

**AGENDA ITEM 5**

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

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

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

**Reason for Report:**

**To consider the reasons for refusal proposed by the Planning Committee at the meeting of 5 November 2014 in light of further advice from Officers.**

**RECOMMENDATION**

**Grant permission, subject to conditions**

**Relationship to Corporate Plan:**

None

**Financial Implications:**

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

**Legal Implications:**

None

**Risk Assessment:**

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

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

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

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

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

## 1. The Committee's reasons for refusal

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

1. In the opinion of the Local Planning Authority, due to the scale, design and siting of the proposed solar photovoltaic installation, the development is considered to have a significant adverse effect on the visual amenity and rural landscape character of the area, in particular when viewed from vantage points on local roads to the south and north west of the site and from the B3227 during winter months, and it has not been demonstrated that the harm could be addressed adequately by mitigation planting. The application is considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy (LP1), DM2 and DM5 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority, the increased traffic movements in Bowdens Lane during the construction period, the road being narrow and without passing places, would cause a significant danger to other road users, including to cyclists, horse-riders, pedestrians, and children using the Bowdens Lane play area, contrary to the National Planning Policy Framework.
3. In the opinion of the Local Planning Authority, due its adverse effect on visual amenity and rural landscape character, the proposed solar photovoltaic installation is considered to harm the rural economy in an area which relies on tourism and country pursuits and which forms a gateway to Exmoor National Park, contrary to the National Planning Policy Framework which seeks to support a prosperous rural economy.
4. The development would be an unacceptable development of grade 3b and 4 agricultural land and as non-brownfield land is not considered to constitute poorest quality land and as such is contrary to the National Planning Policy Framework.

## 2. The implications of refusing the application

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

### 1. Landscape and visual impact of the proposal

The independent review of the submitted LVIA identified a number of shortcomings with the submitted LVIA, in particular that the quality of the landscape was underestimated and the photoviews were not all up to the standard expected. However, Members will note from the officers' report that both the submitted LVIA and the independent review of that LVIA concluded that the site was an acceptable candidate for solar PV, subject to mitigation in the

form of additional planting and provided the existing land cover remained substantially the same.

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

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

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

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

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

## 2. The effect on the local economy

Your officers set out the potential impacts on the local rural economy in their committee report. The National Planning Policy Framework seeks to support a prosperous rural economy including promoting rural tourism and leisure developments and promoting diversification of agricultural and other land-based businesses. The proposed development would have limited visibility from public vantage points and is likely only to be glimpsed from the B3227 in the winter months when travelling along this road. Little evidence has been provided that a solar PV installation would affect the rural economy in a negative way.

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

### 3. Highway impact

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

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

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

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

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

### 3. Compliance with relevant policies

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

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

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

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

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

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

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

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

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

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

Members also asked officers to consider the Minister's Speech by Greg Barker on 25 April 2013 which is referred to in Planning Practice Guidance. This has been considered under "Use of good quality agricultural land" above. The Speech is generally supportive of solar but recognises the concerns of communities, the loss of productive agricultural land and the over-incentivising of solar on green field land. The Minister's Speech confirms the Government's commitment to solar energy and states that the Government wants to see more solar, but "not at any cost, not in any place and not if it rides roughshod over the views of local communities".

The local community has objected strongly to the proposal and the concerns set out in those objections have been considered in the original committee report. The planning concerns of

the community are very relevant to determining this application and must form part of the balancing exercise.

## **Conclusion:**

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

## **1.0 DESCRIPTION OF DEVELOPMENT**

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

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

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

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

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

Additional hedge and copse planting is proposed.

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

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



## Menu

### Speech

## Gregory Barker speech to the Large Scale Solar Conference

---

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

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

**Location** County Hall, Truro, Cornwall

**First published:** 25 April 2013

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

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



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

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

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

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

- 2.

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

3.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

We want to keep it that way.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Taking solar further**

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

To do this the sector needs real champions...

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

This is where the National Solar Centre comes in.

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

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

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

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

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

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

## So, what next?

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

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

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

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

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

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

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

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

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

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

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

...and, of course, the recent changes to the FiTs scheme and the RO have put in place a stable foundation on which to build further deployment. And provide good projects with the type of return needed to secure investment.

Before I conclude I would like to mention something many of you will consider to be the "elephant in the room"....

...the European Commission's anti-dumping investigation into PV imports from China.

I completely understand the difficulties and uncertainty this is already causing many of you.

I want to reassure you that the government is working hard to ensure the Commission's response and any measures imposed are proportionate and take account of wider effects on the industry.

We will have greater clarity on the Commission's intentions early in the summer and I would strongly urge you to continue to work through your trade associations. As I know you already do.

## Conclusion

The UK already is one of the best places for green energy, for green investment and for green jobs across the world.

And it is right that we should be putting solar PV at the heart of our green energy policy.

And I want us to continue to work together – government and industry – because this is a shared endeavour.

You are the businesses who can continue to develop our expertise in solar technology. To use this technology to cut costs, compete internationally and boost jobs.

You are the experts who can help us build the future of this industry...

...through the new Solar PV Strategy Group which will help to inform our new Solar Strategy.

There is no doubt that there are challenges. But those challenges will be met by us all together and this is just the beginning of our journey.

I would like to end with another quote from the Prime Minister, this time from February this year. He said that green energy makes "our energy sources more sustainable, our energy consumption more efficient and our economy more resilient to energy price shocks – those things are a vital part of the growth and wealth that we need".

Thank you.

