

# APPENDIX 3

## Application No. 12/01306/MFUL

### RECOMMENDATION

Grant permission subject to conditions.

### PROPOSED DEVELOPMENT

The application proposes a Solar Farm on a single field at Elicombe Farm adjacent to the B3220 (Down St Mary to Winkleigh). The site is a single field just down from the junction with A377.

The scheme proposes that Installation and operation of solar farm to generate 1.43 megawatts, associated infrastructure, including PV panels, mounting, frames, inverters, transformers and fence. The site (5.81 ha) is part of a single field approximately 6.56 ha. The planning application scheme proposes a panel coverage of 32 % of the site area.

Access to the site is directly from the B3220 via a new access track leading down to the compound. Most of the plant associated with the use (transformer, switch board and switch gear) is to be located in a container. This container has a floor area of approx 6.1M b2.65 M, standing 2.89 M high and with two door entrances and a sedum roof. The container is shown with a grey external finish. A further container (identical dimensions) is proposed to accommodate an Inverter House. The cabins are shown on the site layout at the front of the site and to be set on a concrete base.

A security fence comprising of deer netting and timber posts standing at 1.8 metres in height. Additional planting to the existing hedgerow to the highway frontage is proposed (Southern boundary) and a swale is proposed along the northern perimeter of the development area.

The panels would be attached to mounting frames at an angle of between 25 degrees. The panels are fixed with no moving parts. The approximate standing height of the panels above ground on the high side is 2.8, and 0.1.0 metre for the low side. The supporting plans show that the mounting frames will be pile driven into the ground to a depth of approximately 1.0 metre.

### APPLICANT'S SUPPORTING INFORMATION

Site location plan, site layout – skd175 (including position of swale),

Planting plan L0224\_04A .

Topographical survey of the site – 11770-500-001

Security fence system details – Drawing no:DEF

Compound Details (66)602 C2 and (66)603C3

Technical detail of proposed panels

Flood Risk Assessment - PFA consulting, August 2012.

Landscape & Visual Impact Assessment - Pegasus Environmental dated 7<sup>th</sup> August, including the planting plan 2012

Archaeology & Cultural Heritage Assessment - by CgMs Consulting dated 12 July 2012

Planning, Design & Access Statement - Lightsource dated August 2012

Ecological Appraisal - by Avian Ecology dated 8<sup>th</sup> July 2012

### PLANNING HISTORY

None

### DEVELOPMENT PLAN POLICIES

#### Devon Structure Plan 2001 – 2016

CO1 - Landscape Character and Local Distinctiveness

CO6 - Quality of New Development

C08 - Archaeology

CO10 - Protection of Nature Conservation Sites  
CO12 - Renewable Energy Developments  
CO13 - Protecting Water Resources/Flood Defence  
CO14 - Conserving Agricultural Land  
TR10 - Strategic Road Network

**Adopted Mid Devon Local Plan (LDF)**

S5 - General Development Requirements  
S6 - Design of New Development  
S11 - Surface Water Drainage  
ENV3 - Other Renewable Energy Sources  
ENV7 – Archaeological Investigation  
ENV16 - Protected Species  
E13 - Farm Diversification

**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) Proposed Submission**

DM/1 - Presumption in favour of sustainable development  
DM/5 - Renewable and low carbon energy  
DM28 – development affecting heritage Assets

**CONSULTATIONS**

ENVIRONMENT AGENCY - 8th November 2012 - ENVIRONMENT AGENCY POSITION.

We can confirm that the swales as shown on drawing L221/1 'Swale Locations and Typical Cross Section' would serve to manage runoff, and advise the drawing forms part of the approved plans. We also advise that condition, as requested in our letter dated the 3rd Oct 2012, be included within any subsequent decision notice should your authority grant permission.

HIGHWAY AUTHORITY - 19th September 2012 - Comments to follow  
11th October 2012

In highway terms the principle of the development proposal is acceptable. In detail, however I have a major cause for concern. The site takes its access direct from the B3220 Classified County Road. At this location the B3220 is subject only to the national speed limit. Observed traffic speeds are high. The site access has severely limited visibility from and of emerging vehicles, and meets the B3220 at an acute angle. The estimated construction traffic generation is not high and will be for a finite period, but given the severe lack of emerging visibility and the high traffic speeds on the B3220 it is considered essential that measures are provided to ensure that traffic can enter and leave the site safely. I therefore recommend that the applicant submits a Method of Construction Statement to include measures for traffic management at the site access. It is absolutely essential that no works are begun on site before the submission, and approval, of such a statement. I recommend the condition set out below is included in any grant of planning permission.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

1. No development shall start until a Method of Construction Statement, to include details of:
  - (a) traffic management, and in particular at the site access to the B3220
  - (b) programme of works
  - (c) parking for vehicles of site personnel, operatives and visitors

(d) loading and unloading of plant and materials  
(e) storage of plant and materials  
(f) provision of boundary hoarding/security fencing behind any visibility splays  
shall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: In the interests of highway safety and to ensure adequate facilities are available throughout the construction period.

