

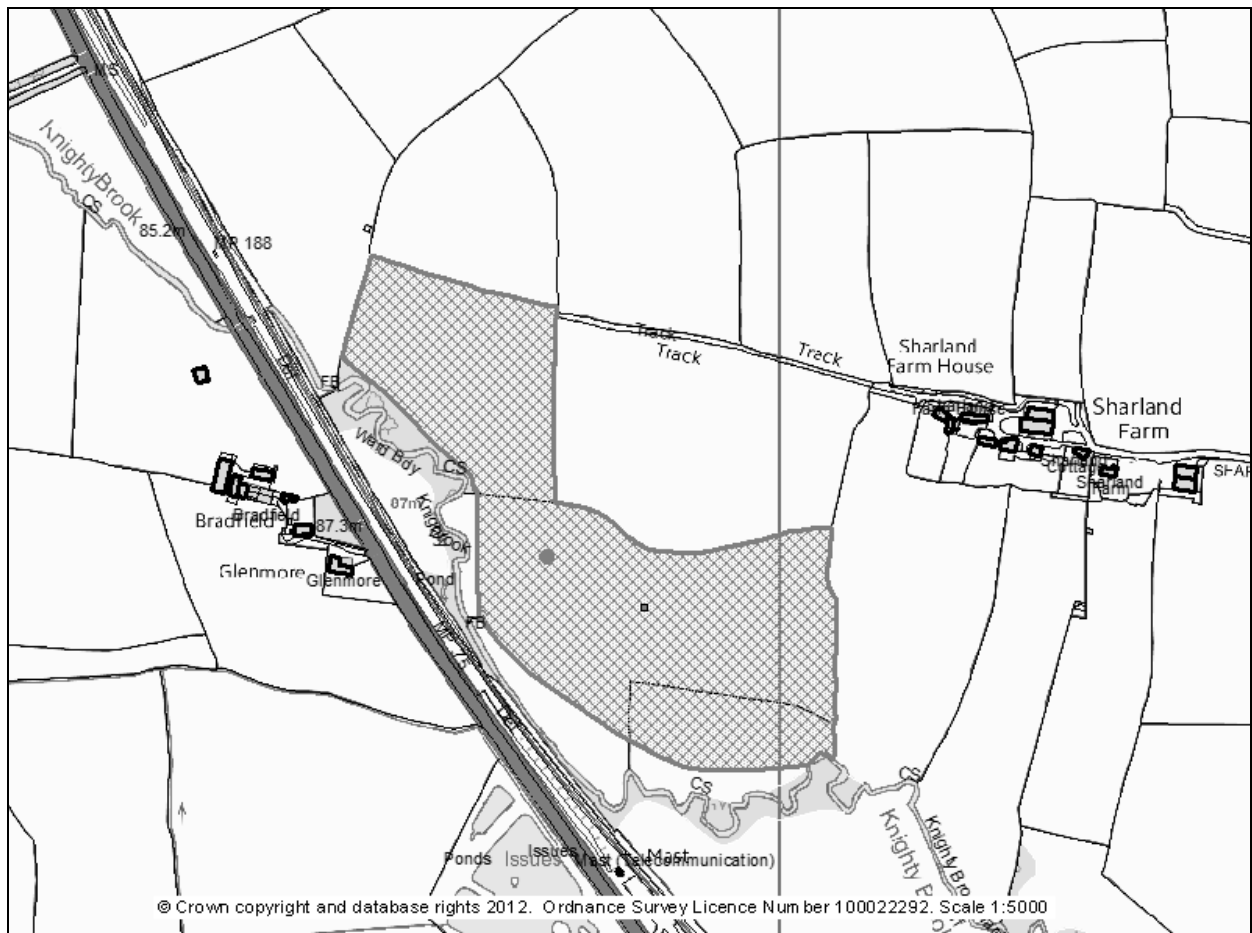
Grid Ref: 274885 : 105457

Applicant: Lightsource Renewable Energy Ltd

Location: Land at NGR 274885 105456 (Sharland Farm) Morchard Bishop Devon

Proposal: 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

Date Valid: 31st March 2015



Application No. 15/00537/MFUL

RECOMMENDATION

1. Grant permission subject to conditions for the scheme of development proposed
2. To allow a proposed variation to the S106 pursuant to planning permission 92/01338/FULL

PROPOSED DEVELOPMENT

The application scheme proposed the installation of a solar farm to generate 4.6MW of power and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras on land at Sharland Farm.