## Share this page

- Share on Facebook (<https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fspeeches%2Fgregory-barker-speech-to-the-large-scale-solar-conference>)
- Share on Twitter (<https://twitter.com/share?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fspeeches%2Fgregory-barker-speech-to-the-large-scale-solar-conference&text=Gregory%20Barker%20speech%20to%20the%20Large%20Scale%20Solar%20Conference>)

where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays





**Grid Ref:** 299298 : 125070

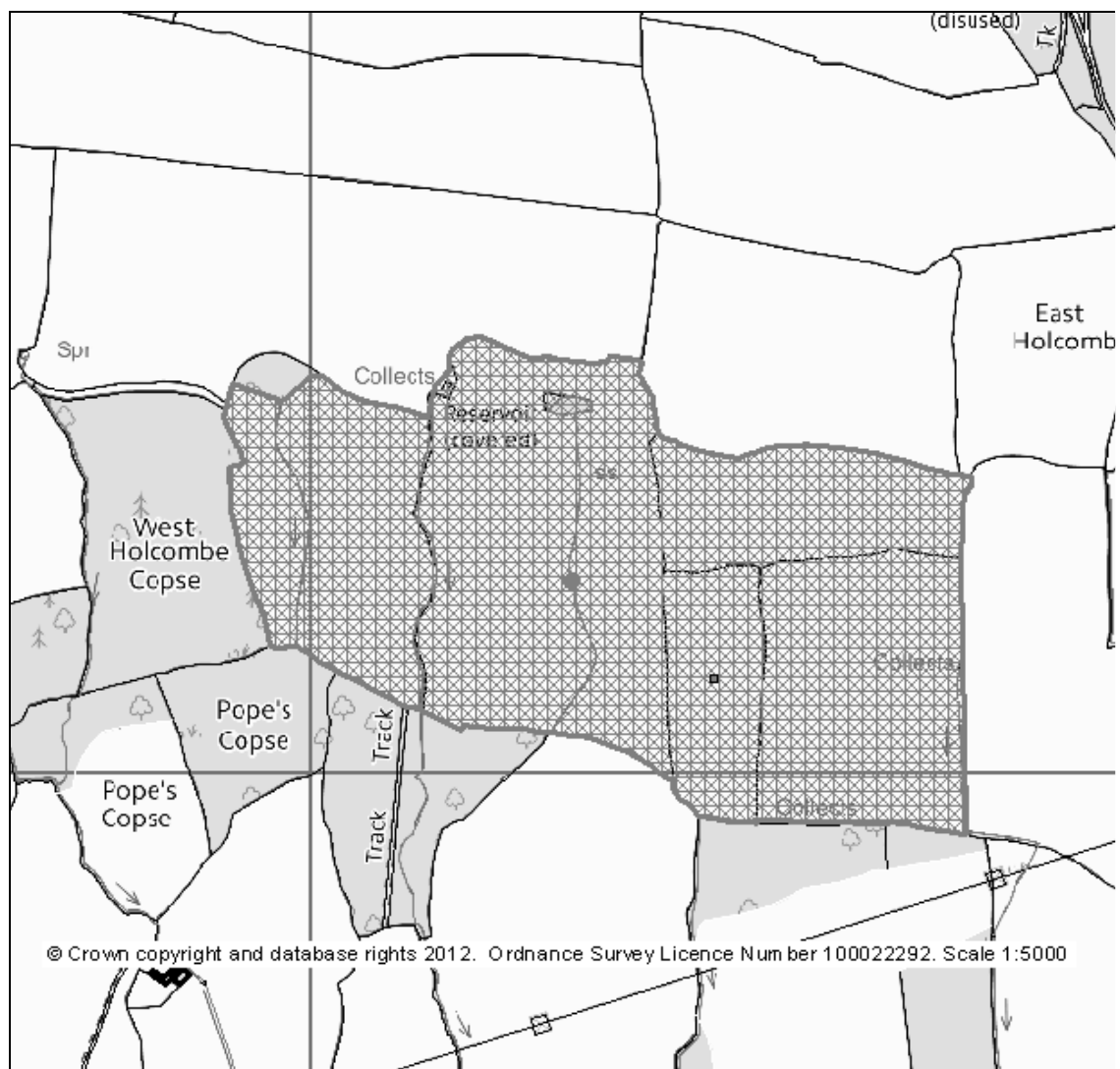
**Applicant:** Mr J Wearmouth, Wessex Solar Energy

**Location:** Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon

**Proposal:** Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme)

**Date** 28th August 2014

**Valid:**



## **Application No. 14/01452/MFUL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

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

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

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

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

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

Additional hedge and copse planting is proposed.

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

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

Environmental Statement including:

- Landscape and Visual Impact
- Ecology and Ornithology
- Cultural Heritage/Archaeology
- Noise

- Traffic and Infrastructure
- Cumulative impacts

Agricultural Land Classification

Landscape and Visual Impact Assessment

Statement of Community Involvement

Construction Traffic Management Plan

Flood Risk Assessment

Design and access statement

Site Selection and Consideration of Alternative Sites

Archaeological Desk Based Assessment

### **PLANNING HISTORY**

13/01552/PE Request for screening and scoping opinions in respect of solar park - EIA development due to potential cumulative impact with other proposed renewable energy developments in the immediate area.

14/00903/MFUL Installation of solar energy farm on 13.34 hectares of land to generate 5.5 megawatts of energy - WITHDRAWN - The application was withdrawn following your officers' concern over the content and accuracy of the Landscape and Visual Impact Assessment.

## **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  
DM30 - Other protected sites

National Planning Policy Framework  
National Policy Statement EN-1  
Planning Practice Guidance for Renewable and Low Carbon Energy

Mid Devon Guidance  
Mid Devon Landscape Character Assessment  
An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District

## **CONSULTATIONS**

HISTORIC ENVIRONMENT SERVICE - 18th September 2014 - 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 a significant impact upon any known heritage assets.

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

BAMPTON TOWN COUNCIL - 9th October 2014 - The Council objected to this proposal as being wholly unsuitable for a profoundly rural area, in which the development would be highly visible, and on land of a high or high/medium sensitivity. The Council acknowledged the relevance of the Government initiative to protect the landscape against the incursion of solar farms.

HIGHWAY AUTHORITY - 10th September 2014 - The Highway Authority has no objections in principle to the above application subject to the Construction management plan being conditional of the consent. The escorted HGV traffic from the B3227 being of paramount importance to avoid conflict and disruption.

Given the narrow nature of Bowden's Lane and the evidence of vehicle rubbing on the embankments the applicant may wish to consider the transfer of Panels to small vehicles through a marshalling yard. This is advisory only.