ENVIRONMENT AGENCY - 25th September 2012  
Environment Agency Position.

We recommend that the application is not determined until an adequate surface water drainage strategy drawing has been produced.

We support the use of swales, however the FRA to date is a generic desk top exercise that fails to demonstrate how surface water runoff from this specific proposal will be managed so that flood risk downstream would not be exacerbated. We advise that more detail be provided prior to determination of the application. The applicant should produce a drawing showing where the swales will be positioned which forms part of the application. Swales should be 300mm deep with 1 in 4 side slopes. They should be built parallel to the site contours and include check dams at suitably designed intervals.

3rd October 2012 - Environment Agency Position.

Drawing SKD175 that shows the proposed position for a swale which we welcome. We request that the following condition be applied to the decision notice should you grant planning permission.

#### CONDITION

The development approved by this permission shall include swales on the downward slope of the plot to intercept any additional runoff. The swales shall be 300mm deep with 1 in 4 side slopes, be built parallel to site contours, (where practicable), and include check dams at suitably designed intervals such that waters are retained within the swale.

#### REASON

To prevent an increase in surface water runoff thus ensuring there is no increase in flood risk.

DOWN ST MARY PARISH COUNCIL - 6th December 2012 - Down St Mary Parish Council have held an open meeting to discuss this application. No residents attended to express any objections. The Parish Council agreed that they had no objection to the application subject to the approval of the other statutory bodies consulted. They hoped that the land would be available as agricultural land when the solar farm reached the end of its natural life or of the contract.

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 21st September 2012 - No objection

DEVON & CORNWALL POLICE AUTHORITY - 20th September 2012 - I note the comments in relation to security fence and CCTV no actual details are given, although the design and access statement refers to there being no lighting, so I must assume that the CCTV cameras have Infra red lighting and are monitored or can be monitored if movement is detected, therefore have Pan tilt zoom facility? Could this please be confirmed.

The recommendation for solar farms are as follows:

#### Solar Farm Security

##### Risk

The South West of England has been identified as having the necessary solar power to make commercial Solar Farms a viable option. Farming energy from the sun using photovoltaic panels on a commercial scale is a new venture and will bring with it new risks and challenges to protect the location and panels from criminals. Because this is a new project there is no UK crime data to base crime prevention advice on.

Policing experience elsewhere indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals and they will be stolen. The main risk will come from organised gangs who will use heavy duty tools and vehicles to remove large quantities of the panels. Once stolen the panels may be moved from the crime scene before re-emerging for sale.

##### Site

In view of the potential risk when considering suitable location for Solar Farms a major consideration from a police view will be how the site can be protected from unauthorised vehicle entry. Full consideration of the natural defences of location should be taken into consideration for e.g. steep gradient, Substantial hedging, Rivers etc. Where ever possible the boundary protection of the site should be an appropriate distance from the actual panels to discourage parking a vehicle against the boundary and manually lifting panels onto the vehicle.

##### Access to the Site

The solar company/site owner will require vehicular access to the site. The physical security guarding this access must be robust to sustain a high level of attack as these sites will probably be remote and lacking any natural surveillance. Consideration should be given to protecting the access road at two separate locations (1) At the actual entrance to the site and (2) set away from the specific entrance to keep authorised vehicles a substantial distance from the site.

The security of solar farms must be properly assessed by all those involved in the planning process. To be considered a truly sustainable resource within the National Grid, solar farms will need to be as secure as possible.

All planning applications should therefore include full details of the security proposals within the Design and Access Statement (as required by Department for Communities and Local Government Circular 1/2006 paragraph 87) Full details are not apparent on this application.

The security measures to be incorporated at each location will have to be considered on a site specific basis. They will obviously be determined to some degree by, for example, the existing landscape and local planning constraints etc

The basic principle of all crime prevention is to provide layers of defence to whatever is in need of protection.

In the case of Solar Farms this protection will almost certainly require both the physical element, such as fences or ditches and also the utilisation of appropriate technology such as CCTV and motion detectors.

The advice offered below covers the general crime prevention points which should be considered by any applicant.

##### Perimeter Security and Access Control

If perimeter fencing is to be used then it should be a proven security fence.

The recommendation would be to install fencing which has been tested and approved to current UK Government standards.

Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most appropriate.

Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders. However if supplemented with movement detectors attached to the fence together with motion detectors/beams internally this could potentially be acceptable.

Planting up and alongside any fencing will be acceptable providing there is no detrimental effect upon site surveillance that is available or allow easy access over the fence by climbing trees etc..

The standard for rating bollards, blockers and gates is PAS 68:2007 and PAS 68:2010.

Landscaping techniques such as ditches and berms (bunds) may also be appropriate in some instances. To be effective in stopping vehicles these need to be designed carefully. Police are able to provide further specific advice in relation to the design of such defences upon request.

There should be a minimum number of vehicular access points onto site, ideally only one.

Clearly such access points will present the most obvious means for the criminal also and therefore will require a robust and adequate defence.

Some thought should also be given to the wider issues of access around any site. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving gates etc. Again this provides layers of difficulty for the criminal to overcome.

#### Electronic Security

There is a huge range of electronic security available. For most sites it is very likely that this will play an important role.

In selecting which type of technology to employ a proper assessment on a site specific basis should be undertaken to ensure any system will be fit for purpose.

For CCTV this assessment is commonly called an Operational Requirement (OR)

An obvious example would be to establish how effective will the CCTV be at night at these locations, bearing in mind distance involved, quality of lens/equipment.

There will be little point in deploying CCTV or other defence unless it is monitored in some way or can provide an instant alert in some form and also who would then respond to this? Lighting is an issue, infra red or flood lighting?

CCTV which simply records will probably be of very limited value and basically not fit for purpose.

#### Other Options

The presence of site security personnel in some capacity should be considered including perhaps in terms of some types of response to site alarm activations

If the individual solar panels can be marked overtly this would reduce the ease with which they could be re sold/re used and thus help act as an additional deterrent.

Covert marking should also be considered.

Consultation with local police Beat managers following installation would be beneficial identifying points of access, routes to the site etc in the event of assistance being required.

I would appreciate sight of the operational requirement.

HISTORIC ENVIRONMENT SERVICE - 26th September 2012 - The proposed development lies in an area of archaeological potential, just to the north and adjacent to a putative Roman Road and in an area where prehistoric activity is known from findspots of flint tools as well as by settlement sites in the wider landscape identified through aerial photography. While the desk-based assessment undertaken of this site (CgMs report ref: WB/14211) recognises that the site may contain previously unrecorded archaeological remains associated with the known prehistoric activity in the vicinity it is not possible to know through desk-based research alone whether such remains are actually present, the quality of their survival or their significance. As such, without this information I do not regard the information submitted sufficient to enable a consideration of the impact of the proposed development upon the heritage asset.

Given the potential for survival and significance of below ground archaeological deposits associated with prehistoric activity in the vicinity and the absence of sufficient archaeological information, the Historic Environment Service objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with the Mid Devon Local Plan Policy ENV7, Devon Structure Plan Policy CO8 and paragraph 128 of the National Planning Policy Framework (2012).

The additional information required to be provided by the applicant would be the results of:

1. a geophysical survey of the area affected by the proposed development, and depending upon the results of the geophysical survey
2. a programme of archaeological evaluation to investigate any anomalies identified by the geophysical survey.

The results of this work would allow in informed and reasonable planning decision to be made.

I would recommend that the applicant or their agent contact this office to discuss the scope of works required and obtain contact details of professional archaeological consultants who would undertake these investigations. I would expect to provide the applicant with a Brief setting out the scope of the works required.

4th December 2012

I refer to the above application. Since my initial response made to you on the 25th September 2012, I have had confirmation from the applicant's archaeological consultant, CgMs, that there will be some degree of flexibility in the layout, number and foundation type of photovoltaic panels proposed for this site. This flexibility would allow any archaeological remains identified by geophysical survey to be preserved in situ by either avoiding siting of photovoltaic panels in that area or by the use of ground-mounted foundations rather than pile foundations.

In this light of this new information I would like to remove the Historic Environment Team's objection and advise, in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby: 'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of a geophysical survey of the area affected by the proposed development. The results of the survey would need to be presented in an appropriately detailed and illustrated report and would inform on the requirement for alteration of layout or foundation type for the photovoltaic arrays.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

5th December 2012 - I refer to the above application. Since my initial response made to you on the 25th September 2012, I have had confirmation from the applicant's archaeological consultant, CgMs, that there will be some degree of flexibility in the layout, number and foundation type of photovoltaic panels proposed for this site. This flexibility would allow any archaeological remains identified by geophysical survey to be preserved in situ by either avoiding siting of photovoltaic panels in that area or by the use of ground-mounted foundations rather than pile foundations.

