

Application No. 19/01679/FULL

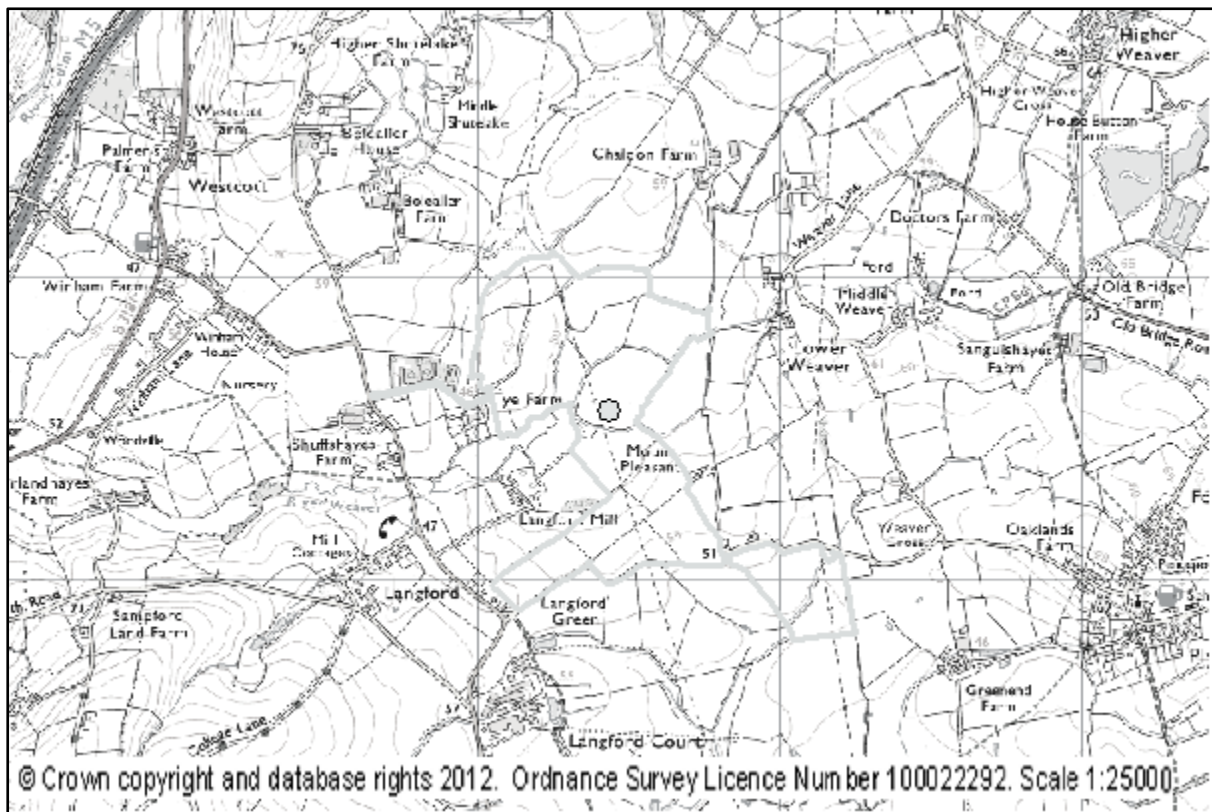
Grid Ref: 303437: 103555

Applicant: Mr McAllister, JBM Solar Projects 2 Ltd.

Location: Land at NGR 303437 103555
East of Langford Mill and Tye Farm
Langford
Devon

Proposal: Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure.

Date Valid: 9th October, 2019



PLANNING COMMITTEE

18 August 2021

PROPOSED DEVELOPMENT

This planning application proposes the installation of a 49.9MW solar farm comprising ground-mounted solar PV panels, battery storage facility, and associated plant, infrastructure, and other works.

The site is approximately 61ha in area and comprises farmland located in open countryside. The site is located to the north east of the village of Langford, north west of Plymtree and north of Clyst Hydon. The landscape of the site is undulating to the flood plain, though there are some steep slopes within the site, (approximately 11%).

An unnamed road runs in a north – south direction in close proximity to the western boundary of the site. Three access points are proposed into the site from the public highway. Two will be to the south of the site and one to the north west of the site. The construction access will be from Tye Farm at the north-west part of the site. The site is bisected by an unnamed road.

The River Weaver flows through the site in an east west direction. Parts of the site are located in Flood Zones 2 and 3, including the floodplain.