The applicant should also make available the use of a road sweeper should the wheel washing facilities be insufficient in themselves to prevent mud and detritus from entering the public highway.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

ENVIRONMENT AGENCY - 25th September 2014 - No objection to the proposal providing development proceeds in accordance with the submitted Flood Risk Assessment.

MOREBATH PARISH COUNCIL - 8th October 2014 - Too large for an unspoilt green valley. Better non agricultural land available, as this is an industrial scale project.

NATURAL ENGLAND - 12th September 2014 - Designated sites

This application is not in close proximity to any Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which any sites have been notified. We therefore advise your authority that they do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### Landscape

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

#### Local Sites and Issues

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

#### Soil and land quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework). For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

We note that the panel arrays would be mounted on steel posts driven into the ground and that no substantial areas of concrete construction would be required, with the exception of foundations for the Inverter and the sub-station buildings, meaning that the panel arrays could be removed when planning permission expired with no likely permanent loss of agricultural land quality in the long term. Whilst soil would be disturbed in some parts of the site through the construction of the switch station and access tracks and installing of buried cables this equates to a relatively small area and much of the soil disturbance is likely to be reversible during decommissioning.

We note that the Design and Access statement states that agricultural use of the land would subsist alongside the proposed PV panels through the grazing of sheep and that the land would be restored to full agricultural use at the end of the life of the park (approximately 25 years).

Our comments assume that any planning approval would require the site to be decommissioned and returned to agricultural use when planning permission expired.

We recommend the following points are secured as conditions should the Council be minded to grant permission.

- Removal of the panels and associated infrastructure when permission expires.
- Production of a soil management strategy. We recommend the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.

#### Protected Species

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

#### Biodiversity Enhancements

This application provides the opportunity to incorporate features into the design which are beneficial to wildlife. In particular it provides an opportunity to secure the restoration and enhancement of Devon hedgerows with flower rich banks and margins.

Green infrastructure is increasingly recognised as an essential component of any truly sustainable development. Natural England considers this proposal may provide an opportunity to contribute to your Authority's Green Infrastructure (GI) strategy.

If Sustainable Urban Drainage Systems are proposed, they can also contribute towards green infrastructure by increasing biodiversity and amenity value. Paragraph 103 of the NPPF indicates that development should be required to give priority to the use of sustainable drainage systems.

We note the proposals in the LVIA (Land Lizard revised August 2014) and chapter 6 Volume 1 of the Environmental Statement although we consider sufficient space should be given to hedgerows to allow them to continue functioning ecologically (as stated in the ES Vol Ch 6 - 'Buffer zones of at least 5m will be put into place between the solar panels and the boundaries of the fields'). Our advice is that these enhancements and any others are secured, by condition, through an environmental management plan to provide clarity and assurance about what will be secured.

NATIONAL AIR TRAFFIC SERVICE - 10th September 2014 - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

NATIONAL GRID - 11th September 2014 - An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

National Grid has identified that it has no record of apparatus in the immediate vicinity of your enquiry.

## REPRESENTATIONS

168 objections summarised as follows:

1. Solar should be directed to commercial or industrial development and not sited on agricultural land.
2. The benefit of the energy produced does not justify the harmful visual impact in a scenic area.
3. The Government made it clear in NPPG that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.
4. The Mid Devon Landscape Character Assessment recognises the scenic quality of the area and the landscape character types have either a medium high (3E) or high (1E) sensitivity to solar farm developments.
5. The site predominantly rural farmland without large man-made structures.
6. The site is just over a mile from Exmoor National Park and the development would be an unacceptable intrusion into a beautiful landscape.
7. The development will be an eyesore that is visible from both slopes of the valley, well known vantage points and the main road, particularly when the leaves are off the trees for 5 months a year.
8. The LVIA refers to the development being beneficial to the landscape character. How can the development be beneficial to a landscape that forms the setting of Exmoor National Park and has a moderate-high sensitivity to large scale solar (Devon Landscape Policy Advice Note 2).
9. The LVIA states the visual impact from many vantage points would be negligible but this does not take into account the months of the year with no leaf cover. The entire site would be visible in winter particularly from the B3227.
10. The photographs are taken in poor weather conditions and from angles which downplay the visual impact of the development.
11. Mid Devon's policy states that proposals should enhance the natural landscape which this development does not.
12. Mid Devon refused permission for a similar scheme in Morebath and the Planning Inspector at appeal said the development would have a significant adverse impact on the way the local community appreciate the character and visual quality of the landscape. This would also apply to the current application.
13. Mid Devon's Cabinet have approved a proposal to apply for AONB status for the Exe Valley which would add credence to the need to protect the area from industrialisation.
14. The inevitable lighting (recommended by the police) will cause light pollution right next to the Exmoor Dark Sky Reserve. The reflection of the solar farm on moonlit nights will affect appreciation of the night sky.
15. Bowdens Lane is narrow with no passing places. There is no pavement and there will be danger to pedestrians and other road users and to children using the play area in Bowdens Lane during the construction period, regardless of whether a convoy system is in place.
16. There will be considerable noise pollution during construction and no assessment has been