In this light of this new information I would like to remove the Historic Environment Team's objection and advise, in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby: 'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of a geophysical survey of the area affected by the proposed development. The results of the survey would need to be presented in an appropriately detailed and illustrated report and would inform on the requirement for alteration of layout or foundation type for the photovoltaic arrays.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

NATURAL ENGLAND - 20th September 2012

Thank you for your consultation dated 14 September 2012 and received on 17 September 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

Natural England's advice is as follows:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

We have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

How we used our standing advice to assess this survey and mitigation strategy

We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i). Working through the flowchart we reached Box (vi). Box (vi) advises the authority to accept the findings, consider promoting biodiversity enhancements for bats (eg new roosting opportunities, creation of habitat linkages or species rich feeding areas) in accordance with the NPPF and Section 40 of the NERC Act.

We used the flowchart on page 8 of our Standing Advice Species Sheet: Great crested newts

<sup>1</sup> Unless protected by Schedule 1 of the Wildlife & Countryside Act 1981 (as amended).

Please send consultations via email to: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

beginning at box (i). Working through the flowchart we reached Box (iii). Box (iii) advises the authority to accept the findings and consider promoting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat) in accordance with in accordance with the NPPF and Section 40 of the NERC Act.

For future applications, or if further survey information is supplied, you should use our standing advice to decide if there is a 'reasonable likelihood' of protected species being present and whether survey and mitigation requirements have been met.

If you would like any advice or guidance on how to use our standing advice, or how we used the standing advice to reach a conclusion in this case, please contact us on the number above.

It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

CAA - Solar PV - 21st September 2012

NATIONAL AIR TRAFFIC SERVICE - 17th September 2012 - No safeguarding objection.

LAPFORD PARISH COUNCIL - 9th October 2012 - No objections.

MORCHARD BISHOP PARISH COUNCIL - 2nd October 2012 - No comment.

COPPLESTONE PARISH COUNCIL - 4th October 2012

No objection.

## **REPRESENTATIONS**

At the time of writing 2 letters raising comments against the application have been received. One of the letters raises objections and the other in principle is supportive of the scheme but asks questions

about how the community will benefit, who will use the energy and who will receive the income (none of which are strictly planning matters – However it is noted that that the applicant has agreed to provide a community fund for the Parish of Down St Mary of £7,500).

In terms of the points raised in the letter of objection the site area is questioned in terms of how it relates to the proposed level of energy production. The issue of the visual impact from the roadside boundary is highlighted and the scope of additional landscaping is questioned in terms of how effective it would be. The height of the perimeter fence is questioned and it finally the writer claims that the impact assessment does not recognise that there are 4 separate properties on Ellicombe farm.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination this application are:**

- 1. Policy Issues**
- 2. Principal of the proposed use/development**
- 3. Landscape impact**
- 4. Visual Impact**
- 5. Impact on Biodiversity of the area**
- 6. Impact on Heritage Assets**
- 7. Highway safety and construction issues**
- 8. Other Issues**

### **1. Policy**

**RELEVANT NATIONAL PLANNING POLICY ON RENEWABLE ENERGY:**

The National Planning Policy Framework and the companion guide to PPS22 must be considered in the determination of these applications. These support the delivery of renewable energy and in particular advise that Local Planning Authorities should have a positive strategy to promote energy from renewable sources. In determining planning applications the Government requires that applications should be approved where the development's impacts are (or can be made) acceptable.

**RELEVANT REGIONAL PLANNING POLICY ON RENEWABLE ENERGY:**

Policy RE6 of the Regional Planning Guidance for the South West RPG10 on energy generation and use establishes the role of the South West region in supporting and encouraging the meeting of national targets for a 12.5 % reduction in greenhouse gas emission below 1990 levels by 2008 - 2012 and a 20% reduction (from 1990 levels) in carbon dioxide emissions by 2010 together with a minimum of 11-15% of electricity production from renewable energy sources by 2010. The policy encourages and promotes the greater use of renewable energy sources and indicates it is feasible for the region to seek an 11-15% target electricity production from renewable sources.

The draft Regional Spatial Strategy for the South West (RSS) regional target is a minimum of 509 - 611MWe installed capacity from a range of onshore renewable energy technologies by 2010 with a Devon target of 151 MWe from a range of onshore renewable electricity technologies.

The RSS also seeks to establish a 2020 regional minimum cumulative target of 850 MWE - but this is not broken down sub-regionally. Policy SD2 Climate Change sets out a target for regional reduction in greenhouse gas emissions. This is in line with national targets of 30% by 2026 (compared to 1990 levels) as part of longer term reduction by 2050.

The RSS also incorporates a 20% reduction in CO2 emissions by 2010 and a 60% reduction by 2050 and this equates to a 30% cut in CO2 emissions over the RSS period up to 2026.