The proposed solar panels (PV) will be laid out in rows on an east –west axis, facing south with a 15 degree orientation from the horizontal to maximise efficiency. The maximum height of the panels will not exceed 3m. Plant with other equipment and access tracks will be located around the site. This supporting equipment will include 15 inverter cabins, including one with switch gear.

The battery storage facility will be located in the south eastern corner of the site. There will be battery units in containers, a storage container and an inverter cabin. This area will also house the 132 kv electricity substation for the site. There will be underground cabling to link the development to the substation.

REASON FOR DEFERRAL

At Planning Committee on 31st March 2021 members RESOLVED that the application be deferred for a Full Committee site visit to be undertaken and returned to committee accordingly with further information to come forward within a report to include the environmental impact of the application (question 2), details of the biodiversity plan (Questions 16-18), land management (question 9), mitigation of flood risk (questions 6, 7) and the shielding of the site (question 9). Members were also requested to inform the Development Management Manager of any further information they would like included in the additional report by Friday 9th April 2021.

The additional information was tabulated as a set of 20 questions or clarifications which encompass all the known outstanding matters and will be referred to as questions for ease of reference. Whilst some of these fall within the above categories, other questions fell under the generic headings Access and Highways (questions 4 and 5), Heritage and Visual Impact (questions 11,13-15), Planning

Obligations (question 10) and Planning Balance (question 8). The remaining questions relating to the enforcement, wording and monitoring of conditions (question 1 and 19), and measurement of solar farm outputs (question 3) In addition were non-specific questions related to an updated relevant condition (question and clarification of representations set out above (question 20).

REASON FOR FURTHER DEFERRAL

At Planning Committee on 14th July 2021 It was RESOLVED that Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal that of:

- Adverse impact on the landscape;
- Adverse impact on the Grade 2 Langford Court;
- Additional loss of high grade agricultural land

ORIGINAL OFFICER RECOMMENDATIONS

As set out in the updates report for Planning Committee 14th July 2021, the officer recommended approval subject to conditions as revised and contained within the said update report.

Please be advised that the original and updated report is also appended to this report.

Financial Implications: At this time there are no financial implications to the Council. Should Members decide to refuse the application, the applicant may lodge an appeal against the Council's decision. In addition 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 in line with the development plan and all other material considerations. If the Inspector found that the Council had behaved unreasonably in refusing the application, the Council would be required to pay the applicants appeal costs.

Legal Implications: The report identifies the views of the highway authority as statutory consultee in the planning process. If members resolve to refuse the application on highway (or other) grounds they must be able to clearly justify each reason for refusal. There would be no support at the appeal from the Highway Authority.

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. Those costs could be significant in the event of the appeal being heard by public inquiry.

Equality Impact Assessment: Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share

it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons with protected characteristics have been identified in the determination of this application.

Relationship to Corporate Plan:

Environment

Encourage "green" sources of energy, supply new policies and develop plans to decarbonise energy consumption in Mid Devon

Impact on Climate Change:

Section 70 (2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that in determining a planning application, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 11 of the Framework. The climate emergency shall be considered through existing planning policies and any subsequent development plans.

INTRODUCTION

At Planning Committee on 14th July 2021 It was RESOLVED that Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal that of:

- Adverse impact on the landscape;
- Adverse impact on the Grade 2 Langford Court;
- Additional loss of high grade agricultural land

UPDATED POLICY INFORMATION

The National Planning Policy Framework was updated since the matter was before members on 14th July 2021. Accordingly, certain paragraphs of the NPPF where quoted will be updated in this report.

CONSIDERATION OF THE PROPOSED REASONS FOR REFUSAL

Adverse Impact on the Landscape

Natural England commented that the proposed development is for a site within 6km of the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and has triggered Natural England's Impact Risk Zones for solar developments greater than 10ha. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Natural England advised that the decision should be guided by paragraph 172 of the National Planning Policy Framework (this is now paragraph 176 and has been amended to:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues...The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The NPPF continues with paragraph 177 stating:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*

Advisory notes in the NPPF advise that for the purposes of the above paragraphs that whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

Natural England note that the statutory purpose of the AONB is to conserve and enhance the area's natural beauty. They remind us that the SPD 'Solar pv developments in the landscape 2016' suggest that all landscapes in Mid Devon are sensitive to very large schemes (>15ha).

To recap, the 31st March 2021 report to the Planning Committee noted that the applicant submitted a Landscape Visual Impact Assessment as part of the application, and this was considered against the policies of the Local Plan 2021 – 2033 and the Council’s Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016).