- made of noise during operation, for example from inverters.
17. The development will exacerbate surface water run-off in an area that is already prone to flooding.
  18. The development will have a negative effect on the rural economy (local traders, holiday lets) as tourists who come to the area for its scenic qualities will be put off by the solar development.
  19. If the landscape is degraded by solar PV businesses are less likely to invest in the area and create jobs in the tourism and leisure industries.
  20. The area is attractive for walking, horse riding, shooting, fishing and educational pursuits and the development will jeopardise the numbers of visitors for these activities.
  21. The proposal does not support the local economy.
  22. The roads in the area are well used by cyclists and road racing clubs and the B3227 was used in Stage 6 of the 2009 Tour of Britain. It is also a scenic route favoured by motorcyclists. The solar development would blight the well-used route.
  23. The proposed will have a negative impact on deer and other wildlife using the valley and their protection has not been adequately assessed or addressed in the proposal.
  24. The development will take valuable agricultural land out of production.
  25. There is no need for this development. The UK Renewable Energy Roadmap shows that the UK is on track to meet the first interim target on the way to 15% renewable energy consumption by 2020. The Prime Minister's office has confirmed that all the projects needed to meet Britain's renewable energy targets have already received planning consent.
  26. The solar farm will not produce 5.5 MW as claimed but much less. The applicant does not specify what the contribution is likely to be but based on a capacity factor of 10% (RegenSW) average power production would be 0.55MW and its contribution insignificant.
  27. The UK Solar PV Strategy Part 1 sets out four guiding principles that PV should be cost effective, deliver genuine carbon reductions, be appropriately sited and provided opportunities for local communities to influence decisions that affect them, and support for solar PV should response to the impacts on the grid system and financial incentives. These issues have not been addressed.
  28. Energy Minister Greg Barker stated that subsidies have been revised to incentivise solar on buildings. Where solar is not on brownfield land, consider low grade agricultural land.
  29. The proposal will put up energy bills locally and may cause the grid to overload.
  30. There are no plans for restoration of the land at the end of the 25 year period or to deal with the potential for toxic materials to be released on decommissioning.
  31. The supporting documentation is biased in favour of the developer and in particular the LVIA is inadequate with regard to the potential impact on nearby residents.
  32. The site is close to a military low-flying zone and the interference and glare could cause problems.
  33. The heritage of the area has been largely ignored in the assessment. The fields are indicated as medieval enclosures in the Mid Devon Assessment of Landscape Sensitivity which are of higher sensitivity to solar PV.
  34. There has been no community involvement in the current submission. The community has not been kept informed by the developer as promised. The community's views have been misrepresented in the application.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Benefits of renewable energy production and policy**
- 2. Agricultural land classification**
- 3. Landscape character**
- 4. Visual impact**
- 5. Mitigation planting**
- 6. Ecology**
- 7. Heritage assets**
- 8. Access**
- 9. Flood risk**
- 10. Impact on the local economy**
- 11. Construction/decommissioning phases**

- 12. EIA**
- 13. Representations**
- 14. Consideration of alternative sites**
- 15. Planning balance**

## **1. Benefits of renewable energy production and policy**

The scheme would be capable of generating up to 5.5 megawatts of electricity annually which the applicant states would equate to the annual energy consumption of approximately 1,400 households. The applicant anticipates that the scheme would offset between 2,220 and 5,256 tonnes of CO2 per year. The Government's target for the amount of electricity to come from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2014, to date, the amount of electricity generated from renewable sources in the South West stands at 8.3% of demand (1,185 megawatts). Solar PVs in Devon contribute 208.44 megawatts (installed capacity) as at March 2014. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (LP1) 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 and the 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, 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 has been 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.

For this application, the benefits of the production of renewable energy should be weighed against the potential impacts on the environment, the character and visual amenity of the area, and the amenities of the local area and nearby residents.

## **2. Agricultural land classification**

The submitted desk-based report on agricultural land quality classifies the land as Grade 3b, with



some Grade 4 land. Policy DM5 seeks to avoid renewable energy developments on best quality agricultural land (Grades 1, 2 and 3a) and the development is considered to comply with this policy and Planning Policy Guidance that poor quality agricultural land should be used in preference to higher quality land (if the use of agricultural land is considered to be necessary).

### **3. Landscape character**

The site consists of 5 adjacent pasture fields on the lower slopes of a south facing valley side, bounded by hedges and crossed by surface water flows, with blocks of woodland to the south and west and rising ground to the north. A surface power line with pylons runs east-west across the southern boundary of the site and there is an existing electricity sub-station at the proposed entrance in Bowdens Lane.

The site sits within Mid Devon landscape character type 3E Lowland plains (Mid Devon District Landscape Character Assessment 2011). This landscape is characterised by gently rolling middle ground to lowland with smooth, rounded hilltops that have concave lower and convex upper slopes, primarily arable farmland some improved grassland, fields divided by hedgerows and hedgebanks, with hedges forming spines along rolling hills, and rib-like hedges crossing the convex slopes down into the valleys. Hedgerow trees are infrequent with copses and discrete woodlands. There are a number of outlying, regularly distributed farms, villages and hamlets and small groups of houses, generally a sparsely populated area. Views are highly variable, the landscape semi-open with some long views afforded from hilltops. Where hedges are high, views are mostly framed or confined with glimpses into and out only present from field gate openings.

Immediately to the north of the site, on the higher valley slopes, the landscape character type changes to 3A Upper farmed and wooded valley slopes. This landscape is characterised by convex and rounded hilltops forming ridges with moderately dry, fertile smooth slopes running into small-scale vales with damp character. The landscape is characterised by extensive tracts of medium-scale fields of permanent pasture, semi-improved grassland, with wet flushes and springs on lower ground. Hedgerows are dense and trees are abundant with mostly deciduous copses. Isolated farms, rural cottages and farm buildings are located on the hillsides and tend to be visually prominent in the landscape. There are long-distance views from one hilltop to another.

The site is not within a designated landscape, although the boundary of Exmoor National Park is approximately 2.8 km to the north-west. Mid Devon's Cabinet has approved a proposal to pursue the possibility of designating the Exe Valley as an Area of Outstanding Natural Beauty. Work on this proposal has not begun and your officers consider that the Cabinet decision carries no weight in determining this planning application.

The submitted Landscape and Visual Impact Assessment (LVIA) describes these character types and assesses the site as having features of both landscape types. It describes the development as having been designed to fit within the grain and scale of the landscape by retaining all field boundaries and water features and fitting the panels between these landscape features.

The submitted LVIA describes the value of the landscape as of low and local value being less valued than many other more highly valued landscapes nearby but enjoyed by the resident, though sparse, population. The LVIA states that the site is largely enclosed by topography, woodland and hedgerows and locations from which the site may be seen and/or experienced are not generally accessible to the public. The LVIA describes the landscape change, both through the introduction of the panels and associated structures and through the increased planting proposed. The LVIA concludes that the landscape effects will be low adverse on completion, becoming neutral within a few years as the planting establishes and moderate positive within 10 to 15 years as the new landscape matures. The landscape section of the LVIA covers only the operational phase and ignores construction, decommissioning and the access track.