The Government has made clear its intention to revoke these documents

**RELEVANT LOCAL PLANNING POLICY ON RENEWABLE ENERGY:**



Policy CO12 of the Devon Structure Plan 2001-2016 on renewable energy developments requires provision to be made for such proposals in the context of Devon's sub-regional target of 151MW of electricity production from land based renewable sources by 2010 subject to the consideration of their impact upon the qualities and special features of the landscape and upon the conditions of those living and working nearby. Due to timing, the proposal if granted would not be in a position to contribute to the 2010 target, but would contribute to longer term targets.

Policy COR5 of the Mid Devon Core Strategy on climate change is relevant to this scheme in that it seeks to deliver a contribution towards national and regional targets for the reduction of greenhouse gas emissions. Development of renewable energy capacity is supported where local impact is acceptable with particular reference to visual, nearby residents and wildlife.

#### OTHER RELEVANT PLANNING POLICY:

The National Planning Policy Framework includes a core planning principle relating to taking account of the different roles and character of different areas including recognising the intrinsic character and beauty of the countryside. It also refers to the planning system protecting and enhancing valued landscapes. In respect of highway safety, the NPPF requires safe and suitable access to the site. It goes on to state that planning permission should only be refused on transport grounds where the residual cumulative impacts of development are severe. Economic growth in rural areas is supported. This relates to all types of businesses and enterprise with a positive approach to sustainable new development.

Devon County Structure Plan 2001 - 2016 adopted 2004 :

Policy CO1 considers landscape character and local distinctiveness. It requires that the distinctive qualities and features of Devon's Landscape Character Zones should be maintained and enhanced and that policies and proposals should be informed by and be sympathetic to its landscape character and quality. Para 4.8 establishes that the maintenance and enhancement of Devon's landscape can only be effectively achieved if the distinctive qualities and characteristics can be conserved.

Policy CO6 requires that the identity, distinctive character and features of rural areas should be conserved and enhanced. In planning for new development the local planning authority should maintain and improve the quality of Devon's environment by requiring attention to good design and layout that respects the character of the site and its surroundings.

Policy CO10 requires consideration to be given to the impact of the development of wildlife and protected species and their habitats and the provision of appropriate mitigation where necessary.

Policy CO13 requires that all new development should be subject to an appropriate drainage assessment, and wherever possible appropriate sustainable drainage systems. Development should not be provided where it would lead to deterioration in water quality, quantity or natural flow, there are not existing adequate water resources, there would be a direct risk from flooding or it would be likely to increase the risk of flooding elsewhere to an unacceptable level. Additionally, the development should not be likely to have an adverse effect on nature conservation, landscape and recreation in river corridors, other water areas or any facet of the natural water environment.

Policy CO14 relates to the protection of best and most versatile agricultural land unless there is an overriding need for the development

Policy TR10 states that development proposals should not adversely affect the road network in terms of traffic and road safety, and access to the network should not detract from or conflict with the function of the route.

Mid Devon Local Plan (LDF):

Policy S5 sets out general development requirements as a series of criteria to be met. Of these the following two criteria are relevant to this application:

- iii) the operation of the site (including additional road traffic) will not be detrimental to the amenity, health or safety of nearby occupants or the wider environment through noise...;
- v) they are located without harm to the appearance or character of any affected landscape;

This also implies that proposals should maintain or enhance landscape appearance or character.

Policy S6 considers the design of new development and is also criteria based. This policy includes consideration of siting, scale and height. The criteria considered relevant to this application are:

i) respect and enhance the distinctive historic, landscape and settlement character of the locality, taking account of locally important features, vistas, panoramas, skylines, street patterns, buildings, groups of buildings, open spaces and their interrelationships;

xvi) minimise adverse impacts on the environment, and existing land uses likely to be affected.

Policy S11 relates to the need for Sustainable Urban Drainage Systems or other surface water management to ensure that surface water run-off from new development is equivalent in quantity, rate and quality to that expected from the undeveloped site.

Policy E13 encourages schemes which are considered to be farm diversification

Policy ENV16 seeks to prevent development which may have an adverse impact upon protected species and their habitats unless appropriate mitigation can be agreed

Mid Devon Core Strategy (Local Plan 1):

Policy COR2 on local distinctiveness states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through a series of requirement criterion. Those relevant are:

- a) high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places,
- b) the efficient use and conservation of natural resources of land, water and energy,
- c) the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas.
- d) protection of national and local biodiversity

The importance of conservation/preservation or enhancement of landscape character and appearance is therefore common to regional, county and local levels of planning policy.