The application site forms part of Sharland Farm and comprises 3 fields within the holding. The site is located just beyond the railway line and water course that run parallel to A377 on the bottom section of the valley leading up towards Morchard Bishop. On the western boundary there is an existing mature hedgerow that effectively screens the site at ground level views from the south west.

The site layout:

A new access is proposed utilising an existing field gate just beyond Knightly bridge off the adopted highway, approximately 400metres from the junction with the A377. The layout plan indicates this access would be used as a construction access and is approximately 360metres in length from the junction with the highway to the field array. The 3 field areas that form the development area are approximately 8.2 hectares in size, with the rows of panels and other infrastructure proposed covering 37% of the site according to the applicant. Sharland Lane is proposed as a maintenance access.

The panels would be attached to mounting frames (constructed from steel or aluminium with a matt finish) at an angle of between 15-30 degrees, and are pile driven into the ground - a foundation is not required. The panels are fixed with no moving parts. The approximate standing height of the panels above ground on the high side is 2.4 metres, and 0.8 metres for the low side.

All the plant associated with the new use of the land (storage shed, communications building/ substations central transformer and composting wc) are located in north east corner of the first field accessible. Field transformers and inverter stations are proposed with the field areas. The floor areas of each of these structures/buildings are relatively compact with the height dimensions as follows:

Site transformers - 2.6 metres high.
Field transformers - 2.8 metres high finish in moss green
Storage building - 2.5 metre high
Inverters units - 2.9 metres high
Toilet Cabinet - 3.0 metres high
Security poles - 2.4 metres high with CCTV units mounted on top
Client side substation - 2.9 metres high
DNO substation - 4.4 metres high with a sloping roof
Communication building - 2.5 metres high

A 2.0 metre high deer type fence will run around the perimeter of the development area, including gate facilities for small animals (badgers, foxes etc.)

A path network is proposed internally within the development area with the formation of swale detail across the site (further details) required in assist with ground drainage to the Knightly Brook.

Landscaping - no additional hedge planting is proposed. Inside the compound area new seeding and wild flower mix is proposed.

The applicants have indicated that they are in discussions with the landowner (sheep farmer) in terms of continuing to graze the land within the compound area, and they have submitted an example of a grazing licence that would be used to formalise the arrangement as they have done on other sites.

The site comprises: 3.1 ha grade 3a agricultural land; 2.4ha grade 3b land and 2.7ha grade 4 land.

APPLICANT'S SUPPORTING INFORMATION

Site location plan and site layout plan
Topographical survey of the site
Construction details for ancillary buildings as described above
Security system details
Fencing details.
Technical detail of proposed panels
Planning, Design and Access statement prepared by Lightsource: dated March 2015
Flood Risk Assessment - prepared by PFA consulting, March 2015 - including plan showing position of swale
Landscape & Visual Impact Assessment - Pegasus Environmental dated 7th August, including the planting plan
Statement of Community involvement - prepared by Lightsource: dated March 2015.
Archaeology & Cultural Heritage Assessment - prepared by CgMs dated January 2015.
(Including Archaeological Geophysical Survey - prepared by Bartlett Clarke dated 2015).
Historic Environment Setting Impact Assessment - prepared by CgMs dated January 2015.
Ecological Appraisal - by Avian Ecology dated 27 March 2015.
Construction, Decommissioning & Traffic Management Statement - prepared by Lightsource: dated March 2015
A sequential Analysis Study prepared by Pegasus Group dated May 2015.

PLANNING HISTORY (off site)

92/01338/FULL: Erection of an agricultural bungalow at Sharland Farm
Of relevance to this current application are the terms of the legal agreement pursuant to 92/01338/FULL which require that the land forming the holding in 1992 shall be treated as one, and does not allow for areas within the holding to be sold off separately.

13/00330/FULL: Installation of ground mounted photovoltaic 16 panel solar array to generate up to 4kW of power at Sharland Cottage in the rear garden the scheme comprised a single row of 32 panels and the site is two field boundaries away from the current application scheme. The development has not been implemented but the planning permission is still valid.

This application was approved on 17.04.2013

12/01306/MFUL: Installation and operation of solar farm to generate 1.43 megawatts, associated infrastructure, including PV panels, mounting, frames, inverters, transformers and fence at Ellicombe Farm, Morchard Road. This development is a single field development of 5.81 hectares, and has been implemented. This development is less than 1 Kilometre of the current application site.