The submitted LVIA does not refer to the guidance An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District, which describes LCT 3E Lowland Plains as having a medium-high sensitivity to large scale solar PV and the neighbouring LCT 3A Upper Farmed and Wooded Valley Slopes as having a high sensitivity to large scale solar PV. It should be noted that although this document is being developed as a

supplementary planning document, it is currently guidance only and carries limited weight.

Your officers commissioned an independent review of the submitted LVIA which states that although landscape sensitivity has been identified, there is little detail on methodology or assessment and the value of non-designated landscape needs careful consideration. The consultants consider that the value of non-designated landscapes should be assessed in terms of a number of attributes, such as landscape quality, rarity, recreation value and tranquillity and consider the submitted LVIA shows little evidence of this and seems to rely on the lack of designation. Impacts on landscape character were not considered in the analysis of the various viewpoints and the significance of the impacts has not been identified.

Your officers agree that the value of the landscape has been understated in the submitted LVIA and cannot agree that there will be an overall positive effect on landscape character as the additional planting matures. Your officers consider that the character of the landscape would be fundamentally changed with the introduction of panels, fencing and cabins. However, the independent consultants have concluded that despite under-stating of the value of the landscape and the over-stating of the landscape benefits of the scheme, the development would still have an acceptable impact on landscape character.

Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to sustain the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas and policy DM2 of the LP3 DMP requires development to show a clear understanding of the characteristics of the site its wider context and surrounding area and to make a positive contribution to local character. Policy COR18 of the Mid Devon Core Strategy (LP1) requires development outside settlements to enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Policy COR18 goes on to identify development that will be permitted outside of defined settlements, including renewable energy, and states that these types of development will be subject to specific development policies and subject to appropriate criteria identified on those policies.

Policy DM5 of the LP3 DMP sets out the criteria for assessing renewable and low carbon energy. The policy requires the benefits of renewable energy to be weighed against its impact. It 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. The importance of assessing landscape impact is also set out in the National Planning Policy Framework which states that Local Planning Authorities should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

In terms of the direct landscape impacts of the development, your officers consider that the development would have some adverse impacts on the landscape character of the area which would be contrary to the requirements of policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP. However, planning policy requires the impacts to be weighed against the benefits and this consideration is set out in the planning balance section below.

#### **4. Visual impact**

In terms of visual impact, the submitted LVIA gives lists the visual receptors within a 2km study area and includes villages, hamlets, and individual farms/houses, as well as roads, footpaths and cycle routes and listed buildings. The LVIA identifies that few of the selected receptors have direct views of the site. Ten dwellings were identified as having distant or partial views of the site or views from barns only.

Concern has been raised that the roads in the area are well used by cyclists and road racing clubs and the B3227 is a scenic route favoured by motorcyclists. The submitted LVIA states that views from the B3227 have been identified as "negligible due to intervening vegetation, copses, riparian woodland and along the dismantled railway". Your officers would agree that only rare glimpses of the site would be available during the summer months. However, during winter months your officers consider that the site would be more visible, albeit the views still filtered by trees and vegetation. Distant partial views/minimal views were identified from bridleways in the area and no views were

identified from public footpaths.

Several viewpoints were selected as representative of views from public vantage points around the site and photoviews and photomontages developed from these viewpoints. The site was not marked on the viewpoints making it difficult to assess the visual impact without the separate orientation sheet provided. Concern has been raised that the photographs were taken from angles and in weather conditions that reduce the visibility of the site in the photoviews.

The independent review of the LVIA identified that the photographs had no labelling and did not identify where the site lies in the view in terms of foreground/mid-ground, and the reader is left to make its own assessment of the visibility of the proposals. There is confusing use of black and dark blue for photoview and photomontage locations which are almost indistinguishable on the plan. In addition, your officers do not consider that the photomontages represent the view as it would be experienced: the photographs have been "squashed" vertically which has resulted in a reduction in panel coverage and increase in green space shown on the photomontages.

From their own assessment of the viewpoints, your officers consider that the site is somewhat more visible than the submitted LVIA identifies. The viewpoints of most concern are Photoview 7 from a field gate in Quartley Hill and Photoview 5 (Photomontage 2) from road junction at entrance to South Hayne Farm.

From Photoview 7, the sides and backs of panels will be clearly visible in the near-middle ground. The significance of the visual effects for this photoview has been assessed as being negligible as views are contrived and optional, and views are only briefly experienced. Local objection is based on the assertion that due to the nature of the landscape with views blocked by high hedges and trees, where there is a rare gap in these boundary features, such as a field gate, walkers, cyclists, horse riders and car drivers are likely to stop to take in the view. Your officers consider that the visual effect from this viewpoint would be greater than negligible and would agree that it is likely that people would stop in field gates to take in the view. However, the route is not considered to be one that is widely used and has no particular designation as a scenic route, public footpath or cycle route. The field gate is on a stretch of road where it is not logical for car drivers to stop and take in the view as the road is narrow at this point. There are other, similar, views from this lane where it would be necessary to stop in a gateway in order to view the solar PV development.

Photoview 5 shows the view from the road junction near to South Hayne Farm. The submitted LVIA states that the significance of the visual effect from this viewpoint is again negligible, due to views being distant and occasional, viewing being optional and the development being a very small part of the overall view which will be lost as mitigation planting matures. From this viewpoint there are open views through the field gate and above the hedge and it is a logical place to stop and take in the view, there being a layby next to the hedge. The development is partially screened by woodland copses to the south and west which breaks up the massing of the site. Your officers would agree that views from this vantage point are panoramic and the development would not dominate the view, however, do not agree that the visual significance of the development from this viewpoint is negligible. It should also be noted that the woodland copses to the south of the site which contribute to screening the site and breaking up its visual effect are not in the site landowner's control and could be removed at any time. This view is available for a short time moving westwards along the rural road with further fleeting glimpses available between and over the hedges from vantage points along this road.

An appeal in respect of a solar PV development at Keens approximately 2.5km to the west of the site was dismissed as the Inspector considered it would have a significant adverse effect on the visual and landscape quality of the area, despite there being energy infrastructure present in the form of local and national grid lines. However, the proposed Keens development was considerably more visible than that proposed in the current application, with key viewpoints available from a well-used byway, and a national cycle route running along lanes that pass the site.

The same policies that are considered under the landscape character section above apply equally to the visual amenity of the area: 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. Whilst your officers consider that there will be adverse visual impacts from a number of public vantage points, there are no viewpoints on identified well-used or designated routes where the solar PV development is considered to dominate the view, or have an overriding impact on the appreciation of the view.

There are no public vantage points from which the entire site would be visible and although most of the site would be visible from Viewpoint 7, this view would not be representative of a general view from this lane. The independent review of the submitted LVIA concludes that the site is an acceptable candidate for a solar PV development in landscape and visual terms.

In terms of the visual impacts of the development, your officers consider that the development would have some adverse impacts on the visual amenities of the area which would be contrary to the requirements of policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP. However, planning policy requires the impacts to be weighed against the benefits and this consideration is set out in the planning balance section below.

## **5. Mitigation planting**

Hedges will be repaired and reinforced and new trees planted in the gaps between coppice woodland. The submitted landscape masterplan is confusing in that it is very difficult to differentiate existing and new planting from the key, although this has been annotated on the plan. The landscape design refers to cutting overgrown hedges and maintaining hedges at a minimum height of 3.5 metres (the same as the maximum panel height). It also refers to gapping up existing hedges, planting new trees and sowing a wildflower mix. The LVIA includes considerable detail on landscape design in association with a landscaping masterplan. The LVIA implies there will be considerable planting to reinforce existing landscape features and create new screening. Some new planting is shown along existing boundaries which will contribute towards screening the development but it is difficult to see how this additional planting would screen the development completely, as considered a potential in the flow chart to Photoview 5. As mentioned above, no mitigation planting is to be provided to compensate for the eventuality that the screening woodland outside of the landowner's control is removed.

Natural England has commented that "although we consider sufficient space should be given to hedgerows to allow them to continue functioning ecologically (...buffer zones of at least 5m will be put into place between the solar panels and the boundaries of the fields'), our advice is that these enhancements and any others are secured, by condition, through an environmental management plan to provide clarity and assurance about what will be secured. It is therefore recommended that a detailed environmental management plan is condition to describe in detail exactly what mitigation is proposed and how the proposed mitigation will be implemented. Subject to this, it is considered that the mitigation planting has the potential to improve existing landscape features in terms of reinforcing character, screening and enhancing biodiversity on the site, in accordance with policy DM2 of the LP3 DMP.

## **6 Ecology**

The applicant's submitted ecology report identifies that there are no statutory designated sites within 2km of the site but there are 17 non-statutory designated sites within 2km, mostly unconfirmed wildlife sites, but also 6 County Wildlife Sites. These include areas of broadleaf woodland and unimproved or semi-improved grassland. The site itself has no designation and is grassland with species-poor hedgerow with some mature trees on the boundaries and in areas of copse. Ditches on the site had little marginal vegetation. The report concludes that due to the intense management of the site for keeping livestock, the site is highly unlikely to support any notable or protected floral species.

Impacts on the surrounding non-statutory sites and habitats have been identified as of negligible or low magnitude and not significant in most cases. The only significant impact identified was to Higher Dayles unconfirmed wildlife site from dust and vehicle pollution during the construction period but this was also considered to be of low magnitude. Policy DM30 of the LP3 DMP states that where development proposals would lead to an individual or cumulative impact on County Wildlife Sites, the Council will balance the overall benefits of the proposal against the impacts. There is no evidence that there will be any significant impacts on nearby County Wildlife Sites.

The report details the likely impacts on notable and protected species and concludes that the site provided limited habitats for protected species. Where there is some wildlife potential, for example, commuting or foraging routes for amphibians and bats, and nesting opportunities for birds in the surrounding hedges and trees, these features will be retained and buffer zones provided between

boundary features and solar panels. Accordingly, it is not considered that the development will not have a material effect on these habitats. A small length of hedgerow is to be removed at the entrance to the site. If work takes place within the breeding season, a nesting bird check will be made before work begins on this hedgerow. If nesting birds are found, work will be delayed until the young have fledged.

Concern has been raised that deer will not be able to travel freely through the site as they do presently. The site is a small part of the overall area of pasture and woodland and in any event deer are not a protected species for the purposes of consideration of this application.

Subject to the approval of an environmental management plan as recommended by Natural England, it is not considered that the proposal will materially harm any protected species or habitat and the additional planting and hedgerow enhancements proposed may provide wildlife enhancements. The proposal is considered to be in accordance with policy DM2 of the LP3 DMP which provides that development makes a positive contribution to biodiversity assets and policy DM5 which provides for consideration of biodiversity and habitat fragmentation in assessing planning applications.

## **7. Heritage assets**

The heritage and archaeology assessment concludes that there is low potential for significant buried archaeological remains except for those associated with the post-medieval/modern West Holcombe homestead and a small area of water meadow.

Devon Historic Environment Service commented that the development would not have a significant impact upon any known heritage assets.

There are two Grade II listed buildings within 1km of the site, Hayne Barton approximately 600m to the south of the site and Lower Rill, approximately 600m south-west of the site. The submitted report confirms that there is no inter-visibility between these two listed buildings and the site and will not materially affect their settings or their significance.

Bampton Castle scheduled ancient monument is approximately 4km from the site and the intervening topography prevents intervisibility between the two sites. The Grade I listed Church of St Michael and All Angels in Bampton also has no intervisibility with the site, although the site is within the historic parish and hundred of Bampton.