The SPD identified three main principles against which a solar PV development must be considered against

Principle 1: Solar PV developments should minimise their effects on the landscape through sensitive siting and design.

Principle 2: Solar PV development should be of a size and scale appropriate to the landscape, with particular regard to its sensitivity to change as a result of such development.

Principle 3 Solar PV development proposals should include an assessment of landscape and visual effects, taking into account the location of the site's landscape sensitivity as well as that of adjoining Landscape Character Types and Areas (where appropriate). The cumulative effects of existing and consented solar PV development in the surrounding area should also be considered.

The case officer acknowledged that the proposed solar farm would introduce a new and uncharacteristic feature to the landscape of this part of Mid Devon which may have an impact upon the character of the area. The SPD assesses that the host landscape (Lowland Plains) has a landscape with medium sensitivity to solar PV development – although it is highly sensitivity to very large solar PV developments (such as the proposal).

“Though it should be noted that the SPD is a high level guidance documents and should not replace an individual site assessment for a proposal of this kind”.

The applicant submitted a Landscape Visual Impact Assessment for the solar farm. The applicant considered that the visibility of the proposal would be limited by the surrounding landforms of the rolling countryside, the intervening vegetation and the distance of the site. In addition the low profile of the panels would not be easily perceptible in most views from publicly available viewpoints, which are limited in number.

“Following on from this the Council had an independent review of the LVIA carried out due to the size of the development within the Mid Devon rural landscape”.

The independent review concluded in the wider landscape, the development would result in the change of rural character over an extensive area of the local landscape and would result in the introduction of new, uncharacteristic elements into the landscape. While the arrays would be noticeable in the local landscape, their full scale would only be perceived in a few locations on high ground at some distance from the site. In the local area, existing tree growth, substantial hedgerows and the generally flat topography would help to mitigate the overall scale of the proposal.

Importantly the case officer advised that:

“The Visual effects are considered to be in line with those predicted in the LVIA, with the exception of VPs 5 (Langford Court) and 6 (Hill west of Clyst Hydon), where effects are assessed as major adverse and moderate/major adverse respectively. It is acknowledged that the introduction of PV solar arrays at this scale would introduce a prominent new element into the view behind Langford Court (Grade II) The nature of the view would change from one of typical rurality containing only agricultural and natural features to one where PV solar array was evident and prominent. The view would be of a rural, farmed landscape containing PV solar array as a defining element.*

The proposal overall would lead to lesser landscape and visual effects than might be predicted from the SPD assessment of the host landscape. As a result, it is considered that further mitigation (other than reducing the overall scale of the proposal) would have little effect on further reducing landscape or visual effects”.

It should be noted that the independent review did not disagree with the LVIA conclusion in relation to VP7 from the edge of Plymtree and taking in Langford Court in the mid distance. It is considered that there would be a minor/ moderate impact on the landscape. The proposed solar farm battery storage and substation would be distinguishable in the mid-ground. Proposed planting would further screen this area over time.

In conclusion, the case officer advises that:

“Overall the proposal will have a moderate/ minor impact upon the landscape of the area, though there are areas of concern with two of the viewing points with major and moderate/major concerns. Taking the 61ha site as whole it is considered that the harm identified with VPs 5 and 6 is not sufficient to warrant the refusal of the development on impact to the landscape character”.

However, Natural England also note that that the proposal includes maintaining established field boundaries, planting native hedgerows and trees, enhanced wildlife corridors through the site and new species rich grassland around the panels and our advice is that any mitigation and enhancement measures are secured through a conditioned Landscape and Environmental Management Plan (LEMP). There may also be the potential for the development to have a wider positive impact by financially contributing to local environmental / social initiatives in the Parishes affected to help connect people and wildlife.

In addition within the Environment Agency response includes the advice that ‘*any mitigation and enhancement measures are secured through a conditioned Landscape and Environmental Management Plan (LEMP)*. The applicants have advised that that they consider the use of a LEMP to be good practise on its sites, and would be content with a pre-commencement condition requiring submission of, and the LPA’s written approval for, a LEMP. Accordingly, officers added a LEMP as an additional condition (no. 22) as set out in the update report for 14th July 2021 Planning Committee.

Adverse Impact on the Grade II Listed Building Langford Court

To recap, Members noted Historic England’s response which in reference to Langdon Court that they were not entirely in agreement with the heritage statement.

They also note that Langdon Court, a grade II* late medieval (and later) house has the potential for its setting to be most directly affected. This is due to its position 350m from the nearest extent of the solar array, and the fact that the array extends across a considerable extent of landscape which forms a backdrop to the north of the Court.