This application was approved on 13.12.2012

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)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM5 - Renewable and low carbon energy
DM7 - Pollution
DM27 - Development affecting heritage assets
DM28 - Green infrastructure in major development

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 12th May 2015

Not supported by a majority of 4 to 2, with 2 abstentions. The main objection that it was on agricultural land and not a brown field site.

HIGHWAY AUTHORITY - 29th April 2015

Observations:

The Highway Authority has no objections in principle to the above development and the applicant has indicated that they would provide a banks man to direct HGV traffic into and out of the access, however the HGV traffic will not require one, if, the hedges are maintained to the current height, but private motor vehicles and smaller commercial vehicles will need to either be escorted in and out with a banks man or the visibility splays should be improved to the north to provide for a safe entry and egress. The highway Authority would prefer the later as this would also provide a safe access to current standards for the ongoing maintenance of the site and for agricultural access too. Therefore I would advise the following condition is 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. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90.00 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway.

ENVIRONMENT AGENCY - 28th April 2015

We have no objections to the proposal, subject to there being no PV units placed within Flood Zone 3 which, with reference to Drawing L338/06 Appendix 3 of the applicants Flood Risk Assessment, does appear to be the case.

We disagree with the assertions made in Section 3 of the Flood Risk Assessment that the proposal is 'Essential Infrastructure' because PV units not need to be located in a flood risk area for operational reasons. In strictest terms there should be no PV units permitted within Flood Zone 2 and thus your

authority could deem that the application as submitted fails the Sequential Test given the availability of areas of Flood Zone 1.

Despite this policy clash we do feel that the provision of PV units in Flood Zone 2 in this particular instance is not of concern given that there is no built development in the vicinity that is at risk of flooding from the Knightly Brook that would dis-benefit from any minor increase in localised flood levels that may arise.

The Environment Agency no longer provides comment upon the management of surface water runoff from developments that fall outside Critical Drainage Areas. The Lead Local Drainage Authority, Devon County Council in the instance, should be consulted regarding the proposed use of swales.

DEVON & CORNWALL POLICE AUTHORITY - 16th April 2015

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 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 vast 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.

HISTORIC ENVIRONMENT SERVICE - 27th April 2015

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets. A geophysical survey undertaken of this area does not indicate the presence of any archaeological features within the application area.

The Historic Environment Team has no further comments to make on this planning application.

NATURAL ENGLAND - 20th April 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 affects a protected species not covered by the Standing Advice (further details available here)
- 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.

ENVIRONMENTAL HEALTH - 29th April 2015

Drainage - No objections

Noise & other nuisances - No objections

Health and Safety - No objections

EXETER INTERNATIONAL AIRPORT - 15th April 2015

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.

REPRESENTATIONS

At the time of writing 7 representations have been made, 6 of which have confirmed their support for the application scheme.

In terms of the single representation raising an objection the scope of concern focuses on the loss of on agricultural land which is considered by the objector to be perfectly good for sheep. It is also considered that the proposed solar farm development would be an eyesore/blot on the landscape.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application site comprises 3 fields (approx 8.5 hectares) of rolling farmland that sits on the settled valley slopes that form the valley between Morchard Bishop and Down St Mary. The area is classified as Landscape Character assessment Type 3B. Distant views of rolling farmland with little or no development on top are considered a special quality of this landscape character type. The site

includes land that falls within flood zone 1, 2, 3a. The main considerations in the determination of this application are:

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

1. Policy

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

The scheme would be capable of generating up to 4.6 megawatts of electricity annually, which the applicant states is the equivalent of the average annual electricity needs of approximately 1,440 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 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, quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation) in accordance with policy DM5 and policy DM7 (pollution). 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. Principal of The PV Array on agricultural land

The application is supported by an assessment of the Agricultural Land Classification (ALC) of the site. It is reported that the site comprises 3.1ha of grade 3a land in the first field below Sharland Farmhouse along with 2.4 ha of grade 3b (immediately below running down to the brook) and 2.7 ha of grade 4 (sweeping round to the north west).

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 65% of the application falls within the lower grade of agricultural land.

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.

This has also 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 this application includes a slightly higher amount of grade 3a land proposed to be used both in terms of land take and as a percentage of the overall site area, i.e. 35% compared to 23% in the above appeal. However it is relevant to note that even with development on site, the Inspector concluded that the site would retain some value as agricultural grazing land.