Your officers do not consider that the development will materially affect the setting or significance of any designated heritage assets in accordance with policy DM27 of the LP3 DMP which requires that development considers its impact on heritage assets and their settings and the National Planning Policy Framework which requires that heritage assets are conserved in a manner appropriate to their significance.

## **8. Access**

The site is to be accessed via Bowdens Lane, a mostly single track lane running north from the B3227. A 1.4km long stoned track will be constructed running east from the entrance to the site. Concern has been raised with regard to the suitability of Bowdens Lane for construction traffic and the potential danger to pedestrians and other road users, including the users of the play area in Bowdens Lane, from construction traffic.

The applicant has prepared a construction management plan which estimates that a 4 month period is required for construction. It is anticipated that during the construction period there would be approximately 30 vehicle movements per day for personnel, plus approximately 9 low loaders to deliver the construction plant and equipment to the site and approximately 9 low loaders to remove the construction plant and machinery from the site. It is anticipated 43 HGVs will be required to deliver the panels, frames, cabins, switchgear, housing and cabling. In addition, it is anticipated that approximately 92 HGVs and 21 concrete mixer trucks will be required to construct the access tracks and foundations for the inverters and control cabins. If the cabling trenches are backfilled with sand (rather than removed soil), a further 30 deliveries will be needed by HGV. Miscellaneous items such as fencing will require a further 40 truck deliveries.

The construction management plan sets out the approved route to the site and the hours of construction (8am to 6pm Monday to Friday and 8am to 1pm Saturday). Construction traffic will be escorted to and from the site from the B3227.

The Highway Authority has no objections to the development subject to the construction management plan being conditioned. It considers the escorted HGV traffic from the B3227 being of paramount importance to avoid conflict and disruption. The Highway Authority has advised that panels are transferred onto smaller vehicles before entering Bowdens Lane but is not requiring this to be conditioned. The Highway Authority also recommends the use of a road sweeper should the wheel washing facilities be insufficient to prevent mud and detritus from entering the public highway. Subject to compliance with the construction management plan, your officers consider that the development is in accordance with the provisions in the National Planning Policy Framework in respect of highway safety.

## **9. Flood risk**

The site is within Flood Zone 1 which has the lowest risk of flooding. However, there are numerous small watercourses, drains and small water bodies in the area and surface water flows crossing the site. The flood risk assessment states that the drains on the site are maintained by the landowner and will be maintained by the construction contractor/site operator to ensure their continued flow. The increase in impermeable areas of the site has the potential to increase surface water run-off and it is intended to address this additional run-off by the provision of swales on the site. The swale arrangement has been designed in consultation with the Environment Agency.

The National Planning Policy Framework and policy COR11 of the Mid Devon Core Strategy (LP1) require that development is directed to locations with the lowest risk of flooding and that development does not increase the risk of flooding properties elsewhere. Concern has been raised that the development may increase surface water run-off and contribute to an existing surface water flooding problem. Policy requires that development does not exacerbate any existing problems with flooding, but developers are not required to address existing flooding issues.

The Environment Agency has confirmed that it has no objection to the proposal providing development proceeds in accordance with the submitted Flood Risk Assessment, and it is recommended that this is conditioned. Subject to compliance with the requirements of the Environment Agency, your officers consider that the development accords with policy with respect to flood risk.

## **10. Impact on the local economy**

Concern has been raised with regard to the negative impact of the proposal on the rural economy which is based on leisure and tourism. The landscape attracts tourists and is a focus for country leisure pursuits in the area. Local residents are concerned that the development of a solar PV development in the area will detract from the natural beauty of the area and lead to a reduction in the number of tourists coming to the area to stay in local holiday accommodation and take advantage of rural leisure pursuits. The area is considered to be a "gateway" to Exmoor National Park, often the first experience that tourists have of the area.

Exmoor is also a Dark Sky Reserve and concern has been raised that the solar PV development could have a negative effect on this designation and on the appreciation of the night sky in the local area. The applicant has confirmed that no lighting will be erected on the site and it is recommended that this is conditioned. Objections state that the police recommend lighting on solar PV developments and there will be pressure to install lighting. Any such application would be dealt with on its merits, bearing in mind the Dark Sky Reserve designation. Exmoor National Park Authority was consulted but to date has not responded to the consultation.

Mid Devon District Council recognises the importance of the tourism industry, particularly close to attractions such as Exmoor National Park, and would not wish to approve development that would have a significantly adverse impact on the rural economy. However, your officers do not consider that the development would be particularly visible for most visitors to the area and any negative effects on

tourism are likely to be linked with visual and landscape impacts. If landscape and visual effects are not considered to be significant enough to warrant a refusal when balancing the benefits against the impacts, it would follow that any negative effects on the tourism industry are also not significant enough to warrant a refusal.

## **11. Construction/decommissioning phases**

It is intended to establish a temporary site construction compound being established at the north-west of the site which will be removed on completion of the works. The land will be returned to agricultural use at the end of the 25 year period and the Environmental Statement confirms that the decommissioning methods be submitted for approval 12 months prior to commencement of decommissioning. It is recommended that a detailed decommissioning plan is conditioned to be submitted and approved in accordance with this timescale.

## **12. Environmental Impact Assessment**

The development was screened as requiring an Environmental Impact Assessment due to the potential for cumulative impacts with other planned solar schemes in the area. Two of these schemes were dismissed at appeal and a third withdrawn. A fourth scheme was screened for EIA but has not come forward. It is therefore not considered that there would be a cumulative impact with other solar developments.

## **13. Representations**

Approximately 170 objections were received in connection with the proposal, including objections from Morebath Parish Council and neighbouring Bampton Town Council.

Objections relating to visual and landscape character impact, agricultural land classification, ecology, flooding and quality of the LVIA and other submitted documentation have been addressed in this report generally.

The efficiency of solar PV is not a material consideration as the Local Planning Authority needs to consider the benefits of producing renewable energy at the installed capacity of the scheme, rather than taking into consideration relative efficiencies and losses through the grid. Similarly, the economics of the scheme cannot be considered and the Local Planning Authority cannot take into account the need for renewable energy and the validity of the Government's renewable energy targets or subsidies.

Concern has been raised that noise from the operation of the equipment on site will have a negative effect on the amenities of residents. Bearing in mind the nearest dwelling is more than 200 metres from the site of the nearest inverter/transformer your officers do not consider this to be a material issue. Any noise nuisance, however unlikely, would be controlled by Environmental Health.

Concern has been raised that the supporting documentation is biased in favour of the developer and in particular the LVIA is inadequate with regard to the potential impact on nearby residents. This concern has been taken into account in the officer's assessment of the scheme.

Concern has been raised that the site is close to a military low-flying zone and the interference and glare could cause problems. The MOD was consulted on the application but to date no comments have been received. Air traffic control (NATS) has no objection to the proposal.

## **14. Consideration of alternative sites**

Planning Practice Guidance on renewable and low carbon energy encourages the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. It provides that where a proposal involves greenfield land (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The applicant has submitted a document setting out its consideration of alternative sites. The use of

previously developed and non-agricultural sites has been considered and no viable sites have been identified that meet this criteria. Where no such viable sites are available, the use of agricultural land is required. As the site has been classified as Grades 3b and 4 agricultural land, it is intended to continue to graze the site and biodiversity improvements are to be provided in the form of additional planting and management of existing hedgerows and trees, your officers consider that the Planning Practice Guidance tests have been met.

The Minister's speech referred to in the Planning Practice Guidance refers to not incentivising large scale solar on greenfield sites in the future but instead incentivising solar on buildings. It goes on to say that where agricultural land is used, this should be on low grade agricultural land, incorporating visual screening and involving communities. Development of solar PV should take into consideration the impacts on the landscape (considered above in this report) and on local communities. The speech also states that the development of solar PV is at the heart of the Government's green agenda.

Local Planning Authorities are required to balance the benefits of renewable energy provision against the potential harm and this report seeks to set out both the benefits and the harm and to balance these in making a recommendation.

## **15. Planning balance**

Policy DM5 of the LP3 DMP requires the benefits of renewable energy to be weighed against its impact. It 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. The importance of assessing landscape impact is also set out in the National Planning Policy Framework which states that Local Planning Authorities should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

The NPPF also states that planning "plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development." It requires Local Planning Authorities to have a positive strategy to promote energy from renewable and low carbon sources. Planning Practice Guidance supplements the NPPF and states the importance of considering landscape and visual impacts in assessing renewable energy schemes.

Your officers consider that the assessment of the proposal has identified negative impacts on landscape character and on the visual amenity of the area, and possibly some limited negative impact on tourism in the immediate area, but these negative impacts are not considered to be significant enough to outweigh the benefits of producing renewable energy which will play a part in contributing towards the Government's renewable energy targets.

## **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 detailed Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, to include the site itself and the access and access track, during construction and operation of the facility. Such Environmental Management Plan shall include details of measures to protect habitats and wildlife on and surrounding the site and access route during the construction period; buffer zones between the panels and fencing and hedges, trees and woodland; details of any tree/hedge removal and planting/landscaping scheme, including any changes proposed to



existing ground levels; details of on-going management of the site and its boundary vegetation. The planting scheme shall be carried out in full by the planting season following substantial completion of the development. All retained and new trees on the site as identified in the Environmental Management Plan shall be retained and maintained in accordance with the approved scheme for at least the lifetime of this planning permission and any trees or plants which have been provided as part of the landscaping scheme and which within a period of 5 years from completion of the landscaping scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

4. The development shall be carried out in accordance with the submitted Construction Traffic Management Plan dated August 2014 with the addition of road sweeping facilities should the wheel washing facilities provided be insufficient to ensure that no mud or detritus is deposited on the public highway.
5. The development shall be carried out in accordance with the submitted Flood Risk Assessment dated August 2014 and before the development is substantially completed swales shall be provided in accordance with submitted drawing Figure 1.2 Sheet 2 Rev A dated 5 August 2014.
6. The external colour of the inverter enclosure/housing and control building shall meet with either BS4800 12B25, BS4800 18B29 or BS4800 10B25. Once provided the structures shall be maintained in one of these approved colours.
7. No external artificial lighting shall be installed at the site without planning permission first having been obtained.
8. All cables shall be placed underground.
9. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development of the type referred to in Class A of Part 2 of Schedule 2, relating to the erection, construction or alteration of a gate, fence, wall, or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
10. The solar PV facility shall cease to generate electricity 25 years and 12 weeks following commencement of development which commencement shall be notified in writing to the Local Planning Authority. 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 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;
  - j) soil management strategy to bring the site back into agricultural use.

The approved decommissioning and restoration scheme shall be fully implemented within 6 months of the cessation of electricity generation.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the visual amenity of the area is preserved in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.
4. In the interest of highway safety to prevent surface water, mud and other debris being carried onto the public highway in accordance with Local Plan Part 3 (Development Management Policies) DM2 and the National Planning Policy Framework.
5. To provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11, Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
6. To ensure that the visual amenity of the area is preserved in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.
7. To minimise the potential for light pollution and disturbance to local amenity in accordance with Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
8. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) COR2 and Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
9. To safeguard the visual amenities of the area and the movement of protected species across the site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
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 and Local Plan Part 3 (Development Management Policies) DM2.

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

The proposal is considered to be acceptable in that although negative impacts have been identified in relation to landscape character and visual amenity of the area, and to a lesser extent on rural tourism, these negative impacts are not considered to be significant enough to outweigh the benefits of producing renewable energy. It has been demonstrated that there are no alternative, viable, previously developed sites, and the site is not best grade agricultural land and will continue to be grazed. Subject to conditions, impacts on the highway network, flooding and biodiversity are considered capable of adequate mitigation. The proposal is considered to accord with the relevant policies: COR5, COR9, COR11 and COR18 of the Mid Devon Core Strategy (LP1) and DM5, DM7 and DM30 of the LP3 DMP. The proposal is not considered to accord with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP in respect of its impacts on landscape character and visual amenity but these impacts are not considered significant enough to warrant a refusal, when weighed against the benefit of producing renewable energy.

