

Application No. 15/01108/MFUL

Agenda Item

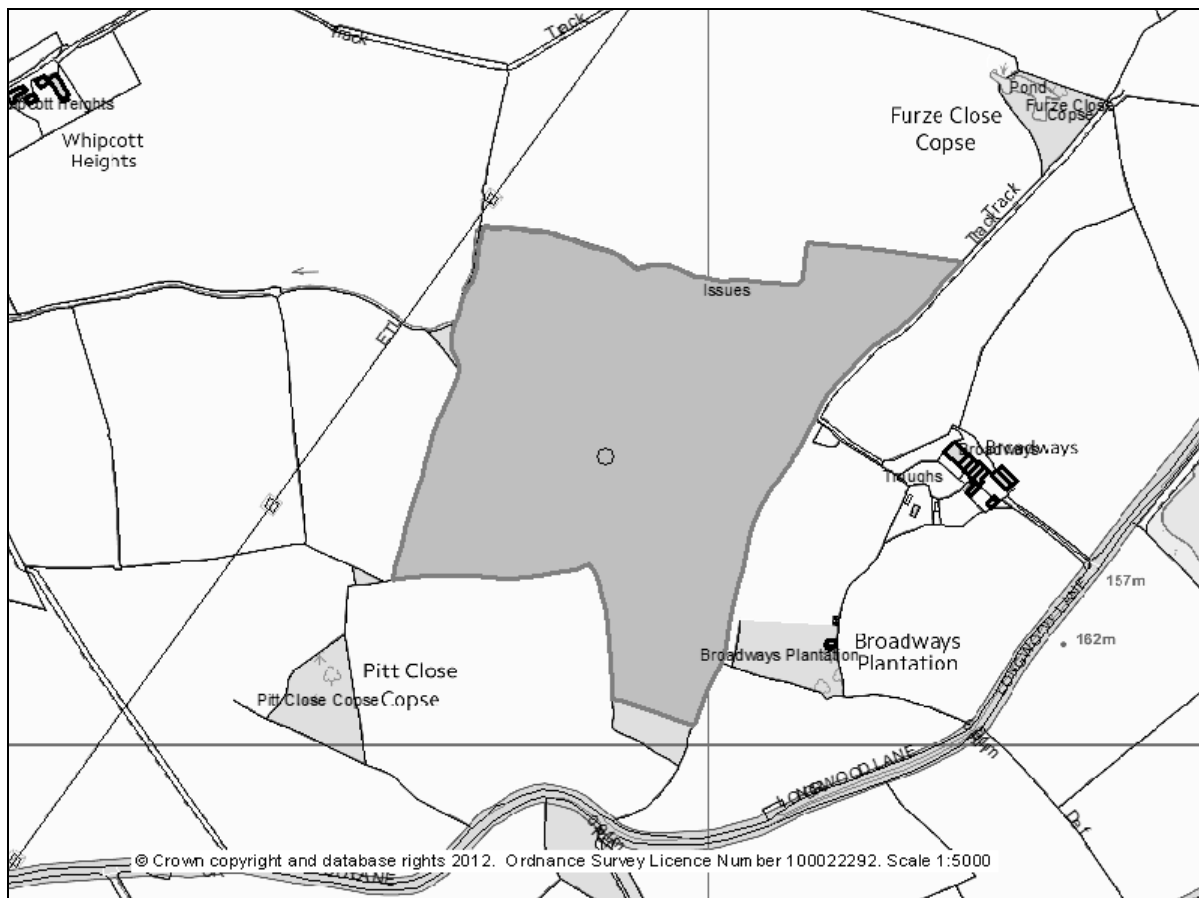
Grid Ref: 118303 : 307922

Applicant: Mr & Mrs J H Diment

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

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

Date Valid: 16th July 2015



AGENDA ITEM

**PLANNING COMMITTEE
21st October 2015**

REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/01108/MFUL - INSTALLATION OF A GROUND-MOUNTED PHOTOVOLTAIC SOLAR FARM TO GENERATE UP TO 6MW OF POWER (SITE AREA 11HA) WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTER CABINS, SUB STATION BUILDINGS, ACCESS TRACKS, FENCING AND CCTV (REVISED SCHEME) - LAND AT NGR 307922 118303 (WISEBURROW FARM) BURLESCOMBE DEVON

Reason for Report:

To consider the above planning application

RECOMMENDATION(S)

Grant planning permission subject to conditions

Relationship to Corporate Plan:

The Corporate Plan sets out the following long term vision:

- i) Caring for our environment to promote and protect our outstanding environment and beautiful countryside.

Financial Implications:

Should the application be refused and an appeal lodged with the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have acted unreasonably.

Legal Implications:

None

Risk Assessment:

None

Consultation carried out with:

See relevant section of the report

1. Holcombe Rogus Parish Council
2. Burlescombe Parish Council
3. Culmstock Parish Council

4. Highway Authority
5. Environment Agency
6. Devon County Council Lead Local Flood Authority
7. Historic England
8. Devon County Council Historic Environment Service
9. Natural England
10. Environmental Health
11. Exeter Airport
12. National Grid

1.0 PROPOSED DEVELOPMENT

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

The application is a revised scheme following the refusal of planning permission for a similar scheme in February 2015. The earlier application was refused by the Planning Committee on the recommendation of Officers due to a lack of sufficient information to determine if the scheme would have an acceptable landscape and visual impact and impact upon nearby heritage assets. This application seeks to overcome the earlier reasons for refusal primarily through the revision of the supporting information but the proposal also removes some panels from the eastern edge of the site and makes other minor internal layout changes.

The site comprises a single irregular shape field lying approximately 700m to the south of the County Highway which takes traffic from the A38 to the Westleigh Quarry and approximately 120m to the north of Longdown Lane, a class 3 road which runs from the A38 to the village of Westleigh. The land is gently sloping broadly sloping down from east to west. The field is enclosed by hedgerows with sporadic trees. The closest residential property to the site is 'Broadways' which is 115m away to the south east but which due to the removal of the panels from the eastern extremities is now approximately 170m from the edge of the proposed built site.

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

The panels are proposed to be laid out in rows across the site in a west-east direction. The distance between the rows of panels will be approximately 8.4m from the fronts of each row and they will be angled at 20 degrees. The panels are to be mounted on metal frames which have been pile driven or screwed into the ground with a maximum height above ground level of 2.4m.

Three inverter cabins are proposed across the site. Each structure measures 2.99m long , 2.4m wide and is 2m high. The inverters are proposed to be finished in a Green colour.

Two substations are proposed in the north western corner of the site, near the entrance. One is to serve the applicants and the other will be provided by Western Power Distribution as the network operator. The applicant's substation is 3.6m long, 2.75m wide and 3.5m high with the second substation measuring 6.25m long, 3.65m wide and 4m high. Both are proposed to be finished in a Green colour.

A 1.8m high stock-proof deer fence is proposed to surround the site with a total of 26 CCTV cameras mounted on 2.4m high poles (max height) at 50m intervals points along the fence. Welded mesh steel gates 4m wide and 2m high are proposed at the site entrance. There will be no external lighting.

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

Save for a 5m stretch of hedgerow proposed for removal to allow access into the site, existing boundary hedgerows and trees are proposed for retention with new native trees proposed to be planted at 10m centres along part of the western boundary and a new native hedgerow planted for a length of 177m along the eastern boundary.

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

2.0 APPLICANTS SUPPORTING INFORMATION

Archaeological Assessment
Flood Risk Assessment
Wildlife Survey
Agricultural Land Classification Report
Waste Audit Statement
Transport Statement
Supporting Statement (including Design & Access Statement)
Arboricultural Impact Assessment
Landscape and Visual Impact Assessment
Residential Assessment
Heritage Settings Assessment

3.0 PLANNING HISTORY

14/01932/MFUL Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV – REFUSED FEBRUARY 2015

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

Mid Devon Local Plan Part 3 (Development Management Policies)

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

5.0 CONSULTATIONS

HOLCOMBE ROGUS PARISH COUNCIL - 20th August 2015

Our Council considered the above application at its meeting on 18th August which was attended by the applicants and advisers and members of the public. Members of the Council considered the representations made at the meeting and letters of objection filed on MDDC's web-site.

I am instructed by the Council to convey our objections to the proposed development for much the same reasons as it objected to the previous application 1410193/MFUL.

Our Council consider that the proposed development is unacceptable because of the adverse impacts of a solar farm located on the application site. In particular, the proposed development is located on a stretch of undulating pasture land that starts at the boundary of the existing business and commercial centres at Greenham and Lobsgrove Business Estates. The development will have an adverse impact on the character of the landscape. It is not considered appropriate to introduce a commercial use into the open countryside. The application site is an attractive piece of open and unspoilt country as can be seen from the photographs referred to below.

There will be a significant adverse impact on the setting of the Grade 1 listed Holcombe Court and All Saints Church. The Council noted that Historic England say in their letter of 6th August to your Council that the application site will be readily visible from Holcombe Court and the Church and they disagree with the applicants that there will be a low impact on their setting and indicate that there will be a risk that the solar arrays will form a discordant feature in the landscape. Our Council felt that the visual impact generally was unacceptable. The applicants have undertaken some additional tree planting and omitted some solar panels but this was not considered sufficient. Whilst the visual impact of the development is to some extent ameliorated by the topography, there will still be an unacceptable adverse visual impact from many view points. Our Council does not consider that the site can be adequately screened.

Our Council considers that the photographs and photo montages provided by the applicants do not offer a faithful and accurate representation of the existing landscape. Whilst our Council was told that the photographs and photo montages had been produced in accordance with recommended guidance, the panoramic shots appear to show the landscape at a greater distance than when seen with the naked eye. In reality, when one looks at a scene, the field of vision tends to be more restricted, as one concentrates on the elements within the scene at the centre of one's visual field.

As a result photographs taken at a greater focal length (say approx. 100 mm on a full frame camera) do in the Council's view come closer to representing how the development site will be seen. I am sending with a hard copy of this letter a CD of some photographs with a plan indicating the respective view points. This CD was sent to your Council when we were consulted on the previous application. I also enclose prints of some of photographs (numbered on the reverse -see viewpoint plan on the CD). Some of these show the application site when viewed from public footpaths and bridleways and it should be noted also that the country roads are also part of a network of walks frequented by members of the community and visitors.

There are a number of solar farms or permitted solar farms in the area including those at Ayshford (Junction 27 M5) and Redhill Farm and a further solar farm in the immediate locality will represent an unacceptable cumulative impact.

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

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

BURLESCOMBE PARISH COUNCIL - 3rd August 2016

I am writing to respond to your letter of 17th July 2015 inviting comments on the above application. The application was considered at a planning committee meeting on 27th July.

The Council felt the revised scheme did not alter their original objections to the application and in addition object to this revised scheme on the following points.

1. There are already two solar farms in the vicinity and a third farm has received planning permission. The latter being in nearby fields so although the land is undulating the visual impact will be enormous.
2. Loss of good agricultural land
3. The solar farm would be very visible from various points around the Holcombe Rogus Parish and the recent planting by the applicants will not adequately screen it.

CULMSTOCK PARISH COUNCIL - 22nd July 2015

No comment.

HISTORIC ENGLAND - 7th August 2015

We have previously commented on a similar application for this site (your ref. 14/01932/MFUL) and do not intend to repeat the more general points made in our letter (ref. P44472) in relation to renewable energy proposals and the historic environment. In that letter we identified a number of heritage assets we considered might be intervisible with the development and advised that a more detailed assessment was required of its potential impact on their setting. This exercise has now been completed by the applicant in considerable detail and we are largely content with its assessment and conclusions in respect of intervisibility and impact.

However, there is one exception which relates to the grade I listed Holcombe Court and All Saints Church, Holcombe. The consultants preparing the impact assessment noted a degree of intervisibility between the application site and the churchyard but assessed the potential for harm to its setting as low due to the distance and fact that the site does not occupy a large part of the extensive view. They did not gain access to Holcombe Court but acknowledged that there was some intervisibility with the site but came to a similar conclusion that they reached regarding the impact on the church. We have visited Holcombe Court and viewed the application site both from its grounds and from within the building, where it is also readily visible from certain rooms. In particular, the Court is unusual in having a substantial tower porch on its front elevation, from which a generous staircase leads to upper rooms and eventually a parapeted terrace on its roof, evidently intended to take advantage of the panoramic views to the south, east and west of the property. From here, as from some of the upper rooms, the site is more clearly visible than it is from the churchyard, due to its greater elevation, and there is a risk that the solar arrays will form an discordant feature in the landscape.

Whilst the intervening distance means it is not as serious a concern as if the solar arrays intruded on important views towards the Court or church, we still consider it may constitute a degree of harm to its setting which needs to be taken into account under paragraph 134 of the NPPF when your Authority undertakes its assessment of the planning balance between different material considerations, particularly given the specially high significance of the Court as a grade I listed building.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

HISTORIC ENVIRONMENT SERVICE – 8th October 2015

The Historic Environment Team has now received confirmation that the archive of information created through the pre-application archaeological work undertaken at the above site has now been deposited at a suitable repository.

As such, I would like to withdraw the Historic Environment Team's previous advice, made on the 24/7/15, and would regard there to be no requirement for any archaeological condition on any consent that your Authority may grant for this development.

