

REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

**Description of Development:**

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

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

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

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

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

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

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

with the second substation measuring 6.25m long, 3.65m wide and 4m high. Both are proposed to be finished in a Green colour.

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

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

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

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

**Reason for Report:**

At the meeting on 21 October 2015, Members resolved that they were minded to refuse the application contrary to officer recommendation and the application was deferred for a further report setting out the implications for proposed reasons for refusal on landscape and visual impact and cumulative impact.

**RECOMMENDATION(S)**

If Members are still minded to refuse the application contrary to officer recommendation, it is recommended that Members refuse the application for the suggested reason for refusal 1 set out in this report, and carefully consider whether they also wish to refuse the application for reason for refusal 2. Both reasons for refusal need to be capable of being robustly defended on their own merits.

**Relationship to Corporate Plan:**

**None**

**Financial Implications:**

The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to defend and substantiate each of its 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.

## 1.0 REASONS FOR REFUSAL AND IMPLICATIONS:

1.1 During the meeting, consideration was given to:

- The need for renewable energy and effective solar energy
- The visible impact of the proposal in open countryside
- The cumulative impact of the proposal
- The number of solar PV farms in the area
- The quality of the agricultural land

It was resolved that members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on landscape and visual impact and cumulative impact.

### **Suggested wording for reasons for refusal**

Your officers suggest the following wording for the reasons for refusal:

1. In the opinion of the Local Planning Authority, due to the scale and siting of the proposed solar photovoltaic installation, the development is considered to have a harmful effect on the rural landscape character and visual amenities of the area when viewed from public vantage points on local roads to the south-east, west and north, public footpaths to the north and west and from nearby dwellings (in particular at Broadways to the east and Whipcott to the west) and it has not been demonstrated that this harm could be satisfactorily addressed by mitigation planting. The application is considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2 and DM5 of the Local Plan 3 Development Management Policies, the National Planning Policy Framework and Planning Practice Guidance.
2. The proposed scheme by reason of its scale, siting and location, in combination with three other solar schemes viewed in sequence from public roads when travelling in the area, in particular a 9.3 hectare (4.8 megawatt) solar development 350 metres to the east of the site fronting the main A38, a 4.3 hectare (1 megawatt) solar development 1 km to the south of the site, and a 15.8 hectare (5 megawatt) solar development, 3.5 km to the south west of the site, is considered to have an unacceptable cumulative impact on the rural character of the area, contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), policies DM2 and DM5 of the Local Plan Part 3 Development Management Policies, the National Planning Policy Framework and Planning Practice Guidance.

### **Implications: reason for refusal 1**

Your officers identified in their report to Planning Committee on 21 October 2015 that the proposed development would cause some harm to the rural landscape character of the area when viewed from public vantage points such as local roads and public footpaths, but that this harm would be limited due to the nature of the topography which provides a degree of containment in short distance views and “loses” views of the development in panoramic longer distance views.

Your officers identified a greater degree of harm to the visual amenities of private residential properties, stated in the submitted Landscape and Visual Impact Assessment to have

between minor and moderate adverse effects on residents, reducing over time as views of the development become filtered by mitigation planting.

Your officers weighed this harm to the rural landscape character and visual amenities of the area against the benefits of the scheme and concluded that the balance weighed in favour of the development. Members are advised to consider the effects on landscape character and visual amenities for themselves and carry out the same balancing exercise. Members could conclude that the harm to the landscape character and visual amenities is such that it outweighs the benefits of the scheme.

### **Implications: reason for refusal 2**

There are three operational/under construction solar developments within 5 km of the site: Redhill, approximately 350 metres to the east, Barton Farm, approximately 1 km to the south and Ayshford, approximately 3.5 km to the south west. A plan showing the application site in relation to three other sites is attached at **appendix 1**.

For a potential cumulative effect to be identified, site must either be visible from the same vantage points or visible sequentially along a particular route.

Your officers identified in their report to Planning Committee on 21 October 2015 that there would be no cumulative impact between the proposed site and the Redhill site (under construction) as there is no intervisibility between the two.

Similarly, there is no intervisibility between the site and the Barton Farm development near Burlescombe, although both sites could be seen in long distance views from the tower at Holcombe Court (Grade 1 listed).

Your officers identified that although the development at Ayshford could be seen easily from the M5 motorway, its distance from the site meant that there would be no significant cumulative impact.

When considering intervisibility, your officers concluded in their report that there would be no harmful cumulative impact between the application site and the other sites in the locality.

Members were also concerned about cumulative impact arising from experiencing views of the site together with other solar developments in the areas sequentially whilst travelling through the area. Whilst it may be possible to see all four solar developments individually whilst travelling through the area, all four would not be visible one after the other in sequence whilst travelling along a main route or in and out of a particular village.

Your officers conclude that whilst the site is located within 5km of others and therefore may have some broader cumulative effect with they do not consider this effect to be harmful. Members are advised to consider the degree of cumulative impact likely to be experienced, and weigh this against the benefits of the scheme as for reason for refusal 1.

**Contact for any more information**

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**Background Papers**

**Macro [Papers]**

**File Reference**

**15/01108/MFUL**

**Circulation of the Report**

**Cllrs Richard Chesterton  
Members of the Planning Committee**