

# PLANNING APPLICATION REPORT

**Case Officer:** Ben Gilpin

**Parish:** Blackawton

**Application No:** 06/1725/15/F

**Agent/Applicant:**

Alder King Planning Consultants  
Pembroke House  
15 Pembroke Road  
Clifton  
Bristol  
BS8 3BA

**Applicant:**

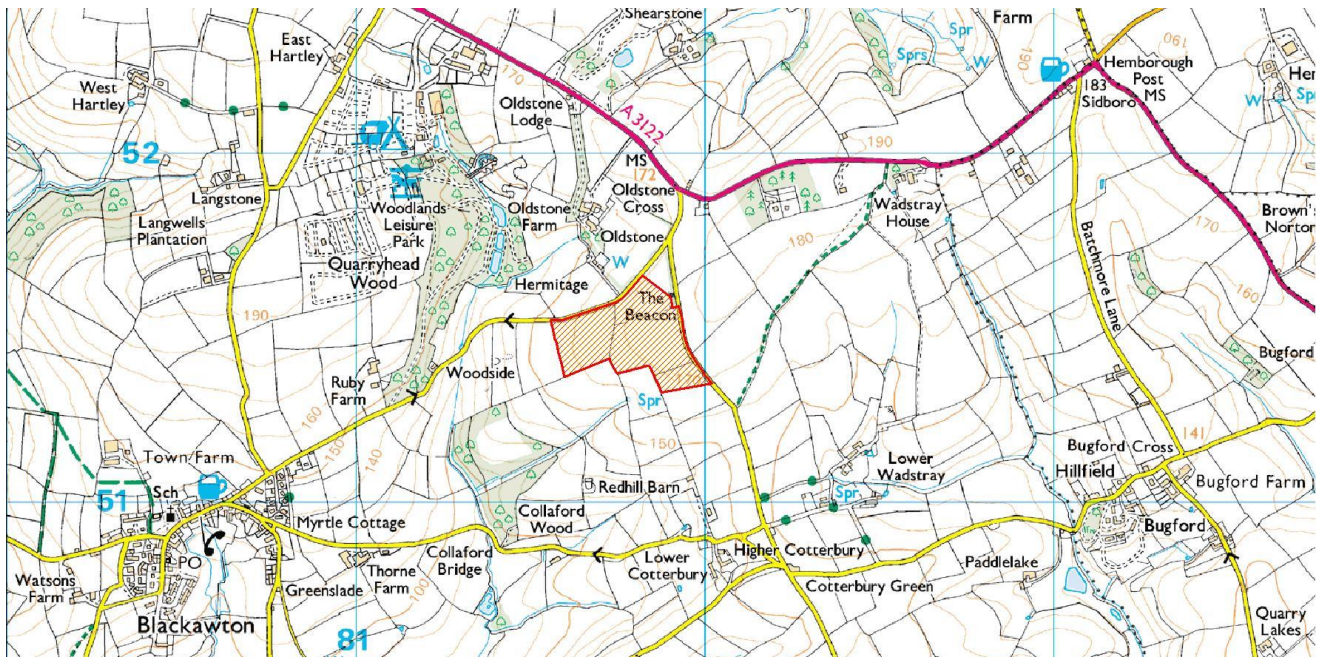
Oldstone Farm Solar Park Ltd  
Oldstone Farm  
Blackawton  
Totnes  
TQ9 7DG

**Site Address:** Land At Oldstone Farm, Blackawton, Totnes, Devon, TQ9 7DG

**Development:** Construction of a solar photovoltaic park with associated PV equipment

**Reason item is being put before Committee:** At the request of Cllr Hicks, who stated:

*As previously discussed, I would request that this app is taken to the Planning Committee when appropriate.*



## **Recommendation:**

Conditional Approval

## **Conditions:**

Standard Time Limit  
Accord with Plans  
Unsuspected Contamination  
Landscape / Biodiversity (Prior to Commencement (PTC))  
Duration (25 years)  
Notification of Operational Commencement  
Materials (PTC)  
Fencing / CCTV (PTC)  
Highways (Road State)  
GPDO  
External Lighting

## **Key issues for consideration:**

Principle of Development  
Landscape / Visual Impact (incl. cumulative impact)  
Ecology  
Highways  
Other Matters (Farm (Rural) Diversification; Impact on Tourism (economic impact); Impact on Heritage Assets (incl. Archaeology); Flood Risk).