However the final paragraph of Heritage England’s response states that:

“We are satisfied that your own specialists can take an informed view of the level of harm that might occur to the setting of Langford Court once a site visit has been made, and it is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request”

Members note that the Conservation Officer in his last paragraph of his response in summary suggests that the proposal would result in registerable harm to the significance and setting of the grade II* listed Langford Court which must be given considerable weight.

To recap, the Committee report noted that there are no designated heritage assets within the site; however Langford Court, a Grade II* building is a heritage asset outside but in close proximity to the development site. This heritage asset requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. The importance of considering the impact of new development on the significance of designated heritage assets is dealt with in section 16 of the NPPF.

This section of the NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm requires clear and convincing justification. However the NPPF does explain that the setting is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Langford Court is a Grade II* house, which was originally the centre of a 465 acre estate which over time the grounds have been divided to accommodate an intensive agricultural regime as well as now being used as two separate dwellings,

The Committee Report dated 31st March 2021 explains:

“consideration of harm to the setting of Langford Court by the solar farm, must be seen within the context of the setting of the Court which has been altered by the agricultural buildings. It is clear from the submitted Heritage Assessment that the overall views of the solar panel array from Langford Court itself would not cause harm to the setting of the house. Both Historic England and the Council’s Conservation officer state that the issue is the impact of the location of the solar panel array in the south eastern part of the application site upon the setting of Langford Court.

It has already been recognised through the LVIA discussion that the view from the west towards Langford Court (to the east) will change from the house with a rural landscape to the house with a back drop of the solar panel array. This view has been designated as a major adverse view upon the landscape. In contrast the view from the edge of Plymtree looking east towards Langford Court and over the array has a moderate impact on the landscape.

There is no doubt that the introduction of the solar farm in this location will have an impact upon the setting of Langford Court, in particular when looking from the west to the east. Having reviewed the setting and taking account of the consultations it is considered because of the distance, the visual impact of the panels would be limited and would be a small part of the wide countryside setting of Langford Court, the overall impact would be less than substantial harm”.

With regard to weighing the balance the Committee Report goes on to explain that:

“Paragraph 196 of the NPPF states that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’. This is reiterated by Local Plan policy DM25 (d). In terms of the public benefit the solar farm of this size will generate a significant amount of electricity from renewable sources. In context the proposed solar farm can meet the energy needs of approximately 10,077 homes in the Mid Devon District. This would be a substantial benefit to Mid Devon and would mean that Mid Devon would be contributing to the aims of Devon Climate Emergency Response Group by reducing carbon emissions. It should also be noted that the scheme would represent a substantial investment of £40,000,000. The development will also support between 70 and 80 direct and indirect jobs during the construction phase and a smaller number of jobs when the solar farm is operational. Taking account of the public benefit of the scheme in the production of renewable energy balanced with the less than substantial harm impact of the solar farm on the setting of Langford Court, it is considered that the proposal on balance accords with Local Plan policies DM2 and DM25 and the provisions of the NPPF”.

It is considered that the heritage and visual impact matters have been satisfactorily addressed and that the officer had come to the view of harm being less than substantial in weighing up the overall impact of the solar farm on Heritage assets. In applying the balance with regard to less than substantial harm against the public benefits of the proposal, it is considered that this was argued clearly both in this section and in the Planning Balance section at the end of the Committee report of March 31st. Accordingly, officers consider that there is nothing substantive further to add.

For information paragraph 196 of the NPPF 2019 is now paragraph 202 of the NPPF 2021.

Additional Loss of agricultural land

Natural England note that from the documents accompanying the consultation that the application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (BMV) (paragraph 112 of the National Planning Policy Framework).

For information this is now paragraph 114 of the revised NPPF

Natural England go on to note that the Agricultural Land Classification report (Davis Meade Agriculture October 2019) indicates that the land affected is predominantly Grade 3b and not therefore BMV agricultural land. Accordingly, no detailed comments in relation to agricultural land quality and soils, was made by them.

They note that the proposed panel arrays would be mounted on steel posts driven into the ground and that no substantial areas of concrete construction would be required, with the exception of foundations for the Inverter, the sub-station buildings and the battery storage facility, meaning that the panel arrays could be removed when planning permission expired with no likely permanent loss of agricultural land in the long term.

They also advise that soil would be disturbed in some parts of the site through the construction of the switch station and access tracks and installing of buried cables this equates to a relatively small area and much of the soil disturbance is likely to be reversible during decommissioning.