Policy COR9 on access states that development and transport planning will be co-ordinated to improve accessibility for the whole community, reduce the need to travel by car and increase public transport use, cycling and walking.

Policy COR11 states that development will be guided to sustainable locations with the lowest risk of flood by applying the sequential test and locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding; development should be managed to ensure that it does not increase the risk of flooding of properties elsewhere and should where possible, reduce the overall risk to life and property.

Policy COR18 considers development outside settlements and states that such proposals will be strictly controlled to those enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. It goes on to state that detailed development control policies will permit agricultural and other appropriate rural uses, subject to appropriate criteria. Renewable energy proposals are in principle acceptable in rural locations under this policy.

Policy DM/1 of local plan 3 establishes the presumption in favour of sustainable development.

Policy DM/5 establishes the following assessment criteria:

The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals for wind turbines, solar power installations and other forms of renewable or low carbon energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of similar developments within the parish

or adjoining parishes.

Development must consider:

- a) Landscape character and heritage assets;
- b) Environmental amenity of nearby properties in accordance with Policy DM/7;
- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a);
- d) Biodiversity (avoiding habitat fragmentation).

Finally whilst only a draft document currently undergoing consultation Devon County Council, on behalf of the Devon Landscape Policy Group, have issued DLPG advice note no.2, which provides guidance on the Siting, Design and Assessment of Wind and Solar Developments in Devon.

## **2. Principal of The PV Array on agricultural land**

The proposal will reduce the scope of land that is available for farming on Ellicombe Farm by a single field which is 6.56 ha, although technically over half of the field would be untouched by the development. Whilst within the compound proposals would not be compatible with the continued use of the land for main stream agricultural practises the spacing between the panel will enable grass to grow. Finally planning permission is only sought for the scheme for a period of 25 years, and a condition is recommended to control the decommissioning stages of the development so that it could continue to be used for agricultural purposes post 2037.

The site is grade 3 agricultural land which slopes south to north, it is currently not used for cultivation and/or grasing purposes. The fact that it is not actively used for agricultural purposes may or may not reflect its grading, however as grade 3 land it is neither of excellent or good quality agricultural land which Policy C014 of the Devon County Structure and S9 of the Adopted Local Plan which seek to protect as those areas of greatest value for agricultural production. Policy E13 of the Mid Devon Local Plan promotes development which diversify the economic activities of farms including a broad range of uses, including, business, industrial, leisure and tourism uses outside settlement limits. Policy COR18 of the adopted Core Strategy promotes a range of acceptable uses in the open countryside, including renewable energy infrastructure.

Therefore in principal the application proposals, including the portacabin style buildings, are considered to be policy compliant, subject to the design of the scheme being considered to be of an appropriate scale and without causing any harm to the character and appearance of the affected landscape. An assessment of the scheme impacts on the range of issues that contribute to the character and appearance of the affected landscape are set out below.

## **3. Landscape Impact**

A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application submission.

The following conclusion about the proposals are highlighted:

- The proposal would not disturb the field pattern.
- The proposal will not disturb the hedgerow structure except to create the proposed means of access, not significant in extent
- The proposal includes additional planting on the southern (HIGHWAY BOUNDARY)
- Spacing between the rows of panels will maintain a sense of a grassland environment from a habitats point of view.

The applicants LIVA states that the development would only have a slight affect on landscape and character of the site, and having considered the submissions and from observation at the site visit it is considered that the impact on the landscape character as a result of the proposals would be negligible.

## **4. Visual Impact**

The LVIA examines the visual impact of the proposals from various public viewing points and from the closest residential properties. As background the study has assessed the impact of the proposals

from the main visual receptors within a 3 Km radius. Although as stated by the comment made by local stakeholders there are four properties at Ellicombe farm, however it is not considered that this error invalidates the conclusions of the assessment, which is that there will be no or a slight visual impact in terms of how the proposals affect the nearest residential properties.

In terms of the impact from public viewing points the study considers the impact from 6 viewing points where theoretically the proposal may be visible from. The submissions include photographs demonstrating the current outlook from the identified points and how they would be affected by the application proposals. Given the site location, the existing vegetation covering and landscape structure the proposals would only be clearly visible from directly in front of the site from the B3320 (presented as an additional view). From the other viewing points the impact is either negligible and/or slight because they are distant views and/or the views of the array would be shielded by the existing vegetation.

In arriving at a conclusion it is acknowledged that notwithstanding the scope of additional planting proposed, the application scheme will change the visual amenities of the area when considered from the B3220. However the landscape will still present and read as a natural landscape that accommodates a small scale solar farm, (Ref: DLPG Advice Note 2) including two appropriately scaled portacabin style buildings to accommodate the associated plant and equipment.

Therefore it is not concluded that the visual impact of the development would justify refusing planning permission.

## **5. Impact on Wildlife**

An Ecological appraisal of the site has been conducted by the applicant. The appraisal included a desk based survey and field walk over.

The assessment conclusions assert that the proposals will not result in the loss of habitat, but should planning permission be granted the report goes on to identify a number of recommendations that should be followed through when and if the development goes ahead which the contractor will need to comply with in order to comply with other legislation.

It is noted that English nature have not objected to the proposals but raise a number of points relating to the implementation of other legislation.

## **6. Impact on Heritage Assets**

The applicant has submitted an archaeological desk based study of the site, and the report established that the site has moderate potential to accommodate prehistoric elements, but not to such a level that the unrecorded heritage assets would present a constraint to the proposed development.

The applicant's archaeologist and the County Archaeologist have been in discussion on how best to resolve this matter, and the DCC archaeologist has recommended the following condition.

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

## **7. Transport impacts and construction issues**

The proposed means of access to the site will be via A377 and the B3220.

Neither the Highways Agency, County Highways Officer and/or Public Rights of Way Officer have raised an objection to the application regards the adequacy of the access to the site, the route to the site and/or safety issues for other users of the highway. Subject to the applicant satisfying the terms of the following condition it is not considered that implementation and/or operation of the application scheme would have an unacceptable impact on the capacity and/or safety of other users of the highway.

- . No development shall start until a Method of Construction Statement, to include details of:
- (a) traffic management, and in particular at the site access to the B3220
  - (b) programme of works
  - (c) parking for vehicles of site personnel, operatives and visitors
  - (d) loading and unloading of plant and materials
  - (e) storage of plant and materials
  - (f) provision of boundary hoarding/security fencing behind any visibility splays
- shall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: In the interests of highway safety and to ensure adequate facilities are available throughout the construction period.

## **8. Other Issues:**

Flood Risk: The site is not within an area identified by the Environment Agency as being at risk of river flooding. However the provision of a solar array may increase the likelihood of more surface water runoff draining off the site than under the current situation. Accordingly, the provision of swales is necessary in order to intercept and infiltrate the runoff.

A swale is proposed to run along the northern perimeter of the site as shown on PFA consulting plan SKD175. If permission is to be granted it is recommended that the delivery of this infrastructure should be required by way of a condition.

Impact on Residential Amenity: There are a number of properties with 500 metres of the site but as stated above the views from these properties will be affected to some extent but none would have a direct clear view of the and the affected views would remain of an open landscape with PV installations. Furthermore given the separation distance it is not considered that issues relating to glint and glare from the panels would be an issue.

The Police was raised issues regarding site security and have raised this form of development as being a crime risk. This is a planning consideration. The applicants are addressing this issue through fencing and security cameras.

Height of fencing. Notwithstanding various references to fence height in the LIVA the security fence system detail plan shows it standing 1.8 metres above ground level and it is this detail that has been approved.

## **Conclusion**

The applicant has submitted a detailed package of evidence to support their proposals which is for a solar farm on Grade III agricultural land in the open countryside. The scheme covers part of a single field with solar panels, and maintains the existing perimeter hedgerow to the site. Additional planting The principal of the scheme is supported by local policy, and national policy in the NPPF, subject to the design of the scheme being considered to be of an appropriate scale and without causing any harm to the character and appearance of the affected landscape. The proposals will deliver benefits to the community at large, and will have a generating capacity of 143.5 MW of electricity which is equivalent to the energy needs of approximately 400 houses from a sustainable energy source, and as such will help achieve the Government target of producing 30% of our energy needs from renewable and sustainable sources by 2020.

The scheme design and it's impact have been tested by the applicant and the evidence base

submitted has been considered, along with the views of the local stakeholders who expressed an interest. In summary it is considered that the impacts of the proposal are acceptable when assessed against local and national policy. It is accepted that the proposals will change the visual amenities of this part of the landscape mostly within the context of distant views, with only one viewpoint from junction with B3220 (refer to supplementary view as submitted by the applicant) being moderately affected.