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## **Site Description:**

The site is in open countryside, but has no statutory designation constraints. The nearest point of the site to the South Devon Area of Outstanding Natural Beauty (AONB) is 0.6 kilometre to the south of the site (at Cotterbury Cross). The site itself is in an elevated position, with the majority of the site being screened from immediate public view by existing hedgerows and / or trees.

The site itself is one of relatively good quality agricultural grade land (Grade 3) – source: [www.magic.gov.uk](http://www.magic.gov.uk). The nearest sensitive receptor is circa 200 metres to the west north east.

The site is accessed via the public highway to the east. The site area is circa 8.2 hectares (20.3 acres) or which approximately 40% will host the PV arrays (circa 3.3 hectares / 8.1 acres).

## **The Proposal:**

Construction of a solar photovoltaic park with associated PV equipment

## **Consultations:**

- County Highways Authority

No objection.

- Environmental Health Section

No comments received – apply default Unsuspected Contamination planning condition.

- Town/Parish Council (Blackawton)

Objection

- Others

See below

## **Representations:**

### **Representations from Residents**

42 x members of the public have submitted objections to the proposal. 1 x member of the public has submitted comments on the proposal.

Objections cite the following as reasons for refusal:

1. Visual Impact
2. Impact on Tourism (economic impact)
3. Over Development
4. Highway Safety (during construction)
5. Loss of Agricultural Land
6. Cumulative Impact
7. Ecological Impact
8. Heritage Impact
9. Surface Water Runoff
10. Would not meet the essential needs of agriculture
11. Out of Character

### **Representations from Internal Consultees**

#### **SHDC Drainage:**

No objection subject to accordance with details as submitted

#### **SHDC Ecology:**

No objection subject to planning conditions:

#### ***07/1725/15/F - Solar park - Land at Oldstone Farm, Blackawton, Totnes – Biodiversity consultation response***

*The submission includes an Ecological Appraisal (EDP, July 2015), which presents results of a desk study and single site visit. No detailed Phase 2 surveys were undertaken, namely due to the low ecological value of the site (intensively managed improved pasture), and the retention and buffering of higher value ecological (namely hedgebanks). This approach was agreed at the pre-application stage as is evident from Appendix 2 of the Ecological Appraisal.*

*In summary:*

- *There are no anticipated impacts on any statutory or non-statutory sites.*
- *Habitats with significant ecological value are being retained, and have potential to be enhanced.*
- *A limited amount of temporary hedgebank removal will be required to facilitate access. The Ecological Appraisal advises that this section of hedgebank does not contain habitat suitable for dormice.*
- *An 'Outline Habitat Management Schedule' has been proposed. While not fully detailed, it provides sufficient information to indicate that subject to adherence to the habitat creation and management measures that the proposal can enhance the wildlife value of the site, including for protected species (such as dormice, and nesting birds including those identified in previous RSPB response). These measures include relaxing the hedgerow cutting regime to encourage taller and denser habitat, establishing a species-rich semi-improved grassland buffer with a late cut/low-intensity graze, and semi-improved sheep grazed grassland below the panels.*

*The proposal and measures detailed within the Ecological Appraisal are considered to be in keeping with wildlife legislation, and reflective of national good practice guidance with respect to improving the wildlife value of solar parks.*

**Recommendation** - *No objection subject to conditions:*

- *Prior to commencement a fully detailed Landscape and Ecological Management Plan should be submitted to the LPA for approval (incorporating measures detailed in Appendix EDP 4 of the Ecological Appraisal, EDP – July 2015). The LEMP should set out habitat creation, management and maintenance measures for the lifetime of the installation, and any necessary decommissioning measures thereafter.*
- *Works to create the access splay should ideally be undertaken outside of bird nesting season (typically considered to be March to August inclusive). If works must commence within bird nesting season, the hedgebank to be affected must first be thoroughly checked to confirm that no nesting birds are present. If nesting birds are found to be present, works to create the access splay must be delayed until all young birds have fledged.*

**Policy:** *SHDC Core Strategy Policy CS10, NERC Act 2006, NPPF Para 118*

SHDC Conservation:

No objection:

*There are 5 Heritage Assets ( listed structures) immediately associated with Oldstone Farm, clustered around the existing farm complex with a further 17 within a 2km radius. The proposed laying of solar arrays will at their closest be approximately 105m from the kitchen garden walls, 165m from the folly to the east of Oldstone, 200 m from the ruins of Oldstone House, the not appear to have a detrimental impact upon the nearest listed structures.*

*These closest structures are positioned within a hollow with the proposed arrays position beyond the ridge of rising ground from them. It would appear that the current well established hedgerows coupled with several specimen trees positioned along the ridge would screen the proposals from any immediate impact. This could be further reinforced if the hedges are allowed to thicken and grow higher. With regards to other long distant views then it would appear that the proposed arrays will not have a detrimental impact upon their setting given the topography and existing trees and hedges, though it would advisable to supplement this with some perimeter landscaping to increase the density and allow for any existing hedges/ trees which may be lost through their life cycle to be replaced/ reinforced.*

NPPF states:-

132. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are Irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

*The immediate assets are all listed grade 2 and are in a neglected state. The Archaeological Assessment undertaken by the Environmental Dimension Partnership received 23<sup>rd</sup> July 2015, in paragraph S4 recognises this and the fact that their deterioration is ongoing. Therefore we advise that as nationally protected historic assets regard should be given to halt this deterioration. Consequently we would advise that the suggested use of a unilateral agreement or a Section 106 contribution be agreed though the decision process to provide funds to stabilise and repairs these assets initially allowing for future ongoing maintenance to halt further deterioration.*

*In summary we advise that the proposals would appear not to have any significant harm to the setting of Heritage assets in the vicinity, however we advise that that condition of the immediate heritage assets associated with Old Stone Farm needs to be addressed.*

SHDC Landscape:

No objection subject to the inclusion of planning conditions re: Landscape / Biodiversity (Prior to Commencement (PTC)); Fencing / CCTV (PTC)

### **Representations from Statutory Consultees**

None received

### **Relevant Planning History**

None applicable

### **ANALYSIS**

Principle of Development:

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This should be with a social, economic and environmental role. In terms of its environmental role, planning should contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste

and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

As part of the 12 principles of planning, the NPPF states that in moving to a low carbon economy, Local Planning Authorities (LPAs) should encourage the use of renewable resources (for example, by the development of renewable energy). Paragraph 97 specifically states: *“To help increase the use and supply of renewable and low carbon energy, LPAs from renewable or low carbon sources”* going on to add that local policies *“should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”*.

At paragraph 93, the NPPF states that *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”*. It then states that *“this is central to the economic, social and environmental dimensions of sustainable development”*.

The subsequent paragraphs refer to the need for a positive approach to renewables and the need to approve applications if its impacts are, or can be made, acceptable.

It is true that much of this relates to the need for LPAs to plan positively and put strategies for renewable energy delivery in place, but the principles are still relevant to decision making.

#### Landscape / Visual Impact (incl. cumulative impact):

Concerns have been raised in objections regarding the impact the proposal could have on the wider landscape. The site is not in an area identified or designated for its landscape quality.

The SHDC Landscape Officer stated that:

#### ***Landscape Character***

*The proposed development is situated in LCT1D Inland undulating upland tipping into LCT2B Coastal slopes and combes: high undulating farmland, with open, long views once on the plateau, with isolated farmsteads scattered; accessed via a tighter valley landscape. Rural lanes pass the site feeding to the A3122 Dartmouth link to Totnes (joining the A381) – not especially tranquil, relatively busy for a rural locality, though not heavily trafficked. Plantations to the north form a strong character backdrop, mainly Beech.*

*Fields in the area are of a generally uniform-medium size, predominantly of clipped hedgerow without hedgerow trees.*

*DP2 Landscape Character is not overly detrimentally affected; apart from being a fundamental change from filed pasture to PV.*

*The ambience and tranquillity of the locality will be unaffected, once constructed. The PV installation scale is not at odds with the landscape grain already extant, which is supplied by the field pattern and strong landscape elements (ie. it is of a scale that does not ‘over power’ the landscape, aided by the embrace/backdrop of contiguous woodland massing).*

*Security fencing and ancillaries will be glimpsed and are out of kilter with the landscape; though offsite steel 'farm' gates exist elsewhere to prevent views into various other fields and across the landscape in the general vicinity (i.e. rural ambience is already slightly diluted).*

*Other elements such as HV lines are barely identifiable.*

*DP15 Development in the Countryside is unrelated to a farmstead or existing settlement, but is 'embraced' by a backdrop of woodland to the north (see below). The area of PVs is not extensive in the landscape.*

*Landscape character is broadly conserved except for the fundamental change in land use.*

### **Protected Landscape**

*No AONB (though with views possible from it at c.500metres distant).*

*Listed buildings in vicinity (S106 to repair Oldstone House proposed).*

*NPPF135 non designated heritage asset The Beacon (tree copse, part of roadside plantation) is not physically affected.*

*No TPOs (two TPO plantations in vicinity, neither affected).*

### **Visual Impact Effect**

*Until the upland plateau is mounted there are few/no important views of and into the site due to high hedgerows, the twists & turns in lanes and the intimate topography, all providing significant screening or deflected views.*

*Skyline is not interrupted, aided by the Beech copse backdrop; but sloping land towards the south towards the AONB at Cotterbury presents substantial views of the proposal when travelling/looking northwards which cannot be screened effectively.*

*Other PV installations are not readily visible in the greater landscape.*

*The findings of the LVIA are broadly representative except for the southern-most half-field (i.e., not installing PVs or related ancillaries, with the development retreating behind existing field hedgerows retained): were this to be left to pasture and with hedgerows to West and South of the entire development allowed to grow freely, detrimental visual impact character effect would be substantially reduced.*

*The scheme proposal has now been amended to meet this objection, ref. plans:-  
1192-0201-01 Rev 04*

*Landscape and Ecology Strategy rev1*

### **Arboricultural Impact**

*None.*

### **Landscape Scheme**

*Ensure BRE National Solar Centre Biodiversity Guidance for Solar Developments are applied to this locality and soil type, to promote biodiversity and soil protection; developer to confirm management practice to be applied to the site prior to commissioning.*

**RECOMMENDATION:**

*No Objection.*

In light of the above, and having seen the site and its surrounds and existing boundary treatment, the proposed development is not considered sufficiently harmful to the character of the area as to justify a recommendation of refusal on landscape grounds in this instance.

It is noted that appeal reference APP/K1128/W/15/3135465 was refused on landscape grounds (in part), notably for its impact on the appearance on the countryside (in isolation) and character and appearance (cumulative impact). In this instance, SHDC Landscape did not recommend refusal as the aforementioned aspects of the current application were considered acceptable.

Ecology:

The objections have cited impact on ecology as reasoning for refusal. However, the site is not designated for its ecological value, and the nearest statutory ecological designation is circa 6.2 kilometres to the South (Slapton Ley Site of Special Scientific Interest (SSSI)).

With the known ecological status of the site, the SHDC Ecology Officer (statutory consultee on ecological matters) has not objected to the proposal subject to the inclusion of planning conditions requiring the submission of a Landscape and Ecological Management Plan prior to the commencement of the development, and accordance with plans (fencing to reflect that as detailed in drawing number 1188-201-01 Issue 03).

Highways:

The proposal has received a number of objections that have cited impact on highways as reason for refusal.

In response, the applicants have provided details that have been deemed acceptable by Devon County Council Highways Officer (statutory consultee in relation to Highways matters), and they have raised no objection to the scheme.

It is accepted that the development (construction of) would necessitate the importation to site of materials which could result in temporary disruption of traffic flows in and around the site, but this would be for a limited duration (circa 12 weeks).

Once works are complete, the development would only require interim visits to site for maintenance purposes.

Although objections have been received on highways grounds, in light of the long term effect (considered minimal) of traffic associated with the scheme, and as DCC Highways have not objected (they are the statutory consultee on such matters) it is not considered reasonable or robust to recommend refusal on highways grounds in this instance.



