

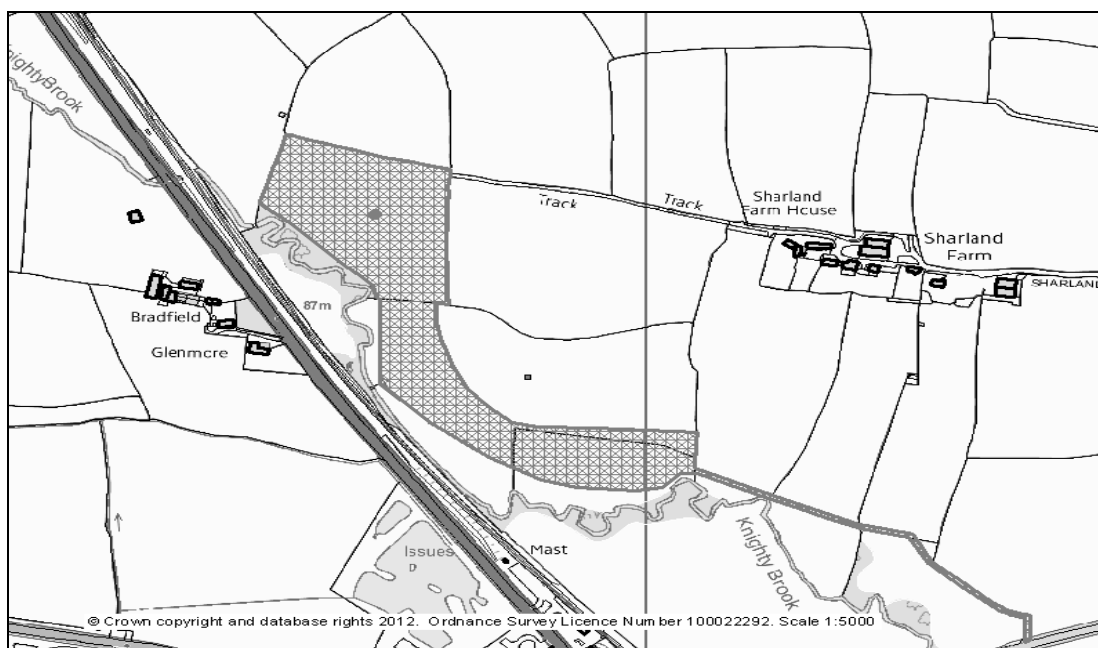
REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/ 00537/MFUL – INSTALLATION OF A SOLAR FARM TO GENERATE 3.18MW OF POWER (SITE AREA 5.1 HECTARES) AND ASSOCIATED INFRASTRUCTURE, INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, INVERTERS, TRANSFORMERS, SUBSTATIONS, COMMUNICATIONS BUILDING, FENCE AND POLE MOUNTED SECURITY CAMERAS (REVISED SCHEME).**LAND AT NGR 274885 105456 (SHARLAND FARM), MORCHARD BISHOP, DEVON.****Description of Development:**

The application is for the erection of solar farm as described above on part of the Sharland Farm holding on part on the valley slopes between Morchard Road and Morchard Bishop and incorporating a new access from the highway.

REVISED SCHEME: In terms of the size of the development area, the application scheme has been amended following consideration by the Planning Committee at their meeting on 3 June as described above, removing a land parcel (3.1 hectares of Grade 3a agricultural land). In addition other changes to the scheme relate to the relocation of the essential infrastructure buildings to the south eastern corner of the site which benefits considerably from woodland screening and a reduction in maximum height of the panels from 2.38metres to 2.06 metres.

The original description of development as initially proposed is set out as follows: Installation of a solar farm to generate 4.6MW of power (site area 7.65 ha) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras. The plan as outlined below sets out the scope of the Site Plan area as it has now been revised.



Reason for Report:

At the meeting on 3rd June 2015, Members resolved that they were minded to refuse the application and therefore wished to defer the decision to allow for a site visit to take place and for a report to be received setting out the implications of the proposed decision based on the following reasons:

- The landscape and visual impact together with the cumulative impact of the application
- The use of the best and most versatile agricultural land

Relationship to Corporate Plan:

None.

Financial Implications:

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 its reason for refusal.

If the Council refuse the application for reasons which are not supportable by development plan policy, the risk of costs being awarded against the Council is higher than for reasons that are supportable in policy terms.

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.

This would apply to the reason relating to loss of best and most versatile agricultural land taking into account the revisions to the scheme as set out.