HIGHWAY AUTHORITY - 28th July 2015

Observations:

The Local Planning Authority will be aware of our previous correspondence on this site with regard to the previous application. The applicant has resubmitted and indicated in the Transport statement that the access is regularly used by large agricultural vehicles, this is accepted albeit the proposed construction will increase the daily volumes of traffic beyond that of agriculture and while the HGV movement to the site will result in 10 per week for the construction phase individual staff movement have not been considered and will increase the traffic from the substandard access.

The applicant has indicated that the largest vehicles may overrun the verge, the Highway Authority would therefore require the area under the swept path of these vehicles to be hard surfaced in a bound material to protect the edge of carriageway and prevent mud and debris entering the public highway.

The Applicant has indicated a banksman will be used for all vehicles at the access to manage both incoming and exiting vehicles. In the absence of improved visibility to the west, which one can only assume the applicant has been unable to secure since the previous application, the Highway Authority will accept the use of a banksman for all vehicles and combined with appropriate signage and route management which should be agreed with the Highway Authority through their neighbourhood Officers.

The Applicant has indicated that they would ensure that vehicles are kept clean before existing the site. The applicant should amend the construction management plan to include the use of wheel washing facilities and a road sweeper to maintain a clean public highway free from mud an debris.

Recommendation:

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF
OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,**

1. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

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

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

3. The site access road shall be have hardened surface in a bound material to cater for all vehicles entering the site, 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.

ENVIRONMENT AGENCY - 23rd July 2015

Thank for the above consultation, however we are no longer a statutory consultee for surface water management issues. I do note, we agreed an FRA for an earlier application on this site. You should consult the Local Lead Flood Authority (DCC) on this proposal.

LEAD LOCAL FLOOD AUTHORITY - 10th August 2015

Devon County Council Flood Risk Management Position.

We have no objection to the proposed surface water strategy. Appropriate management techniques should also be undertaken to maintain a natural vegetated area surrounding the panels. Care will be needed during the construction phase of the solar panels where the site is likely to be cultivated and left with exposed soil. This has potential for erosion and water quality issues for the downstream receiving water bodies. Appropriate mitigation methods should be implemented in the construction stage with the implementation of the wide vegetated swales to control site runoff aiding with water quality aspects from initial construction.

There is an ordinary watercourse running along the North West edge of the site boundary. If any temporary or permanent works take place within the watercourse (such as an access culvert or bridge) Land Drainage Consent will need to be obtained from Devon County Council's Flood Risk Management team prior to works commencing.

The FRA hasn't mentioned the risk of flooding to the site from surface water. According to the surface water maps there is a low/medium risk surrounding the ordinary watercourse.

NATURAL ENGLAND - 23rd July 2015

Standing advice applies.

EXETER INTERNATIONAL AIRPORT - 24th July 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.

NATIONAL GRID - 21st September 2015

No objections.

6.0 REPRESENTATIONS

19 letters of objection received, summarised as follows:

- The local countryside already hosts a solar farm on the way out of Westleigh (at Ayshford);
- There is no need for another solar farm;
- The screening as shown and that already planted does not mitigate the scheme;
- This revised scheme does nothing to address water run-off or the positioning of the building;
- Will be visible from vantage points for miles around;
- The site is visible from the first floor of Holcombe Court and from the top of the tower of the house. The views from this Grade I listed building should be protected for all of the community;
- Preserving the setting of Holcombe Court and the Parish Church outweighs the benefits of the proposal;
- Will lead to industrialisation of the rural landscape;
- Should be refused on the grounds of cumulative impact with the Ayshford, Ridgeway Farm and Red Ball solar sites;
- The panoramic photos are misleading;
- Will be visible from private houses;
- Will be visible from the road running to and from the Grand Western Canal

7.0 MATERIAL CONSIDERATIONS

The main considerations in the determination of this application are:

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

1. The benefits of renewable energy and planning policy

The scheme would be capable of generating up to 6 megawatts of electricity annually, which the applicant states is the equivalent of the average annual electricity needs of approximately 1,800 homes. The Government's target for the amount of electricity to come

from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2015, to date, the amount of electricity generated from renewable sources in the South West stands at 14% of demand. Solar PVs in Devon contribute 368 megawatts. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

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

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

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

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

2. Land Use

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

modern agricultural machinery to navigate its way through large dips and steeper areas of land, limiting the use of the land to grazing.

The government have been clear (in recent ministerial statements, including Eric Pickle's written statement in March 2015, the National Planning Policy Framework and the Planning Practice Guidance) that they are concerned about the provision of commercial scale solar installations on good quality agricultural land and this has been reflected in a number of appeal decisions which have been dismissed whereby an installation would take up a significant proportion of Best and Most Versatile land. As this land is considered to be grade 3b it would comply with policy DM5 and Government policy insofar as not utilising Best Most Versatile agricultural land.

3. Highways

The submitted Transport statement indicates that the access is regularly used by large agricultural vehicles, this is accepted by the Highway Authority albeit the proposed construction will increase the daily volumes of traffic beyond that of agriculture and while the HGV movement to the site will result in 10 vehicles per week for the construction phase individual staff movement have not been considered and will increase the traffic from the substandard access.

The applicant has indicated that the largest vehicles may overrun the verge, the Highway Authority would therefore require the area under the swept path of these vehicles to be hard surfaced in a bound material to protect the edge of carriageway and prevent mud and debris entering the public highway.

The Applicant has indicated a banksman will be used for all vehicles at the access to manage both incoming and exiting vehicles. In the absence of improved visibility to the west, the Highway Authority has indicated that they will accept the use of a banksman for all vehicles and combined with appropriate signage and route management which should be agreed with the Highway Authority through their neighbourhood Officers.

The Applicant has indicated that they would ensure that vehicles are kept clean before exiting the site but the Highway Authority require this and details of the use of wheel washing facilities and a road sweeper to maintain a clean public highway free from mud and debris to be included in a Construction Management Plan. Subject to appropriate conditions relating to highway matters the development will not cause demonstrable harm to highway safety and would accord with policies COR9 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM5 of Local Plan Part 3 (DMP) in this respect.

4. Flooding

The site is not within an area liable to river or surface water flooding but is accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy in order to ensure that the provision of the panels will not lead to a greater rate of surface water run-off from the site. The scheme includes the provision and maintenance of swales and scrapes (to limit the erosion risk posed by the intensification of rainwater as a result of the solar arrays) to which the both the Environment Agency and the Lead Local Flood Authority have raised no objection to the proposal and it therefore meets with policies COR11 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (DMP).

5. Landscape and visual impact, including cumulative impact

The site is within the 'Devon Redlands' National Character Area and the Devon Character Area 17 'Culm Valley Lowlands'. On a more local level the site is within the Mid Devon

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

- a) The immediate landscape surrounding the proposed development is an active, working landscape, scattered with numerous agricultural buildings;
- b) To the east of the site a transmission line runs broadly north to south, a distribution line is found passing through the south-eastern section of the proposed development and provides existing built and vertical elements within the landscape;
- c) Broadly to the north, the landform slopes down to the hedgerow field boundary where it gently rises within the adjacent field. Individual trees, a block of woodland, pylons and farm buildings limit distant views to some extent;
- d) Broadly to the east, the landform gently rises to a mature hedgerow with mature trees which form a linear belt restricting views out of the field;
- e) Broadly to the south, the landform gently rises to a mature hedgerow with mature trees which form a linear tree belt restricting views out of the field;
- f) Broadly to the west, the landform gently slopes away before the undulating wooded farmland landscape unfolds. The transmission line and associated pylons are present crossing the landscape along with glimpsed views of scattered residential properties and agricultural buildings. The church spire of Holcombe Rogus is visible, although the church and properties within this nucleated village are enclosed by mature vegetation.

The LVIA looks at a study area of a 7.5km radius from the site and finds that the main visibility of the site is in the immediately surrounding landscape with the extent of visibility substantially reduced toward the fringes of the area, particularly to the south, east and west. Officers agree with this assessment. The LVIA assesses the landscape as being of medium sensitivity which is commensurate with Mid Devon's assessment of this landscape type.

The topography is such that when your officers viewed the site from the public roads immediately surrounding the site, the site was visible from some viewpoints but not from others and the whole site was not visible at any one time. However, the site is more visible and the extent of the site is more discernible from distant views, including from a number of public footpaths. As part of their consultation response Holcombe Rogus Parish Council has provided photographs of the site as viewed from public vantage points/public footpaths in the area and they are critical of the photographs provided in the submitted LVIA. Officers are of the view that the submitted LVIA photographs are taken in accordance with the Landscape Institute's guidance on such imagery and there is no criticism of the submission from this perspective. Conversely, the photographs submitted by the Parish Council clearly identify that there are views of the site from various vantage points but their accuracy cannot be proven.

The submitted LVIA states that for the majority of views from public rights of way, bridleways and cycleways the significance of the effect of the development will be neutral mainly due to variations in landform and existing vegetation which restrict views. The exception to this is two footpaths which run to the west of the site and link the Grand Western Canal with

Holcombe Rogus. These footpaths provide some views of the site at points where there is a lack of vegetation and the paths cross fields and the LVIA assesses the significance of the effect as being minor. In addition to these two footpaths, the site can be seen from footpaths approximately 2km to the west and to the south of Holcombe Rogus. Views from these footpaths, which are more elevated than those between the Canal and the village are of the application site as part of a wider undulating largely rural landscape which is mixed with mature copses of trees and native hedgerows and has the presence of high voltage electricity pylons crossing in close proximity to the site. Officers consider that the significance of the effect upon users of these footpaths will also be minor.

The LVIA concludes that the undulating landscape with numerous mature trees, small copses and woodlands and dense hedgerows provide containment and enclosure and that this minimises the impact of development upon landscape character. In tandem with the expansive nature of the landscape the development would become 'lost' within the wider landscape. Mitigation planting is proposed along the eastern and western boundaries although it will take a number of years to become effective. Overall the LVIA concludes that the proposal will have limited impacts on landscape character and visual amenity receptors such as those using the local road and footpath networks. Officers have carefully considered the LVIA and have carried out their own site visits to assess the impact and overall are in agreement with these conclusions and in this respect the application would accord with policies DM2 and DM5 of Local Plan Part 3 (DMP).

The Blackdown Hills Area of Outstanding Natural Beauty lies approximately 2.6km to the south east of the site. Due to the topography of the intervening land it is accepted that views of the site from the AONB and vice versa will not be possible. On this basis, the development will preserve the special beauty of the area as required by policy DM29 of Local Plan Part 3 (Development Management Policies).

Consideration must be given to the perception of cumulative landscape and visual impacts which may be experienced either by viewing more than one array in the same vista or by the sequential effects experienced by travelling along a road or right of way and viewing multiple solar arrays. At its closest, the site is approximately 350m to the north west of the permitted solar installation at Redhill Farm (ref. 14/01984/MFUL) which is now under construction. The topography of the immediate landscape keeps on rising to the north of the Redhill site before falling away to the north on the opposite side of the Class C road Longwood Lane, toward the Wiseburrow Farm site. Combined with the presence of trees, hedges and other vegetation the two sites are not visible alongside one another in the same landscape. Similarly there is a single property 'Broadways Farm' located between the two proposed installations, however due to the sloping land it will not have any views of the proposed Red Hill installation.

The existing operational site closer to Burlescombe is approximately 1km away and the LVIA demonstrates that there is no intervisibility between the two although some distant views of this site are obtained from the tower at Holcombe Court.

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

In summary, the LVIA concludes that there is no cumulative impact between the proposed site and any consented or operational solar sites. Your officers have concluded that due to the topography of the landscape, there will be no harmful cumulative impact between this application site and the proposed site at Redhill or any of the other sites in the locality such that in this respect the application is considered to meet with the requirements of Policies

DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Private views from residential properties have been considered in the submitted LVIA in a dedicated residential assessment which looks at properties with a 1km radius of the site. Not all of the properties within this distance would have views of the installation due to orientation, the topography, intervening vegetation or other buildings. Some properties would have views toward the site and the significance of this has been assessed as ranging from minor to moderate depending upon the level of visibility. In addition to an individual assessment per property, an assessment of the visual impact of the proposal in more detail upon three properties, Broadways Farm, Riley's House and Whipcott Heights has been undertaken and photomontages provided to show the views now, post-construction and 5 years post-construction. This identifies that a number of properties, including those specifically aforementioned, would have views toward the site but these range from glimpsed views to views of greater expanses of the site. However, the mitigation planting proposed will over time help to filter these views. The views currently afforded to the properties identified in the assessment are generally expansive across a wide vista within an undulating and well vegetated landscape with the application site making up only a proportion of the view. Section 8 of this committee report weighs this issue up alongside other material considerations.

6. Impact upon heritage assets

A heritage settings assessment has been undertaken in support of the application which appraises the scheme against a number of listed buildings and conservation areas within 3.5km of the application site. The assessment is supported by a number of photographs from various vantage points to demonstrate the impact upon these heritage assets.

Both Historic England and the Conservation Officer are content with the main findings of the assessment in respect of the impact upon Conservation Areas and the majority of listed buildings. However, Historic England felt that the originally submitted assessment did not make an adequate assessment of the impacts upon Holcombe Court, a grade I listed Tudor manor on the edge of Holcombe Rogus. A visit was subsequently undertaken to Holcombe Court by the authors of the report and those who produced the LVIA. This visit was also accompanied by a Conservation Officer from this Authority and has resulted in an updated heritage settings assessment being submitted.

In summary, aside from the impacts upon Holcombe Court and the adjacent Parish Church and Priests House the assessment makes the following findings:

- A number of the listed buildings within the study area do not have views toward the site (confirmed by site visits).
- The listed Fossend Railway bridge bears no relationship with the site as agricultural land and is therefore not sensitive to the changes proposed.
- The Grand Western Canal Conservation Area and associated grade II listed structures (lime kilns, bridges, a milestone and twin culverts) are c. 560m to the west of the site at their closest. Views of agricultural land surrounding the canal make a small contribution to significance, allowing the historical connection with lime which was transported along the canal and its use for agriculture to be understood. From the Canal itself and its towpath the site is not visible. The key setting of each of the listed structures is the canal itself with the quarry at Westleigh also providing the setting for the lime kilns. No harm would be caused to the Canal or its associated listed structures.
- Holcombe Rogus Conservation Area is 1.6km to the west. The settlement dates to the medieval period and the name 'Holcombe' may derive from the position of the

village in a hollow in a previously wooded combe or valley. This location and the vegetation within and around the Conservation Area thus contribute to the significance of the asset. The adjacent agricultural land is a key aspect of its setting but wider agricultural land, including the application site, are not key to the significance. There would be no harm to the significance of the Conservation Area.

- There is a grade I listed Church at Burlescombe and grade II listed headstones, chest tombs and boundary walls. The development would not harm the architectural or historic interest of the church or those aspects of setting which contribute to its significance.
- Hockworthy is 3.7km to the north-west and has a Conservation Area and three grade II* listed buildings. The Conservation Area is relatively heavily vegetated which gives a closed-in character. There is little visibility of the site from the high grade listed buildings and the site does not contribute to the significance of the Conservation Area or the listed buildings.
- There are some grade I, grade II* and grade II listed buildings at Ayshford, 4km to the south west of the site. The listed buildings are within the Canal Conservation Area. The site is not visible from these listed buildings therefore there is no harm to their significance.
- Listed buildings and a scheduled ancient monument at Canonsleigh were observed not to have views of the site and any glimpsed views at times of lesser foliage would not contribute to the significance of the assets and would be a small change to the wider setting, resulting in no harm.

The heritage assets that are of highest status and which will potentially experience a change to their setting and views, are the church at Holcombe Rogus and Holcombe Court. The Conservation Officer has visited these sites and it is clear that some views of the proposed site will be possible from various vantage points, however, these views are partial and at some distance. The field in which the solar panels are proposed is one of many in the views from these vantage points in a mixed and slightly eroded landscape which has various traditional and non-traditional farming features in it, for example, modern and traditional farm building, pylons, hedgerows, and further also quarrying etc.

Holcombe Court is impacted to a greater extent as there are higher parts of land behind and to the side of the Court from where the panels will be visible. The application field will also be very partially visible from the long gallery within the house. However, these views are partial, fragmentary and are not in the opinion of the Conservation Officer harmful to a degree where there is any ambiguity about the character, significance and setting of the house in its wider agricultural setting. Views will change slightly and it is worth noting that tree works proposed to take place to four trees in Holcombe Court grounds will make the visibility of the panels greater – the owner states that these tree works are required for the health of the trees and due to proximity with a neighbouring property. Nonetheless, in Officers opinion the relatively minor change in the views from the Court is not sufficient to create harm to the significance or setting of the Court despite its very high status and the need for us to particularly have regard to its preservation. There will be change, but that minor change does not cause harm.

Historically, the top of the tower at Holcombe Court was accessed in order to undertake maintenance of the leadwork and to raise or lower the flag. The Conservation Officer does not feel that it is likely that it was used to enjoy the view by members of the household on more than very occasional days – the access is through a very low door and whilst the door is at the top of an access staircase, it is suspected that this was for functionality as opposed to formality of approach. Today, tours of the house are made and do visit the top of the tower but whilst the proposal may be visible from this point, it is not felt that the change will be major nor that the significance or understanding of the importance of the Court will be lessened by the presence of the panels.

Consideration must be given to a recent appeal decision at Silverton (Dunsmore Farm, Silverton APP/Y1138/W/15/3004976) in which the inspector gave great weight to the potential harm to the setting of heritage assets in the wider setting of a similarly sized solar array. The inspector found there to be less than substantial harm in that instance and that the landscape would be eroded by the presence of the utilitarian development. However, in that situation the landscape was more intact and less eroded by other developments and the shape of the landscape in relation to the heritage assets was more significant. It is not considered that this appeal decision should have a material bearing upon the determination of this application.