“Based on the information provided, the agricultural use of the land would subsist alongside the proposed PV panels through the grazing of sheep and that the land would be restored to full agricultural when planning permission expired (approximately 40 years)”.

The case officer in her 31st March 2021 report to planning Committee, notes that the stance taken by the NPPG is to encourage the effective use of land by focusing large scale solar farms on previously developed land and non-agricultural land:

“Paragraph 13 of the NPPG goes on to state 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”.

The NPPF defines the best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification and the implication is that development should use the poorer quality land paragraph. The case officer notes that:

“The application is supported by an Agricultural Land Classification report (ALC) undertaken by qualified expert, who confirms that the proposal would utilise 17 fields making up 61ha, with 15 fields of Grade 3b, 1 fields of Grade 4 and 1 field of Grade 5. This means that the site comprises of, at best moderate quality agricultural land, to poor quality and very poor quality agricultural land; therefore the proposal does not result in the loss of good quality agricultural land, and there would be no objection to the use of this land with Grades 3b, 4 and 5 of Agricultural classification”.

In summation:

- The site area for the proposal will cover 61ha, it can only be described as substantial.

- The solar farm would be in situ for a 40 year period and would not result in the long term loss of agricultural land
- The solar panels are to be secured to the ground with steel piles with limited soil disturbance, which means that the panels can be removed in the future with no permanent loss of agricultural land quality.
- Whilst the construction of the substation and other buildings may permanently impact the agricultural land, but this would be for relatively small areas within the whole development area.
- The proposal also includes the planting of grassland around the solar panels for grazing of animals and this would allow for a continual agricultural use during the anticipated 40 year operation of the solar farm.

It must be further noted that this reason for deferral was not present as a reason for the initial deferral nor in the additional questions posed by members which was dealt with in the report to Planning Committee on 14th July 2021.

Overall it is concluded that it would be difficult to justify a refusal of the proposal on the grounds of the impact upon the agricultural land; and that the proposal complies with policies S1, S9 and DM2 of the Local Plan and national policy in respect of agricultural land.

Other Matters

One of the factors with regard to climate change policy is that meat consumption per head should be significantly reduced. The applicant as a beef farmer would therefore need to take this into account and the proposed development would provide an alternative land use. The quality of the agricultural land may limit the number of crops that may be able to be grown.

The role of a landowner is not to maintain the status quo; it is to utilise the resources we have available to provide social, economic and environmental value for both current residents and for future generations. In supporting this application for renewable energy in Mid Devon; it demonstrates a commitment to the young people of Devon and the future of our county, at a time where we are still in a fortunate enough position to be able to make a positive impact.

The Langford Solar Farm represents a vital addition to the local community - supporting energy for 10,000 Mid Devon homes - at a time of considerable local growth, not least from the proposed Culm Garden village. The Solar Farm will benefit the local community through providing clean, safe and sustainable energy, with an annual CO2 emissions reduction of over 20,000 tonnes. This aligns with guidance from the National Planning Policy Framework that the planning system should “support renewable and low carbon energy and associated infrastructure”.

Planning Balance

Members note the large scale nature of this scheme as defined in the MDDC Solar PV developments Supplementary Planning Document (SPD). This raises the question of how to employ the planning balance for such a scheme in this location.

The previous report noted that the scheme is acceptable in principle in the context of local and national planning policy guidance.

With regard to weighing up the merits of the proposed development, officers note the following

Social and Economic Benefits

- The social and economic benefit of providing for the average electrical needs of 10,077 homes in the Mid Devon area.
- The proposal would support economic growth in this part of Mid Devon area by providing an additional source of income and so increasing the financial security of farming enterprises.
- The proposed development would represent farm diversification which is supported by the NPPF. The agricultural function of the land would also continue by means of sheep grazing and the site would be used effectively for agriculture as well as for electricity production.
- There would be a financial investment in the local economy with employment opportunities.
- The scheme will provide £190,000 in business rates for the council to fund other local needs.
- The proposals are far more viable than other forms of panelling, such as industrial roofs.

Environmental benefits

- Devon and Mid Devon councils have set ambitious climate goals for 2030 and 2050. It would allow Mid Devon to address the Climate Emergency in conjunction with Devon County Council
- Transitioning away from fossil fuel energy production and towards renewables is essential for achieving these aims.
- The ecological enhancement of the application site with species diverse meadows and additional and improved habitats such as new hedgerows and belts of rough grassland. This would accord with national guidance that biodiversity improvements are to be encouraged around arrays.
- It will also contribute a biodiversity net gain on sub-prime agricultural land.