## CONDITIONS

1. The solar PV facility shall cease to generate electricity on or before 25th December 2037. 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, sub station, fencing and cabling and restoration of the land
  - b. parking of vehicles for site personnel operatives and visitors
  - c. loading and unloading of plant and materials
  - d. storage of plant and materials
  - e. programme of works including measures for traffic management
  - f. provision of boundary hoarding behind any visibility zones
  - g. vehicle wheel wash facilities
  - h. highway condition surveys
  - i. extended Phase 1 Habitat survey which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice, and the advice in Ecological Appraisal undertaken by Avian Ecology
3. No development shall start until a Method of Construction Statement, to include details of:
  - (a) traffic management, and in particular at the site access to the B3220
  - (b) programme of works
  - (c) parking for vehicles of site personnel, operatives and visitors
  - (d) loading and unloading of plant and materials
  - (e) storage of plant and materials
  - (f) provision of boundary hoarding/security fencing behind any visibility splaysshall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.
4. The additional planting as shown on the Ellicombe Farm detailed planting Plan received on the 11th September 2012, including all planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 3 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Any temporary compounds and temporary construction roads shall be removed from the site and the land restored to its previous condition within 12 months of the date of this permission or within 28 days of the completion of the construction of the solar PV array, whichever is the sooner.

6. Further details of the sedum roof and external finish to the two portacabin buildings as shown approved drawings (66)602C2 and (66)603C3 shall be submitted to approved in writing by the local planning authority prior to the commencement of this part the approved scheme. Once provided the structures shall maintained in accordancve with the approved details.
7. All cables shall be placed underground, except at the point of connection to the electricity grid system.
8. The swales shown on drawing SKD/175 shall be provided within 12 months of the date of this approval or within 28 days of the completion of the development hereby approved. Following their implementation the swales shall be managed and maintained in an operational condition until the site has been de-commissioned.
9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority

## **REASONS FOR CONDITIONS**

1. 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 Devon Structure Plan 2001-2016 Policies CO6, CO9 and TR10, Mid Devon Core Strategy (Local Plan 1) Policy COR2, Adopted Mid Devon Local Plan (LDF) Policies S5, S6 and ENV16 and government guidance in the National Planning Policy Framework.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of highway safety to ensure that adequate on-site facilities are available for traffic attracted to the site, the efficient operation of the local road network, and to safeguard the amenities of neighbouring residents in accordance with Devon Structure Plan 2001-2016 Policies CO6 and TR10, Mid Devon Core Strategy 2007 Policy COR2 and Adopted Mid Devon Local Plan (LDF) Policies S5 and S6.
4. To safeguard the visual amenities of the area in accordance with Devon Structure Plan 2001-2016 Policy CO6, Adopted Mid Devon Local Plan (LDF) Policies S5 and S6 and Mid Devon Core Strategy 2007 Policy COR2.
5. Any temporary compounds and temporary construction roads shall be removed from the site and the land restored to its previous condition within 12 months of the date of this permission or within 28 days of the completion of the construction of the solar PV array, whichever is the sooner.
6. To minimise the potential for light pollution and disturbance to local amenity in accordance with Adopted Mid Devon Local Plan (LDF) policies S5 and S6.
7. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance with Devon Structure Plan 2001-2106 Policy CO13, Mid Devon Core Strategy 2007 Policy COR9, Adopted Mid Devon Local Plan (LDF) Policies S5 and S11 and Government guidance in Planning Policy Statement 25.
8. To prevent an increase in flooding and to provide adequate means of surface water disposal in accordance with Policy CO13 of the Devon Structure Plan 2001-2016, Policy COR9 of the Mid Devon Core Strategy (Local Plan 1), Policies S5 and S11 of the Adopted Mid Devon Local Plan (LDF) and the National Planning Policy Framework.

9. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development, in accordance with Policy CO8 of the Devon Structure Plan 2001-2016, Policy ENV7 of the Adopted Mid Devon Local Plan (LDF) and the National Planning Policy Framework.

#### **INFORMATIVE NOTE**

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

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

The proposed development, subject to the imposed conditions, is considered acceptable with regard to design and siting, its impact on the historic, visual and landscape character of the area, ecology and wildlife, highway safety, flooding and drainage, residential amenity of nearby properties and with regard to all other material considerations. The contribution of the scheme to renewable energy targets on land that is not considered to be the most versatile agricultural land is considered to outweigh any limited harm to the visual and landscape amenities of the area that may arise as a result of the development as proposed. Therefore, on balance it is considered that the development would accord Local Planning Policies CO1, CO3, CO6, CO7, CO8, CO10, CO12, CO13, CO14 and TR10 of Devon Structure Plan 2001-2016, policies S5, S6, S11, E13, ENV7, ENV16 of Mid Devon Local Plan (LDF), COR2, COR5, COR9, COR11 and COR18 of Mid Devon Core Strategy (Local Plan 1), Policies DM/1, DM/5, DM/28 Local Plan Part 3 and the National Planning Policy Framework.

#### **Statement of Positive Working**

In accordance with the requirements of Article 31 of the Town & Country Planning (Development Management Procedure) (England) Order, 2010, as amended, in determining this application, the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been appropriately resolved. This has included: pre-application and ongoing discussions.

In accordance with paragraph 69 of the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.