Some additional landscaping is proposed however your Conservation Officer feels that some further supplemental planting along the western boundary which would be faster growing than that proposed would be beneficial.

Overall it is felt that a good assessment of the impact of development upon heritage assets and their settings has been made, including Holcombe Court and the Parish Church and that the impact of development will be of less than substantial harm. No objection to the scheme arises because of this and the application is considered to accord with policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM27 of Local Plan Part 3 (DMP) and the National Planning Policy Framework.

7. Ecology and other matters

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

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

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

8. The planning balance/summary

The benefits of the scheme in terms of producing renewable energy is clearly set out above, as is the benefit that this site offers in terms of not utilising BMV agricultural land, not resulting in any additional flood risk and ecology. There are no residual objections from statutory consultees and adequate access to the site can be achieved, subject to conditions.

Although the installation would be visible from a number of private residential properties and from surrounding roads and footpaths the overall impact upon landscape character and residential amenity is not significant and the benefits of the scheme in providing renewable energy, in combination with the site being on low grade agricultural land, weigh in its favour.

The proposal is not considered to impact upon the character or setting of the Grand Western

Canal Conservation Area by virtue of being largely not visible from it and impacts upon other designated heritage assets, including listed buildings and Conservation Areas is concluded to be of no greater than low significance. However, the site is visible from vantage points in and around the grade I listed Holcombe Court and the neighbouring Parish Church. Officers have considered these assets carefully and the impact of development upon them and agree with the conclusions of the submitted historic settings assessment, namely that views toward the site do not contribute to the significance of the setting of the buildings and that views of both the site and the buildings in the same vista will not be achievable. On this basis there will be less than substantial harm caused to the character, appearance or setting of any designated heritage asset. Furthermore, the development will not impact upon the Blackdown Hills Area of Outstanding Natural Beauty.

Given that there are no residual objections from statutory consultees and that less than substantial harm will result for heritage assets it is concluded that the benefits of the scheme outweigh any harm arising and the application meets with the requirements of Mid Devon Core Strategy (Local Plan 1) COR2, COR5, COR9, COR11 and COR18, Mid Devon Local Plan Part 3 (Development Management Policies) DM2, DM5, DM7, DM27 and DM29 and the National Planning Policy Framework.

8.0 RECOMMENDED CONDITIONS AND REASONS

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) hours during which delivery and construction traffic will travel to and from the site;
 - (d) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (e) hours during which no construction traffic will be present at the site;
 - (f) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (g) details of wheel washing facilities and road sweeping obligations
 - (h) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (i) Details of the amount and location of construction worker parking.

The development shall be carried out in accordance with the approved CMP at all times.

4. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment, dated 07/07/2015 and received by the Local Planning Authority on 9th July 2015. Before the development is substantially completed swales and scrapes shall be provided in accordance with drawing number

3001 revision D dated 07/07/15 and contained at Appendix B of the submitted Flood Risk Assessment. The swales and scrapes shall be permanently retained and maintained for that purpose while the development hereby permitted is sited on the land.

5. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within the lifetime of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
6. No external lighting shall be installed on the site.
7. All cables shall be placed underground.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than those expressly granted by this planning permission, no fences, gates walls or other means of enclosure shall be erected within the application site.
9. The planning permission hereby permitted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 28 days after its occurrence.
10. The developer shall notify the local planning authority of the permanent cessation of electricity generation in writing no later than five working days following this event. Prior to the permanent cessation of electricity generation, 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:
 - i) Details of the removal of the Solar PV panels, frames, inverter modules, substation, fencing, cabling, foundations and access track and restoration of the land;
 - ii) Parking of vehicles for site personnel and operatives;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials;
 - v) Programme of works including measures for traffic management;
 - vi) Provision of boundary hoarding behind any visibility zones;
 - vii) Vehicle wheel wash facilities;
 - viii) Highway condition surveys;
 - ix) 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; and
 - x) A soil management strategy to bring the site back into agricultural use.

The approved decommissioning and restoration scheme shall be fully implemented within 12 months of the cessation of electricity generation.

Reasons

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11, DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
6. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
7. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
8. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
9. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species 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.
10. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species 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.

Contact for any more information

Ms Tina Maryan (01884 234336)

Background Papers

14/01932/MFUL

File Reference

15/01108/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