REASONS FOR REFUSAL AND IMPLICATIONS:

As stated above during the meeting, Members gave consideration to:

- The landscape and visual impact together with the cumulative impact of the application
- The use of the best and most versatile agricultural land

Since the meeting revisions to the scheme have been made by the applicant and the reasons will need to be constructed and based on the scheme as it has been revised. Relevant points to consider as set out below:

Best and most versatile agricultural land

Policy DM5 specifically refers to agricultural land grades 1, 2 and 3a as being best and most versatile in terms of seeking to protect agricultural land which is the best quality and offers for higher levels of productivity.

Changes have been made to the application scheme specifically omitting the field which is classified as grade 3a. This leaves 5.1ha of land remaining within the application site comprising

2.4ha Grade 3b and 2.7ha Grade 4 land. Neither area can be regarded as best and most versatile. The National Planning Policy Framework, Planning Practice Guidance and Policy DM5 seek to direct solar installations towards lower grade agricultural land. With the change to the application omitting the grade 3a land, Members are recommended to reconsider their initial concerns over agricultural land value.

Landscape and visual impact, including cumulative impact

For a reason on this basis to be defensible and have the backing of policy it will be necessary to identify the harm on the character of the landscape and the visual amenities of the area which are protected in policy terms by Policies DM2, DM5 and COR2.

At the Committee meeting members referred to the cumulative impact of the application on the landscape character and visual amenities of the area, and referred to existing large scale solar development at sites both at Morchard Bishop and Morchard Road (both implemented), as well as a domestic scale array within the residential garden immediately adjacent to the application site.

There is no visual connection to the solar development at Morchard Bishop and therefore it is difficult to construct a reason which identifies cumulative harm to the landscape in conjunction with this existing development.

In terms of the other two developments that are referred to there is a visual connection in terms of view corridors from the south of the site (public footpath from Morchard Road to Down St Mary). These are identified as views 7 and 8 by the applicant in the view point analysis they have submitted to support their application scheme. Amended visualisations reflecting the scheme amendments that have been submitted.

Although the impact on the visual amenities of the area and the landscape character are reduced as a result of the changes to the application scheme, there still would be an individual and cumulative impact arising if the application scheme was permitted and built out. Members will be able to visualise the scope of the impact on the site visit and consider the additional evidence the applicant has submitted. This information seeks to demonstrate how the scheme's impact will be reduced compared to the scheme as originally submitted and considered at the meeting on the 3rd June.

Following this process if Members conclude that the cumulative harm which would be caused to the landscape character and visual amenities of the area is sufficient to outweigh the wider benefits of delivering a source of renewable energy, a reason for refusal is set out below:-

- 1.. In the opinion of the Local Planning Authority the proposal solar farm development by reason of its siting, scale and overtly industrial appearance is considered, both individually as a standalone development and cumulatively with existing solar development at Morchard Road as approved under LPA ref: 12/01306/MFUL and at Sharland Cottages as approved under LPA ref: 13/00330/FULL to have an unacceptable and detrimental landscape and visual impact.

The proposed solar panels are located on the valley sides of an area of lower rolling farmland and settled valley slopes which presents as a gently rolling and undulating landscape characterised by a tightly rolling, medium to small scale field pattern forming an harmonious panoramic landscape when viewed from distant vantage points to the south and east of the site, with only isolated farm buildings breaking the field patterns in conjunction with two existing solar developments which are in close visual proximity to the application site. It is the view of the Local Planning Authority that the individual and cumulative harm that would be caused to the landscape character and to the visual

amenities of the area outweigh the benefits, and therefore it is considered that the application scheme is contrary to Policies COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2 and DM5 of the Local Plan Part 3 (Development Management Policies) and Government policy as set out in the National Planning Policy Framework.

Should Members conclude that there is no significant cumulative impact, but that the scheme on its own still has an unacceptable impact upon landscape and visual amenities that outweigh the scheme's benefits, then the above reason for refusal could be modified as follows:

1. In the opinion of the Local Planning Authority the proposal solar farm development by reason of its siting, scale and overtly industrial appearance is considered, to have an unacceptable and detrimental landscape and visual impact.

The proposed solar panels are located on the valley sides of an area of lower rolling farmland and settled valley slopes which presents as a gently rolling and undulating landscape characterised by a tightly rolling, medium to small scale field pattern forming an harmonious panoramic landscape when viewed from distant vantage points to the south and east of the site, with only isolated farm buildings breaking the field patterns. It is the view of the Local Planning Authority that the harm that would be caused to the landscape character and to the visual amenities of the area outweigh the benefits, and therefore it is considered that the application scheme is contrary to Policies COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2 and DM5 of the Local Plan Part 3 (Development Management Policies) and Government policy as set out in the National Planning Policy Framework.

Contact for any more information

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Background Papers

Planning Committee Report 3rd June 2015

File Reference

15/ 00537/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee