

# APPENDIX 4

Application No. 12/01376/MFUL

Plans List No. 6

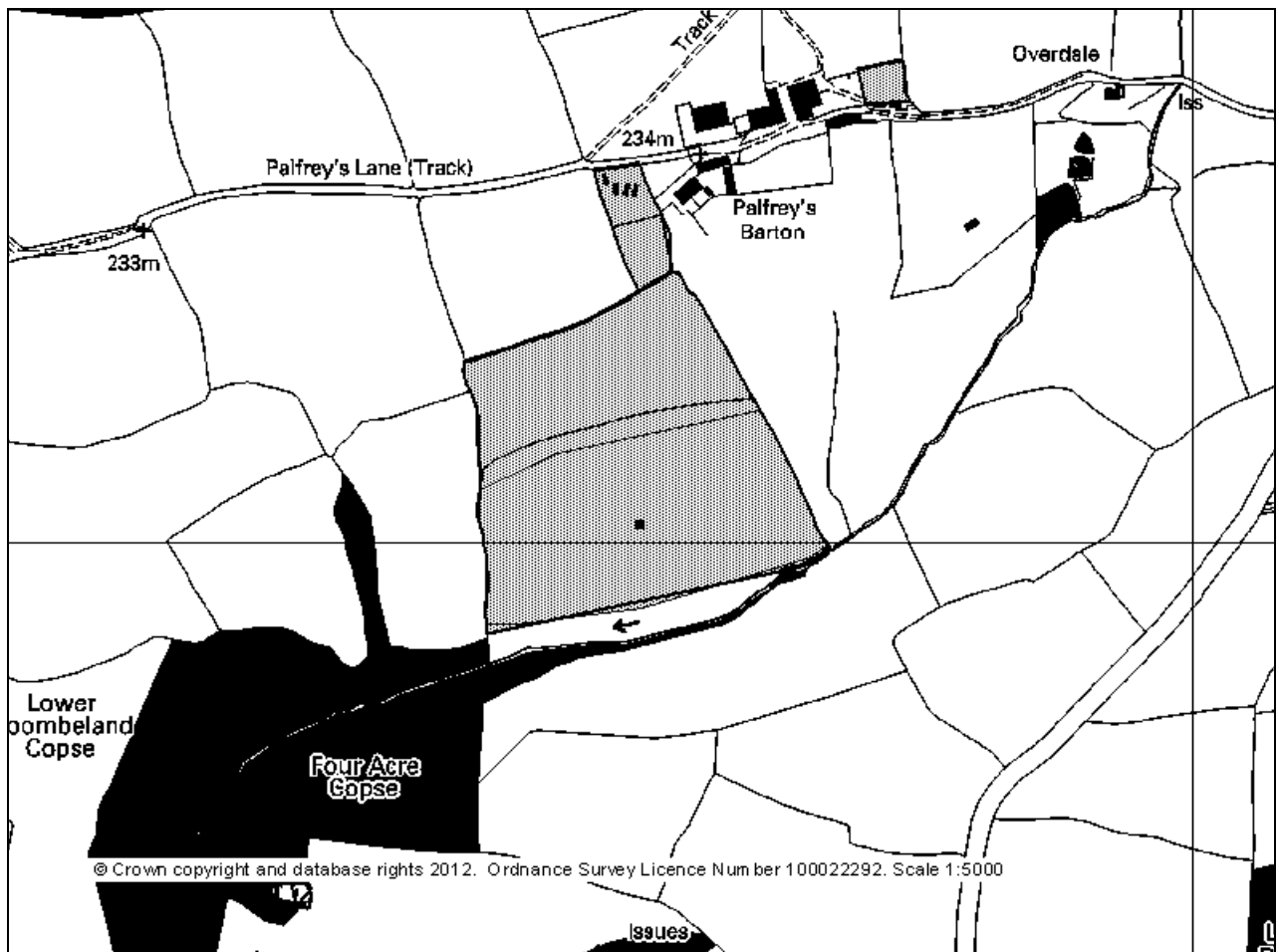
Grid Ref: 296542 : 118012

Applicant: Mr Nick Boyle

Location: Land at NGR 296542 118012 (Palfreys Barton) Cove  
Devon

Proposal: Installation and operation of solar farm to generate  
0.96 megawatts (site area 3.53 hectares), associated  
infrastructure, including PV panels, mounting,  
frames, inverters, transformers and fence

Date Valid: 25th September 2012



## **Application No. 12/01376/MFUL**

### **RECOMMENDATION**

**Grant permission subject to conditions.**

### **PROPOSED DEVELOPMENT**

The application seeks a 25 year permission for the installation of a 0.96MW solar farm on 3.55 hectares of Grade 3 agricultural land. The site is approximately 200 metres to the south Palfreys Barton Farm and slopes down from north to south with a south facing aspect.

**Panels:** The development consists of the installation of approximately 3,920 solar photovoltaic panels measuring approximately 2m x 1m and 0.05m in depth. The panels will be attached to static mounting frames at an angle of 25 degrees. The panels and frames will have a maximum height of 2.5m. The frames will be arranged in rows running east-west across the site and will be driven into the ground to a depth of 1.5m.

**Inverter and switchgear housing:** PV panels generate direct current (DC) electricity which must be converted to alternating current (AC) electricity before it can be fed into the National Grid. The application includes a number of associated structures as follows:

- Two dark green metal clad inverter/transformer cabinets, one measuring approximately 4.65 metres x 2.61 metres and 3.15 metres high and another measuring approximately 6.15 metres x 2.61 metres and 3 metres high.
- One metal clad communications building measuring approximately 7.2 metres x 3 metres and 2.4 metres high.
- Two structures to be provided to house the distribution network operator's switchgear which disconnects the electrical circuits if there is a fault in the system. Provision of these structures by the DNO is permitted development.

All structures will be located on the eastern side of the site adjacent to the boundary hedge.

**Security fencing:** A 2 metre high deer fence with small mammal gates will be installed around the solar farm.

**Security cameras:** Motion sensor CCTV cameras will be erected around the site perimeter fence on poles approximately 4 metres in height. No lighting is proposed.

**Access:** Access will be through adjacent fields from the farm. The farm is accessed via Palfreys Lane which is made up only as far as the farm itself. Palfreys Lane is also a public bridleway.

**Hedges and trees:** No hedges or trees are to be removed and any gaps in the existing hedges will be filled with additional native planting.

**Surface water drainage:** A swale to meet Environment Agency requirements will be provided to intercept any surface water not soaking away directly into the ground around the panels.

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

Landscape and Visual Impact Assessment  
Ecological Assessment  
Archaeological Assessment  
Flood Risk Assessment  
Construction Management Plan.

### **PLANNING HISTORY**

None.

## **DEVELOPMENT PLAN POLICIES**

Devon Structure Plan 2001 – 2016

CO1 - Landscape Character and Local Distinctiveness

CO6 - Quality of New Development

CO8 - Archaeology

CO10 - Protection of Nature Conservation Sites

CO12 - Renewable Energy Developments

CO13 - Protecting Water Resources/Flood Defence

TR10 - Strategic Road Network

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

S5 - General Development Requirements

S6 - Design of New Development

S11 - Surface Water Drainage

ENV7 - Archaeological Investigation

ENV16 - Protected Species

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

DM/28 - Development affecting heritage assets

## **CONSULTATIONS**

TIVERTON TOWN COUNCIL - 16th October 2012 - Support.

HUNTHSAM PARISH COUNCIL - BORDENGATE - 23rd October 2012 - Recommended permission be refused. The Council felt that the development would have an effect on the local amenity and that it is not in keeping with the surrounding rural area. They would also request an environmental impact statement.

HALBERTON PARISH COUNCIL - 11th October 2012 - The proposed development was not in the Parish of Halberton but the Parish Council had been consulted by Mid Devon District Council as 'consultee' under its new regime of consulting with adjoining parishes.

However as Mid Devon District Council had declined to provide the Parish Council with hard copies of the planning application and plans, the Parish Council was not in a position to make any comments.

HIGHWAY AUTHORITY - 5th October 2012 - Observations: In highway terms the development proposal is acceptable. However, I note that the route to site will be over part of Tiverton Bridleway 14. I have advised the Rights of Way officer who may wish to comment.

Recommendation: The Local Highway Authority has no objection to the proposed development.

ENVIRONMENT AGENCY - 16th October 2012 - We have no objection to the proposal subject to the following condition:

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 5 side slopes, be built parallel to site contours, 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.

HISTORIC ENVIRONMENT SERVICE - 28th September 2012 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant suggest that the scale and situation of this development will have no archaeological impact.

DEVON & CORNWALL POLICE AUTHORITY - 1st October 2012 - 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) 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?

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.

EXETER INTERNATIONAL AIRPORT - 1st October 2012 - This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

The Interim CAA document that gives relevant guidance on Solar Photovoltaic Systems is attached. Particular attention should be paid to section 3 regarding the Air navigation Order (ANO) 2009 articles 137, 221 and 222. If in practice pilots do experience glint/glare related annoyance from this development then the developer must take preventative measures to minimise this hazard.

Accordingly, Exeter International Airport has no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

CAA - Solar PV - 27th September 2012 - Firstly we would ask that you consult any aeronautical safeguarding maps which may have been issued to your Planning Department. These will indicate any statutory consultation obligations. In addition to this standard recommendation, as the subject of solar energy developments is currently under widespread discussion in planning circles, I would offer the following advice.

There is in general no need to seek CAA comment when planning a solar energy installation. However, if the site in question is near an aeronautical facility, aviation stakeholders may ask for their interests to be taken into consideration. If the proposed development is within the boundary of a licensed aerodrome it will need prior CAA approval and it is the responsibility of the licence holder to arrange this. Any installation on a structure of a height exceeding 90 metres will require the comment of the CAA's Airspace Policy Directorate at CAA House, 45-59 Kingsway, London WC2B 6TE.

The CAA is currently developing a policy for solar energy installations with a view to producing a standard advice document. Worldwide progress in solar technology has prompted a number of studies by regulatory authorities and these will be fully considered as the CAA view matures. At present, while recognising that the solar energy industry is likely to expand significantly over the coming years, the CAA is aware of some potential hazards, for example (1) solar reflections may cause glare or dazzle pilots, (2) solar reflections near aerodromes may be confused with aeronautical lights, (3) installations may cause electromagnetic interference with navigation aids, and (4) panels installed vertically or on other structures may obstruct airspace.

The CAA's advice to planning authorities who are considering a solar energy application is that they should first meet any statutory consultation obligations concerning safeguarded airports or air traffic control sites or military sites. As part of the planning application the developer should ideally supply safety assurance documentation regarding the potential impact of the installation including a risk assessment addressing any aviation concerns. If the development is within the boundary of a licensed aerodrome there will be a need to supply data on the reflectivity of the panel material, to enable the implications to be assessed. Initially this data should be given to the aerodrome operator rather than the CAA. During the installation the use of cranes should be discussed with the operators of nearby aerodromes.

The CAA's advice to developers is that aerodromes within 5km of an installation may be affected, and larger airports may require consultation over a wider area. The major airports are subject to statutory consultation which is carried out by the planning authority. The smaller aerodromes rely on direct consultation from developers and therefore a consultation radius of 5km is recommended. In response to such consultation an aerodrome operator might identify problem areas such as the landing approach, but a general objection to development would be unlikely.

Any solar energy development under the Electricity Act would normally involve consultation with the CAA by the relevant approving authority. The principles outlined above would form the basis of the CAA's advice in any such case.

Pending the completion of a more comprehensive advice document the CAA has published some interim guidance on the CAA website.

NATIONAL AIR TRAFFIC SERVICE - 28th September 2012 - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

Please be aware that this response applies specifically to the above consultation based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NERL in regard to this application (including the installation of wind turbines) which become the basis of a full, 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.

## **REPRESENTATIONS**

10 public objections summarised as follows:

1. The scheme is not associated with farming or any countryside activity and is an industrial installation which detracts from the existing environmental value of the landscape.
2. It removes productive farming land for 25 years.
3. The application is full of technical inaccuracies and misleading statements: in winter electricity demand is greater at night, a capacity factor of 5% is more accurate than the 11% claimed, and it is unlikely that this scheme could power 50 homes let alone the 288 claimed; it is not possible to equate installed capacity with household consumption; the carbon saving is an exaggeration and ignores the carbon footprint of Chinese solar panels, associated infrastructure and operating plant.
4. Most of the electricity will be lost with a connection to an 11kV line.
5. The applicant has failed to set out clearly and truthfully what the benefits will be in order for the planning officer to balance the impacts
6. The proposal does not benefit the local community.
7. Subsidies (FIT) were not intended for commercial ventures but are aggressive subsidy grabs; farm buildings could be utilised for self-use schemes
8. DECC has made it clear that solar PV is intended for development in the built environment, not in open countryside.
9. The visual impact of the security fence and associated buildings has not been assessed in the Visual Impact Assessment and is not fit for purpose; the panoramic images have been produced to diminish the view.
10. The cumulative effect on the countryside (particularly the loss of agricultural land and adverse

impact on tourism) must be considered.

11. Bampton is one of the gateways to Exmoor and should this and other developments be granted the gateway will be a series of these Staleg type structures ring-fenced with security cameras.
12. The proposal will leave a legacy of industrialisation on the area.
13. The solar panels are to be erected close to a bridle path and the road. The security fence and cameras will destroy the natural beauty of the coomb for walkers and riders. The ridge extending from Bampton Down is beautiful and cannot be disfigured by black glass panels and prison camp fencing.
14. The development will be detrimental to the Brown Hare population in the area as it will destroy their habitat.
15. CO14 of the Devon Structure Plan states that alternative uses for agricultural land should only be permitted where there is an overriding need for the development at the location: this is not the case. ENV1 states that development in the countryside should only be permitted where a rural location is required, it provides economic or social benefits to the local community and it protects or enhances the landscape character, natural resources and ecological, recreational and archaeological value. COR18 states that development in the open countryside should be strictly controlled to that which enhances its character, appearance and biodiversity.

Campaign to Protect Rural England object for the following reasons:

1. Solar farms are industrialisation of the countryside on a large scale, particularly as surrounded by high fencing and security cameras, at variance with the rich landscape of Devon's countryside and contrary to COR2 of the Mid Devon Core Strategy (LP1) and Devon Structure Plan policy CO1.
2. The site is within the landscape character area Upper farmed and wooded valley slopes in the Mid Devon Landscape Character Assessment. Such landscape is sensitive to change and the development would be incongruous in this landscape. The LCA states that solar farm should be carefully sited favouring areas such as those already spoilt by roads.
3. Visitors and local people enjoy the amenity of walking, cycling and riding through unspoilt countryside. A public bridleway runs to the north and cycle route N3 runs along the lane. The Visual Impact Assessment states that views will only be through field gates but photos are misleading as they are taken in poor weather conditions and when the hedges are in leaf. Most riders would be able to see over the 2m hedge.
4. Three residential properties could see the site from their upper storeys.
5. The access route is also a bridleway and is not wide enough to accommodate heavy traffic and riders affecting the amenity of riders.
6. The solar farm would not provide any benefit to the local community nor has a local need been referred to.
7. The proposal runs counter to the Government's intention for the FIT - it should be for micro-generation and not commercial solar farms.
8. The proposal would result in loss of agricultural land.
9. The proposal would not enhance the character, appearance and biodiversity of the countryside whilst promoting sustainable farm diversification.
10. Badger setts were recorded and fencing the site would have a detrimental impact on badgers. The site could also be attractive to otters and there are deer in the area which would not be able to access the site. There may also be an impact on foraging areas for bats.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Policy**
- 2. Highway safety**
- 3. Visual impact**
- 4. Landscape impact**
- 5. Trees, hedges and nature conservation**
- 6. Flood risk**



- 7. Glint and glare
- 8. Environmental Impact Assessment
- 9. Other issues

## 1. Policy

### **National/regional renewable energy policy**

The National Planning Policy Framework and the companion guide to PPS22 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.

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.

### **Local renewable energy policy**

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.

Policy DM/5 of the Local Plan Part 3 Development Management Policies Proposed Submission states that 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,

### **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 states 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 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.

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 CO8 requires the archaeological importance of sites to be understood and where appropriate protected.

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 increase the risk of flooding to an unacceptable level.

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.

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

Policy S5 sets out general development requirements as a series of criteria aimed at ensuring the development has an acceptable impact on the environment and the amenity, health or safety of nearby occupants (including any additional road traffic arising).

Policy S6 sets out criteria in respect of the design of new development and seeks to ensure that development respects and enhances the distinctive historic, landscape and settlement character of the locality, taking account of locally important features, vistas, panoramas and skylines and minimises 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 ENV7 seeks to ensure that the archaeological importance of a site is understood and to protect sites of archaeological importance.

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 (LP1)**

Policy COR2 on local distinctiveness states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places, 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 and 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 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.

### Local Plan Part 3 Development Management Policies Proposed Submission

Policy DM/1 provides that applications should be approved wherever possible to secure development that improves the economic, social and environmental conditions in the area.

DM/28 seeks to understand the significance of heritage assets (including archaeology) and to ensure heritage assets are not harmed without appropriate justification.

National and local planning policies support renewable energy developments in principle, where visual and environmental impacts and impacts on neighbouring occupants, are acceptable.

## **2. Highway safety**

A Construction Method Statement has been submitted with the application which confirms that the access will be via Palfreys Lane which is also a public bridleway, and through the two fields to the north of the site, through the existing field gates. There are 3 distinct phases, construction, operation and decommissioning, each with different highway implications.

During the construction phase (4-6 weeks) it is anticipated that delivery of the components will require approximately 30 HGV truckloads in total, a maximum of 2-3 each day, deliveries to take place during daylight hours but outside peak traffic times.

There will only be limited traffic attracted to the site during the operational stage.

Details of the means of decommissioning the site and associated highway safety measures will be required by condition prior to decommissioning.

The Highway Authority has confirmed that in highway terms the development proposal is acceptable. However, the officer notes that the route to site will be over part of Tiverton Bridleway 14 and he has advised the Rights of Way Officer who he considered may wish to comment. No comment has been received from the Rights of Way Officer as at the date of this report. Concern has been raised that use of the lane by large vehicles is incompatible with use by horse riders. The lane provides access to Palfreys Barton farm and is already available for use by agricultural vehicles which can often be large. As deliveries are to be limited to 2-3 per day, and the Construction Method Statement confirms that no vehicle parking, loading or unloading will take place within the public highway (the public bridleway is a public highway), it is not considered that there will be an unacceptable impact on users of the bridleway during the construction period and an insignificant impact on users during the operational period.

On this basis, it is considered that the proposal complies with Policy TR10 of the Devon Structure Plan 2001-2016 Policies S5 and S6 of the Adopted Mid Devon Local Plan (Local Development Framework) and the National Planning Policy Framework.

### 3. Visual impact

The visual impacts of the proposal are in relation to the panels themselves, the perimeter fencing, inverter, switchgear and DNO housing, communications building, access track and to a lesser extent, the surface water drainage swale. The development will have a material impact on the appearance of the site, which is at present a pasture field. A Visual Impact Assessment has been submitted which identifies the main public viewpoints from which the development will be visible. Your officer has also visited the site and viewed it from several vantage points.

Concern has been raised with regard to the accuracy of the Landscape and Visual Impact Assessment, particularly in relation to the panoramic photography not giving an accurate reflection of the situation on the ground and also that the descriptions of the associated infrastructure are incorrect. Although the panoramic images do give the impression of a greater distance between the viewpoint and the site, they do allow a judgement to be made in respect of the visibility of the site within the landscape.

The inaccuracies with regard to the building types and site layout do not affect the overall assessment of the impact of the site within the landscape as the site has very limited visibility from public vantage points. Your officer has taken these points into account when making an assessment of the visual impact of the proposed development. Your officer has visited the site and made an independent assessment of the likely visual impact of the proposal site from the road and from the bridleway.

Views from the road to the east of the site, running north to south, are highly restricted by the topography and boundary hedges and trees, with viewpoints limited to through field gates. This is so even after the leaves have started to fall in autumn. Horse riders may be able to glimpse the development from the bridleway but it will not be prominent in views of the landscape. Views from the south and west are largely screened by woodland or rising land. The Visual Impact Assessment states that views of the site will be possible from the upper windows of three dwellings but these views will be partial and your officer does not consider that the development will have material impact on residential amenity.

#### **The Visual Impact Assessment concludes that:**

"The site is located on the slopes of a steeply incised small valley which generally results in views being restricted from locations within 200 metres of the site. Where partial views are possible these are from a restricted number of windows to the upper storeys of residential properties close to the site. Additionally, the proposals will be viewed as a small element within the wider landscape."

Overall, your officer does not consider that the development would lead to an unacceptable visual impact on the landscape, the site being visible from very few public vantage points, and then only partially or glimpsed.

The existing hedgerows surrounding the site are reasonably intact, but where gaps exist along the eastern and western boundaries that are greater than 1m in length, these are to be replanted with native species mix so as to improve the structure of the hedgerow, provide wildlife benefit and improve screening. Bearing in mind the very limited visibility of the site within the landscape, your officer considers this to be sufficient.

Concern has been raised with regard to the cumulative impact of this and similar developments in the area on the visual quality of the area. There are no other solar farms existing or with planning consent in the area and each application must be looked at on its own merits. The site has very limited visibility in the landscape and is likely to be glimpsed, if seen at all, by road users or tourists, and have limited views by those using the bridleway. Views from the bridleway are likely to be seen in the context of the existing farm complex with a number of holiday caravans, and not to be an isolated feature in the landscape.

The proposal is considered to comply with Policy CO1 of the Devon Structure Plan 2001-2016, Policies S5 and S6 of the Adopted Mid Devon Local Plan (Local Development Framework) and Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1).

#### 4. Landscape impact

The site does not lie within any landscape designation, although there are blocks of ancient semi-natural woodland nearby, the nearest being to the south west of the site.

The Landscape Character Assessment identifies the landscape character area as being within the National Character Area 148 Devon Redlands, as described by Natural England in the Character Map of England (2005). The Devon Redlands Landscape Character Area is characterised by a hilly landscape of villages, hamlets, farmsteads, hedgebanks and winding lanes, cut through by steep sided valleys and wide floodplains, with large woodlands confined mainly to steep valley sides and extensive urban development, roads and railways on the lower valleys.

At County level, the majority of the site lies within the Bampton and Beer Downs Landscape Character Area with the lower half of the southern field within the Exe Valley Landscape Character Area.

The Bampton and Beer Downs LCA is described as a remote and quiet landscape with steep lanes between high hedgebanks and flat hilltops having a sense of spaciousness. Valleys are enclosed and secretive. The Exe Valley LCA is described as a deep and dramatic wooded valley, with valley sides being quiet and secretive with a strong sense of enclosure.

The Mid Devon District Landscape Character Assessment 2011 identifies the site as located within landscape character type 3A: Upper Farmed and Wooded Valley Slopes. This landscape is characterised by convex and rounded hills forming ridges with gently dipped valley slopes, which in a few places become sheer steep slopes, well-managed and dense hedgerows with medium to large-scale pasture enclosures, ridge-top hedgebanks running along the highest ground with field compartments dropping away from the ridge, isolated farms and buildings which tend to be visually prominent in the landscape, often connected by tracks and lanes, and long-distance views from one hilltop to another.

The Landscape Character Assessment states that the solar farm will bring a completely new type of development into the existing rural farmland context and one which is generally incongruous with the surrounding landscape character. However, it does on to say that the solar panels at only 3m in height would not form imposing features on the landscape. The site benefits from a high degree of seclusion because of the sloping topography and existing field boundaries.

Although the fence, security cameras and buildings are not specifically mentioned in the Landscape Character Assessment, your officer does not consider these will have a different impact on the landscape from that assessed for the solar panels. The fence is to be a deer fence consisting of timber posts and deer wire to a maximum height of 2m. The cameras will be installed at intervals around the fencing on posts at approximately 4m in height. The buildings look similar to storage containers and will be coloured dark green and located on the least visible side of the field. The buildings will have a maximum height of 3.15m so are similar in height to the solar panels themselves. In addition, the farm complex of buildings and a number of holiday caravans are elements in the landscape which with the solar farm will be viewed so it will not be viewed in isolation to other development in the landscape.

The LCA further states that:

"The solar farm would result in a temporary reduction in useable farmland for the life of the development, however, due to the relatively small scale of the field and the prevalence of agricultural land within the study area it is anticipated that this impact would be limited. Due to careful siting of the proposed development utilising existing boundary treatments and topographical low points, it is anticipated that the proposed development would have a limited impact on the landscape character of the surrounding area".

The Landscape Character Assessment concludes that the proposed development will not result in any loss or impact to landscape features or have an impact on the landscape character at a local or national level. The proposed development respects the character of the landscape by respecting the strong field pattern, utilising existing access points and using landscape features to provide screening.

Although the landscape character of the field itself will change significantly, the site is small and very well screened within the landscape and it is not considered that the development will have a material impact on the landscape character of the wider area.

The proposal is therefore considered to comply with Policy CO1 of the Devon Structure Plan 2001-2016, Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies S5 and S6 of the Adopted Mid Devon Local Plan (Local Development Framework) in respect of its anticipated landscape impact.

## **5. Trees, hedges, nature conservation and archaeology**

The site is laid to pasture and is bounded by hedgerows. There are no trees on the site itself. All hedgerows are to be retained and supplemental planting of gaps carried out using native species. The development will not impact on these features.

The submitted ecology survey and report has identified that the surrounding hedgerows are suitable dormouse habitat. However, as no hedgerows are to be removed or severed by the scheme, the impact on any dormice potentially present on the perimeter of the site is likely to be minimal.

The report has identified badger setts within the site boundary. Additional correspondence from the ecologist states that:

"Following the preparation of the Ecological Phase 1 Habitat Survey, where badger setts were identified within the hedge to the north of the development area, Lightsource revised the layout of the solar farm to ensure that all development was at least 30m from the badger setts. Based on the final layout drawings for Palfreys Barton, no development will take place within 30 metres from badger setts identified as part of the phase 1 habitat survey. It is considered that this will effectively avoid any adverse impacts on the badger setts.

Badger gates will also be placed within the proposed fencing along all badger paths within the site. This will result in a minimum of approximately two badger gates located on each side of the rectangular solar farm area.

If a further potential badger sett is found during the construction phase, all work will stop immediately in that area and an ecologist will be contacted and called to site to assess the area."

It is recommended that the development proceeds in accordance with the ecologists recommendations and installation of the badger gates is conditioned.

The development is not considered to have material impact on any other protected species, provided the hedgerows remain intact. Concern was also raised over the impact of the development on brown hare habitat. This is a Biodiversity Action Plan species but there is no evidence that the site itself supports brown hare, and it is only a small area within the wider area of similar habitat and will continue to be accessible to small mammals via the badger gates.

The submitted archaeological investigation report has assessed the site as having low archaeological potential and does not recommend any further investigation.

On this basis, the proposal is considered to comply with Policy CO10 of the Devon Structure Plan 2001-2016, Policies S5, S6, ENV7 and ENV16 of the Adopted Mid Devon Local Plan (Local Development Framework), Policy DM/28 of the Mid Devon Local Plan Part 3 (Development Management Policies) **Proposed Submission and the National Planning Policy Framework.**

## **6. Flood risk**

The site is within Flood Zone 1 which has the lowest probable risk of flooding. Sequential tests required by the NPPF direct development to the areas with the least probability of flooding (i.e. Flood Zone 1). However, surface water drainage from the panels has the potential to cause localised run-off problems. The submitted Flood Risk Assessment concludes that rain falling onto the panels would

run off directly onto the ground beneath the panels which would partly infiltrate into the ground or run off into the nearest watercourse.

The Environment Agency has no objection to the proposal subject to the following condition being attached to any consent:

"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 5 side slopes, be built parallel to site contours, 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."

A swale is to be provided along the southern boundaries of the site in order to intercept surface water run-off in the event of extreme flows and to reduce overall flow rates from the site. The applicant has confirmed that a swale can be provided on site to meet the Environment Agency's requirements. However, as at the date of this report, drawings showing the proposed swale have not yet been provided. The applicant is in the process of having the swale drawings prepared in accordance with the Environment Agency's requirements and has confirmed these will be provided before planning committee. A condition is recommended requiring the swales to be installed in accordance with the submitted details. Members will be updated on the situation with the swale drawings.

The proposal is considered to comply with Policy C013 of the Devon Structure Plan 2001-2016 Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1), Policy S11 of the Adopted Mid Devon Local Plan (Local Development Framework), Policy DM/2 of the Mid Devon Local Plan Part 3 (Development Management Policies) Proposed Submission and the National Planning Policy Framework.

## **7. Glint and glare**

The design and access statement states that photovoltaic panels have a very low reflectivity level when they are compared with other surfaces such as glass or water as they are designed to capture as much sunlight as possible to convert into electricity and less than 9% of the of the total incident visible light is reflected by these panels. The development will not be visible from any major road and consultation responses have not highlighted any potential impacts on road users or aircraft from glint and glare from the development.

## **8. Environmental Impact Assessment**

The proposal has been screened for EIA and it is considered that it would be of only local impact and therefore does not require environmental assessment.

## **9. Other issues**

**Concern has been raised that the benefits of the scheme do not outweigh its harmful impacts.**

In particular, objectors have raised the following points:

- The scheme has no local benefit.
- The electricity generating potential (number of houses likely to be generated for) and carbon savings have been exaggerated.
- It removes productive farmland for 25 years.
- The Feed in Tariff was not intended for such schemes.
- The impact of tourism must be considered.
- The proposal will leave a legacy of industrialisation in the area.
- Alternative uses of agricultural land should only be permitted where there is an overriding need for the development in this location.
- Most of the electricity will be lost with a connection to an 11kV line.

The Companion Guide to PPS22 promotes renewable energy and states that "the successful introduction of renewables in all parts of England will involve the installation of different kinds of schemes in different contexts, from rural areas to densely populated areas". It also refers to

renewable energy offering farmers alternative sources of income.

The applicant has provided additional information with regard to the electricity generating capacity of the development and how this was calculated. They state that daylight levels in any given location are steady and predictable and can be estimated accurately. The calculation of the number of households is based on a calculation of the average yearly daylight yield, multiplied by the output capacity of the solar panels (minus expected losses, typically around 105), divided by 3,300kWh, which Ofgem states is the national average for a typical dwelling. The figure used by the applicant is purely a representative figure to put the electricity generating capacity of the site into perspective. The Companion Guide to PPS22 states that renewable energy should be measured in installed capacity and does not require Local Authorities to take into account losses that may occur within the National Grid.

The Government continues to allow its feed in tariff to be used for these types of scheme and the appropriateness of this is not a material consideration. These schemes will only continue to come forward whilst the subsidies make them profitable.

The reference to policy CO14 "alternative uses for agricultural land should only be permitted where there is an overriding need for the development at the location" relates to the conservation of agricultural land relate to the best of most productive agricultural land in Grades 1, 2 and 3a. The site is Grade 3 land is not protected by these policies. In any event, at the end of the 25 year period, the site will restored to its current condition and no permanent loss of agricultural land will take place.

The site has very limited visibility in the landscape and is unlikely to be seen at all by road users or tourists, and only fleetingly by those using the bridleway, from which the site is likely to be only partially visible from a limited number of vantage points. Bearing in mind the very limited visibility of the site, the development is not considered to have any material impact on tourism.

One objection cites policy ENV1 "development in the countryside should only be permitted where a rural location is required, it provides economic or social benefits to the local community and it protects or enhances the landscape character, natural resources and ecological, recreational and archaeological value". This policy relates to the Blackdown Hills Area of Outstanding Natural Beauty and is not relevant to this location.

Planning policy is generally permissive of renewable energy development, except where there would be an unacceptable impact on the environment or neighbouring uses. A renewable energy provider does not need to prove there is a local need or provide benefits over and above the benefits of the production of renewable energy to help meet climate change targets. In assessing the application, it is necessary to weigh up the advantages of scheme against the potential harmful impacts.

The site is very well screened within the landscape and approximately 450 metres from the nearest unrelated dwelling. Your officers consider that the potential landscape, visual and other environmental impacts and impacts on the amenities of neighbouring uses are not significant enough to outweigh the contribution this scheme would make to renewable energy targets.

## **CONDITIONS**

1. The solar PV facility shall cease to generate electricity on or before 30 November 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.
3. The supplemental planting to the boundary hedges detailed in the submitted Landscape Mitigation Section (paragraph 4.3) on pages 12, 13 and 14 of the Landscape and Visual Appraisal dated September 2012 and received by the Local Planning Authority on 24 September 2012 shall be carried out within 9 months of the substantial completion of the development and any trees or plants which, within a period of five years from the implementation of the 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. 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.
5. The galvanised steel cladding to the inverter/transformer housing and communications buildings shall meet in colour with either BS4800 12B25, BS4800 18B29 or BS4800 10B25. Once provided the structure shall be maintained in one of these approved colours.
6. The security fence shall not be erected until a detailed specification for the badger gates to be installed in the security fence, including the location of each badger gate, has been submitted to and approved in writing by the Local Planning Authority. Such specification shall be based on a specific badger survey and mitigation plan prepared by a qualified ecologist and shall take into account all existing badger runs on the site. The security fence shall be erected only in accordance with such approved specification and once installed the badger gates shall be so retained whilst the security fence, or any replacement security fence, is retained on site.
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, except at the point of connection to the electricity grid system.
9. The swales shown on drawing number [to be submitted] shall be provided within 12 months of the date of this approval or within 28 days of the completion of the construction of the solar PV array, whichever is the sooner. Following their provision the swales shall be managed and maintained in an operational condition until the site has been decommissioned in accordance with condition 1 of this decision notice.

## **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 Policies CO6, CO9 and TR10 of the Devon Structure Plan 2001-2016, Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies S5, S6 and ENV16 of the Adopted Mid Devon Local Plan (Local Development Framework) and 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 Policies CO6 and TR10 of the Devon Structure Plan 2001-2016, Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies S5 and S6 of the Adopted Mid Devon Local Plan (Local Development Framework).
4. To ensure that the development is adequately screened and to protect the amenity of the surrounding rural landscape, in accordance with Policies CO6 and CO7 of the Devon Structure Plan 2001-2016, Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies S5, S6 of the Adopted Mid Devon Local Plan (Local Development Framework) and the National Planning Policy Framework.
5. To safeguard the visual amenities of the area in accordance with Policy CO6 of the Devon Structure Plan 2001-2016, Policies S5 and S6 of the Adopted Mid Devon Local Plan (Local Development Framework) and Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1).
6. In the interest of maintaining security of the site and affording adequate protection to protected species which use the existing hedgerows, in accordance with Policy CO9 of the Devon Structure Plan 2001-2016, Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies S5, S6 and ENV16 of the Adopted Mid Devon Local Plan (Local Development Framework) and the National Planning Policy Framework.
7. To minimise the potential for light pollution and disturbance to local amenity in accordance with Policies S5 and S6 of the Adopted Mid Devon Local Plan (Local Development Framework).
8. To safeguard the visual amenities of the area in accordance with Policy CO6 of the Devon Structure Plan 2001-2016, Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies S5 and S6 of the Adopted Mid Devon Local Plan (Local Development Framework).
9. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance Policy CO13 of the Devon Structure Plan 2001-2016, Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1), Policies S5 and S11 of the Adopted Mid Devon Local Plan (Local Development Framework) 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**

Subject to conditions, the proposed development is considered acceptable with regard to its design and siting, visual and landscape impacts, archaeology and wildlife, highway safety, flooding and drainage and the residential amenities of nearby occupiers. The contribution of the scheme to renewable energy targets on land that is not considered to be the best and most versatile agricultural land, is considered to outweigh any limited harm that may arise as a result of the development, as conditioned. On balance, it is considered that the development would accord with Policies CO1, CO6,

CO8, CO10, CO12, CO13 and TR10 of the Devon Structure Plan 2001-2016, Policies S5, S6, S11, ENV7 and ENV16 of the Adopted Mid Devon Local Plan (Local Development Framework), Policies COR2, COR5, COR9, COR11 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM/1, DM/5 and DM/28 of the Mid Devon Local Plan Part 3 (Development Management Policies) Proposed Submission and the National Planning Policy Framework.