In addition to the ALC assessment, the application is supported by a Sequential Analysis Study (SAS) which looks at alternative available sites within the district and also those within a 10km radius of the site within North Devon and Torridge administrative boundaries.

Large scale solar installations require an adequate connection to the electricity grid, utilising either a 33kV or 66kV which restricts the availability of deliverable sites within the search area, as distances beyond 1km radius of any such lines would be prohibitive in terms of the cost and environmental impact of connections. The assessment identifies 4 brownfield and 6 roof space sites, it is however noted 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 roof space are not available. It is agreed that there are no alternative brown field and /or roof based comparable alternative.

Within the search area 85% of the agricultural land is reported to be a mix of grade 3 and grade 4, and therefore of comparable quality to the application site. The assessment identifies 60 greenfield locations within 1.5km corridor around the grid lines which, and of the identified sites there are a number of sites that do not include any land which would be considered best and most versatile (i.e do not include any 3a land).

The report examines each site in terms of deliverability, and concludes overall that there are no potential alternative sites of a poorer agricultural quality and a lower level of constraint than the application site for various reasons as set out in the report. The reasons given include: being at risk of flood, close proximity to listed buildings, significant removal of vegetation, take up multiple fields or would have difficult access.

In summary without further detailed examination of the alternative sites included in SAS, it is not considered possible to conclude beyond reasonable doubt that there would not be a site that is poorer quality than the application site, as claimed by the consultant who prepared the Sequential Analysis Study on behalf of the applicant. Further consideration of this matter is given in section 7 of the report.

3. Landscape and visual impact, including cumulative impact and impact on Heritage Assets

An appraisal of the Landscape and Visual effects has been submitted as part of the application submission.

The site is within the 'Crediton Rolling Farmland' of the Devon Landscape Character Assessment Character Area (14), and on a more local level the site is within the Mid Devon Landscape Character Type 3B 'Lower rolling farmed and settled valley slopes'. There are a number of characteristics across this landscape type, and those which best fit to the application site and the surrounding area:

- This is a gently rolling and undulating landscape with low-lying land adjacent to the rivers in a series of irregular rolling hills, characterised by a tightly rolling, medium to small scale landform.
- Tightly clipped wide hedgerows unify the landscape creating distinct and harmonious patterns when viewed from distant vantage points.
- There are medium to large scale commercial and intensive farms with modern buildings and isolated farmsteads

The landscape Sensitivity Assessment and Guidance (Published September 2013) indicates that, the site being within LCT 3B has as a moderate sensitivity to medium sized solar PV developments of between 5 to 10 hectares.

The site itself is visually contained, with only short stretches of the immediately adjacent roads having views into the site. This type of view into the site is evident along a short section of the country road between Morchard Rd and Morchard Bishop 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, other than at the proposed point of the new access into the site. From further afield, the site is visible from the east, and south from viewing point on the otherside of the valley slopes towards Down St Mary along the footpath between the B3220 and Down St Mary Parish Church.

The submitted appraisal assesses the impact of the development and concludes as follows:

With the proposal in place the landscape character of the site would change. However, the proposal would remain in scale with the existing landscape pattern and none of the existing key landscape elements which contribute to the landscape character of the area would be affected, in terms of;

- The proposal would not disturb the field pattern.
- The proposal will not disturb the hedgerow structure except to create the proposed means of access, not significant in extent

Change in character would be restricted to the site itself and spacing between the rows of panels will maintain a sense of a grassland environment.

The viewpoint assessment demonstrates that with the proposal in place the visual amenity of the wider landscape as perceived from public vantage points such as public highways and public rights of way would range from negligible to minor, with the most prominent impact being from slopes on the otherside of the valley (Down St Mary side)

For the first section of the footpath referred the view back directly towards the site would incorporate

views of the proposed scheme and the existing PV array at Ellicombe Farm on Morchard Rd. However it is considered that the respective installations would not dominate these views. In addition views towards the proposed development area would also incorporate the row of panels approved behind Sharland Cottage

In summary the magnitude of effect on this section of Lower Rolling Farmed and Settled Valley Slopes LCT 3B is considered to be low and the scope of visual impact, either individually and/or cumulatively with the other PV developments referred to is considered to negligible to moderate.

The applicant's LIVA states that the development would only have a slight affect on landscape and character of the site, and having considered the submissions and from observations undertaken in the field, it is considered that the impact on the landscape character as a result of the proposals would be negligible to moderate.

The Authority's Conservation Officer raises no objections to the proposal in terms of how the application scheme will affect the setting of listed buildings within the local area, and/or the assessment of the impact of the development as concluded in the historic environment settings assessment as submitted by the applicant. Following an assessment in the field, the Parish Churches of both Morchard Bishop and Down St Mary are evident on the skyline of the view to the east and south respectively which would include a view of the development site. However the visual connection and/or impact is considered weak or negligible.

In summary given the limited visibility of the site from viewpoints both in the short and longer distance, 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.

Furthermore although there will be a cumulative impact with the existing solar array at Morchard Road the impact of the two sites in landscape quality and visual impact is not considered to dominate. On this basis it is considered on balance that the application scheme meets the requirements of Policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM5 (criterion A), DM27 of Local Plan Part 3 (Development Management Policies

4. Highways

As previously mentioned, the site would be accessed directly off the Morchard Rd to Morchard Bishop Lane and via the A377 to that point, and is therefore considered largely acceptable to accommodate the development traffic during the construction period which could be up to 95 HGV deliveries over a 3 week period (6-7 per day).

The Highway Authority has commented as set out above and largely supportive subject to agreeing the traffic management arrangements during the constructions phases and the conditions as set out. The details for the construction of the new field access are subject to further agreement. The application scheme proposes that once operational access for maintenance vehicles was to be via Sharland Lane, however the applicant has accepted that the new field access shall also be the access route during the operational phases, in order to protect the amenities of the residents along Sharland Lane. This will be controlled by condition.

Subject to conditions as set out, including to secure a construction management plan, 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 (d) and COR9.

5. Flooding

The site is not within an area identified as being liable to river or surface water flooding but the perimeter of the site falls within flood zone 3A. Therefore the applicant has submitted a Flood Risk Assessment to in order to seek to outline how compliant the application scheme is with best practise guidance (to the NPPF). The comments from the Environment Agency are noted, however the following points are considered to be relevant in terms of completing the assessment of the

application.

All control equipment is located in flood zone 1 and 2. It is argued by the applicant's consultant that this demonstrates a sequential approach to site masterplanning and that the exception test is therefore passed.

Rainfall falling onto the PV's will then fall on to the ground beneath the panels and then infiltrate into the ground at the same rate as it does in its current state.

A swale network is proposed to assist with water run-off rates, the delivery of which will be controlled by condition

On this basis the application scheme is considered to be partially in accordance with policy in that there are in so far as the development does not increase the risk of flooding.

6. Ecology and other matters

An ecological appraisal has been carried out on behalf of the applicant to understand the ecological value on the application site (desk based and field study). Whilst the site is not a protected site, as an area of improved grassland with hedgerows it provides a natural habitat.

The proposals do not result in the loss of significant sections of hedgerow and the development area is set back from the hedgerows that form the boundary to the site.

In addition to proposed meadowland planting across the site (to facilitate the ongoing grazing of the land), the proposals include measures for wildlife enhancement, by creating suitable environments across the site for bird, bats and invertebrates. The precise details are set out in a biodiversity management plan, the delivery details of which will be secured by conditions.

Devon County Council Historic Environment Service has considered all the relevant information submitted by the applicant and raises no objections to the proposal.

There have been no submitted objection from the residents who live along Sharland Lane, and a condition is recommended that Sharland Lane is not used to provide access to the development area either during the construction or operational phases, in order to minimise the impact on the general amenities of the area.

There have not been significant levels of objection to the application with Morchard Bishop Parish Council raising an objection on ground of loss of best and versatile agricultural land only.

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 and adequate measures are proposed to cater for surface water run-off so that the levels should not exceed the current level as a greenfield site.

The site is well contained visually, and the although the development will be visible within mainly short distance views and longer distance from the east and south, the impact is not considered to adversely affect the visual amenities and/or landscape character either individually and/or cumulatively with the solar developments in the location.

However, approximately 35% of the application site is classified as comprising the Best and Most Versatile agricultural land (grade 3a).

To support their case on this matter the application has confirmed that the site will still be used as

agricultural grazing land by the current landowner and they have submitted a sequential analysis of site selection. The submission document provides an overview of reasonably alternative sites considered, and sets out the reasoning why no alternative sites of a poorer agricultural value are considered to be deliverable. To summarise on this matter, paragraph 3.43 of the report states:

'It is therefore concluded that there are no potential alternative sites of any poorer agricultural quality land than the application site, and subject to any fewer constraints that the application site'.

In conclusion best practise guidance states that there is a preference to siting solar arrays on lower quality agricultural, or preferably brownfield land, however as with government guidance there is always a balance and trade off to be made. Policy DM5 crystallises this position at the local level, and the assessment of the application as set out above has demonstrated that:

- The site is well chosen with regard to how it will affect the character of the landscape, visual amenities of the area and in terms of the impact of the development of heritage assets.
- The site is sufficiently divorced from the nearest residential dwelling for there be no detriment to general amenities of the area.
- A Biodiversity Management Plan is proposed.
- The applicant advises that the site would continue to be used for the grazing of livestock during the operational life of the development.

Having regard to all of these material considerations, the benefits of the scheme in terms of clean energy production are considered on balance to outweigh any harm caused through the temporary loss of 3.1 hectares of grade 3a agricultural land for solely agricultural purposes.

On this basis it is considered on balance that the application accords with Policies COR2, COR5, COR9 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5, DM7, DM27 and DM28 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.

8. Related Matter: Variation of S106

The application site equates to 21% of the land that forms the Sharland Farm Holding, which is 98 acres in total. The rental income that would be generated by this development will contribute to the ongoing viability of the farm providing an income stream to facilitate the delivery of new stock, building and land improvements. Therefore it is not considered that the application scheme will adversely affect the viability of the holding as a working farm.

Following on, if approval is recommended then it is not considered that there are any land-use planning reasons not to allow the variation of the legal agreement as referred to above, pursuant to LPA approval ref: 92/01338/FULL, which as currently executed would not allow for any part of holding to be sold off/leased/used for a different use, as would be the case with the application scheme - refer to recommendation 2 as outlined above.

If the recommendation on the planning application as set out in this report is approved by members then members authority is also sought to vary the terms of the Section 106 agreement pursuant to LPA ref: 92/01338/FULL.

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 site access arrangement as indicated on drawing SHF_02 has been provided. Such site access arrangements shall be so retained. This point of access shall be used at all times, and at no time shall Sharland Lane be used to access the site.
5. Prior to the commencement of the proposed new access as set out in condition 4 of this planning permission, a scheme for surface treatment of the new route 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. No external artificial lighting shall be installed at the site without planning permission first having been obtained.

9. All cables shall be placed underground, except at the point of connection to the electricity grid system.
10. The swales shown on PFA Consulting drawing number L338/06 (Proposed Drainage Arrangements) 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.
11. The ecological mitigation and enhancement measures as contained in the Biodiversity Management Plan by Avian Ecology (issue date 29 March 2015) shall be implemented in full prior to the first export of electricity from the solar PV array.
12. The ecological monitoring measures, habitat management measures and management schedule as contained in the Biodiversity Management Plan by Avian Ecology (issue date 29 March 2015) 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 11.
13. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90.00 metres in both directions.
14. The site access road shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.

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. 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 Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
9. 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 Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
10. 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 and DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
11. In the interests of safeguarding protected species and their habitat in the carrying out of this proposed development in accordance with policy COR2 of Mid Devon Core Strategy (Local Plan Part 1) and policies DM2, DM5 and DM28 of Local Plan Part 3 (Development Management Policies).
12. In order to secure a net gain in biodiversity in accordance with policy DM28 of Local Plan Part 3 (Development Management Policies).
13. To provide adequate visibility from and of emerging vehicles in accordance with policy COR9 of Mid Devon Core Strategy (Local Plan Part 1).
14. To prevent mud and other debris being carried onto the public highway in accordance with policy COR9 of Mid Devon Core Strategy (Local Plan Part 1).

INFORMATIVE NOTE

1. With regard to safeguarding of protected species; the developer is advised that the granting of this planning permission does not absolve the developer from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IVB of the Circular 06/2005.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is on balance considered acceptable with regard to its design and siting and its impact on the visual and landscape character of the area. Furthermore it is considered that the development scheme is satisfactory in terms of: ecology and wildlife, highway safety, flooding and drainage, residential amenity of nearby properties and its impact on the historic environment in close proximity to the site. On the basis that the application scheme achieves compliance with the material considerations as set out above, the contribution of the scheme to renewable energy targets and generation of clean energy is considered on balance to outweigh the fact that development will result in the loss of 3.1 hectares of best and versatile agricultural land from continuing to be used for solely agricultural purposes.

On this basis it is considered on balance that the application accords with Policies COR2, COR5, COR9 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5 (in part), DM7, DM27 and DM28 of Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and Planning Practice Guidance, sufficiently enough to justify a conditional approval of planning permission.