future of this industry...

...through the new Solar PV Strategy Group which will help to inform our new Solar Strategy.

There is no doubt that there are challenges. But those challenges will be met by us all together and this is just the beginning of our journey.

I would like to end with another quote from the Prime Minister, this time from February this year. He said that green energy makes "our energy sources more sustainable, our energy consumption more efficient and our economy more resilient to energy price shocks – those things are a vital part of the growth and wealth that we need".

Thank you.

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- Share on Twitter (<https://twitter.com/share?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fspeeches%2Fgregory-barker-speech-to-the-large-scale-solar-conference&text=Gregory%20Barker%20speech%20to%20the%20Large%20Scale%20Solar%20Conference>)

where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays



# Agenda Item 8

## AGENDA ITEM

PLANNING COMMITTEE  
11<sup>th</sup> February 2015

### REPORT OF THE HEAD OF PLANNING AND REGENERATION

### PLANNING PERFORMANCE 2014-15 QUARTER THREE

#### RECOMMENDATIONS

For information and discussion

#### REASON FOR REPORT

To provide the Committee with information on the performance of Planning Services for quarter three 1<sup>st</sup> October to 31<sup>st</sup> December 2014

#### MATTERS FOR CONSIDERATION

Performance against targets.

#### RELATIONSHIP TO CORPORATE PLAN

Well managed Council

#### 1.0 PLANNING PERFORMANCE

Set out below are the Planning Service performance figures for quarter three 1<sup>st</sup> October to 31<sup>st</sup> December 2014 of the current financial year together with previous quarters for comparison and the year 13/14. The targets for the presentation of policy and related plans and documents (which are considered by Cabinet) are also set out below.

The performance data is published quarterly on the Council's web site at

<http://www.middevon.gov.uk/index.aspx?articleid=4026>. The performance over the last twelve months is set out below. The last three quarters have seen a significant increase in performance in processing Major, Minor and Other applications and all are currently above central Government targets.

Planning Service Performance 2011/12	Target	2013/14	2014/15			2014/5 ¾ year to date
			Q1	Q2	Q3	
			Apr-Jun	Jul-Sep	Oct-Dec	
Major applications determined within 13 weeks	60	37	50	75	57	61
Minor applications determined within 8 weeks	65	54	64	71	68	68
Other applications determined within 8 weeks	80	76	84	77	83	81
Householder applications determined in 8 weeks	85	83	91	82	89	88
Listed Building and Conservation Area Consents	80	71	68	66	77	71
Enforcement Site Visits undertaken within 15 days of complaint receipt	87	89	100	100	80	93
Delegated Decisions	90	93	94	95	96	95

Applications over 13 weeks old without a decision ( less than )	<45	53	28	34	30	31
Major applications determined within 13 weeks (over last 2 years)	>40%	67	57	53	50	64
Determine all applications within 26 weeks (per annum – Government Guarantee)	100	94	94	95	96	97
Building Regulation Applications examined within 3 weeks	95	87	70	<b>92</b>	88	83
Building Regulation Full Plan applications determined in 2 months	95	99	100	<b>99</b>	93	97

Current policy production targets are.

<b>Document</b>	<b>Anticipated Presentation</b>
Local Plan review	Consultation set for February 9 <sup>th</sup> to March 31 <sup>st</sup>
CIL Draft Charging Schedule	Consultation set for February 9 <sup>th</sup> to March 31 <sup>st</sup>
Annual Monitoring Report	AMR presented to Cabinet February 2014
Heritage Assets Register	Published on web site
Cullompton Article 4 Review	Consultation completed December 2014
Conservation Area Appraisals and Management Plans	Consultation from the 2 <sup>nd</sup> Feb to 16 <sup>th</sup> March
	Exhibitions
	Thorverton Village Hall 10 <sup>th</sup> Feb
	Morchard Bishop Memorial Hall 12 <sup>th</sup> Feb
	Newton St Cyres Village Hall 18 <sup>th</sup> Feb
	Cheriton Fitzpaine Parish Hall 20 <sup>th</sup> Feb
Silverton Memorial Hall 2 <sup>nd</sup> March	
Solar and Wind Landscape Impact SPD	In preparation
Self Build SPD	In preparation
Open Space SPD	In preparation

<b>Background Papers</b>	PS1 and PS2 returns.
<b>Circulation</b>	Cllr Polly Colthorpe, Cllr Richard Chesterton