Environmental- Neutral

The application has been found to be acceptable with regards to impact on trees/hedgerow, residential amenity, heritage, archaeology, highways and not resulting in any increased flood risk.

Social- Neutral

The presence of a solar farm is considered neutral in social terms.

Disbenefits

Some adverse impacts are identified in terms of impacts with regard to Highways and access and Heritage and Visual impacts. However it is clear from the previous report that any such disbenefits can be satisfactorily mitigated through the imposition of planning conditions.

Overall, the proposed solar farm would result in a substantial benefit in terms of energy production and officers are satisfied that no significant adverse impacts have been identified which would outweigh this benefit. The proposed development is acceptable and would represent sustainable development in accordance with Mid Devon Local Plan 2013 – 2033 and the national guidance.

CONCLUSION

At Planning Committee on 14th July 2021 It was resolved that Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal that of:

- Adverse impact on the landscape;
- Adverse impact on the Grade 2 Langford Court;
- Additional loss of high grade agricultural land

With regard to adverse impact on the landscape, in summation overall the proposal will have a moderate/ minor impact upon the landscape of the area. Taking the 61ha site as whole it is considered that the harm identified with VPs 5 and 6 is not sufficient to warrant the refusal of the development on impact to the landscape character.

Natural England note that the proposal includes maintaining established field boundaries, planting native hedgerows and trees, enhanced wildlife corridors through the site and new species rich grassland around the panels and our advice is that any mitigation and enhancement measures are secured through a conditioned Landscape and Environmental Management Plan (LEMP).

In addition within the Environment Agency response includes the advice that '*any mitigation and enhancement measures are secured through a conditioned Landscape and Environmental Management Plan (LEMP).*

Accordingly, officers added a LEMP as an additional condition (no. 22) as set out in the update report for 14th July 2021 Planning Committee.

With regard to impact on Langford Court, Historic England note that Langdon Court, a grade II* late medieval (and later) house has the potential for its setting to be most directly affected due to its position 350m from the nearest extent of the solar array, and the fact that the array extends across a considerable extent of landscape which forms a backdrop to the north of the Court.

It is considered that the heritage and visual impact matters have been satisfactorily addressed and that the officer had come to the view of harm being less than

substantial in weighing up the overall impact of the solar farm on Heritage assets. In applying the balance with regard to less than substantial harm against the public benefits of the proposal, it is considered that this was argued clearly both in this section and in the Planning Balance section at the end of the Committee report of March 31st. Accordingly, officers consider that there is nothing substantive further to add. And that the proposal accords with paragraph 202 of the NPPF (2021).

Finally, with regard to additional loss of high grade agricultural land, the NPPF defines the best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification and the implication is that development should use the poorer quality land paragraph. The Agricultural Land Classification report (ALC) undertaken by qualified expert, who confirms that the proposal would utilise 17 fields making up 61ha, with 15 fields of Grade 3b, 1 fields of Grade 4 and 1 field of Grade 5. This means that the site comprises of, at best moderate quality agricultural land, to poor quality and very poor quality agricultural land.

Therefore the proposal does not result in the loss of good quality agricultural land, and there would be no objection to the use of this land with Grades 3b, 4 and 5 of Agricultural classification

The solar panels are to be secured to the ground with steel piles with limited soil disturbance, which means that the panels can be removed in the future with no permanent loss of agricultural land quality.

Whilst the construction of the substation and other buildings may permanently impact the agricultural land, but this would be for relatively small areas within the whole development area.

The proposal also includes the planting of grassland around the solar panels for grazing of animals and this would allow for a continual agricultural use during the anticipated 40 year operation of the solar farm.

Overall it is concluded that it would be difficult to justify a refusal of the proposal on the grounds of the impact upon the agricultural land; and that the proposal complies with policies S1, S9 and DM2 of the Local Plan and national policy in respect of agricultural land

It is considered that the report has clearly demonstrated that to refuse the application on the above grounds would not be justified and is likely to lead to the loss of an appeal and a potential award of costs.

It must be further noted that this reason for deferral was not present as a reason for the initial deferral nor in the additional questions posed by members which was dealt with in the report to Planning Committee on 14th July 2021.

Contact for any more information

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Background Papers

Committee report 01/03/2021 and deferred
Committee Report 14/07/2021

File Reference

19/01679/MFUL

Circulation of the Report