Other Matters (Farm (Rural) Diversification; Impact on Tourism (economic impact); Impact on Heritage Assets (incl. Archaeology); Flood Risk):

Farm (Rural) Diversification:

The proposed development would need to accord with the principles of policy CS13, which reads:

1. *Development to enable diversification of the rural economy is acceptable where it is compatible with its location and setting and will cause no unacceptable harm to the surrounding landscape or historic and cultural heritage;*
2. *Development must re-use or adapt existing buildings where possible. If this is not possible, any new replacement buildings must be well related to existing buildings, of an acceptable scale and blend satisfactorily into the landscape. The replacement of buildings will be favoured where this will result in a more acceptable and sustainable development than might be achieved through conversion;*
3. *In the case of farm diversification, the development must be complementary to and not prejudice the agricultural operations on the holding.*

The proposed development would result in injection to the finances of the farm, which could be used to further to farms' core business being agriculture, so being complementary to the agricultural operations on the farm holding. This would accord with the principles of the policy.

In addition, although the land is identified as having a Grade 3 Agricultural Land Classification, this is not unusual in the context of the South Hams, and the land use is reversible.

Impact on Tourism:

In relation to impacts on tourism (and so the wider economy), objectors have cited loss of tourism (and associated revenue) as a result of the existing renewable developments and now the proposed development.

To be able to quantify exactly what impact such a scheme could have is not considered factually possible as the objections referring to effects on tourist activity and spend are anecdotal.

However, it is accepted that studies in relation to Tourism Impact of Onshore Wind Farms have been undertaken (it is accepted such studies refer to a different form of renewable energy development), including the 'Study into the Potential Economic Impact of Wind Farms and Associated Grid Infrastructure on the Welsh Tourism Sector' – commissioned by the Welsh Government and published in February 2014.

In that report it concluded and stated in its recommendations that:

- *Although most local tourism economies will face minimal or no threat from wind farm development, the nature of the visitor economies in some parts of Wales does mean they are at greater risk of negative impacts. In these instances, there is a need for developers to undertake thorough research and consultation to understand the nature and extent of the threat, the potential opportunities (if relevant) and any actions which need to be taken. The*

*emphasis should be upon reaching agreement on these issues with the local tourism sectors and other stakeholders where this is possible, prior to submission of the planning application.*

*The study has concluded that there is the risk that some future wind farm development could have a minor or even moderate negative impact on local visitor economies. However, these assessments are often subject to a degree of uncertainty and for this reason it is important to monitor the actual impact of new development upon tourism in these areas. Given the shortcomings in visitor data at this localised level and the wide range of factors which influence the visitor economy, it will be important to agree a suitable approach to do this.*

In essence, the report concluded that there could be effects (even moderate) but that these impacts would be local in nature and would ordinarily result in a displacement of activity, rather than a cessation of activity. It is considered that, because of the limited visibility of the proposed development, effects that were identified in relation to wind turbines and tourism activity would be even less in this instance.

In this instance, the solar installation could result in effects contrary to strategic objective SO11, but such an effect cannot be quantified sufficiently to support a recommendation for refusal that could be deemed suitably robust. Therefore there is no considered unacceptable impact and so the conclusion in relation to this point remains unchanged.

#### Impact on Heritage Assets:

Concerns have been raised in relation to perceived effects on heritage assets.

In reply, the response from SHDC Conservation stated in summary that:

*In summary we advise that the proposals would appear not to have any significant harm to the setting of Heritage assets in the vicinity, however we advise that that condition of the immediate heritage assets associated with Old Stone Farm needs to be addressed.*

In this instance, the wider benefits to the UK in terms of power self-sufficiency, together with the local benefits to the farm and biodiversity of the area are considered suitably sufficient to support a recommendation for approval in this instance as there is no significant harm to the setting of heritage assets in the vicinity.

The proposed development is considered to be acceptable in the context of paragraph 126 of the NPPF and of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeal reference APP/K1128/W/15/3135465 was refused on heritage (archaeology) grounds (in part). However, it is noted that DCC Archaeology have agreed that works proposed would be acceptable and as such it would not be appropriate to recommend refusal on subterranean heritage knowing that the statutory consultee is agreeable to the proposal.

#### Flood Risk:

Concerns have stated that the development could be detrimental to water flows and result in flood risk.

In response, SHDC Drainage have stated that they have no objection subject to accordance with details as submitted (being the accordance with drawings as submitted).

Knowing this it is not considered that the scheme would be so detrimental to flood risk that the application warrants a recommendation of refusal.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004***

**Planning Policy**

*All standard policies listed (PPG / NPPF):*

***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.