

## PLANNING APPLICATION REPORT

**Case Officer:** Thomas Jones

**Ward:** Drewsteignton

**Application No:** 00715/2015

**Agent/Applicant:**

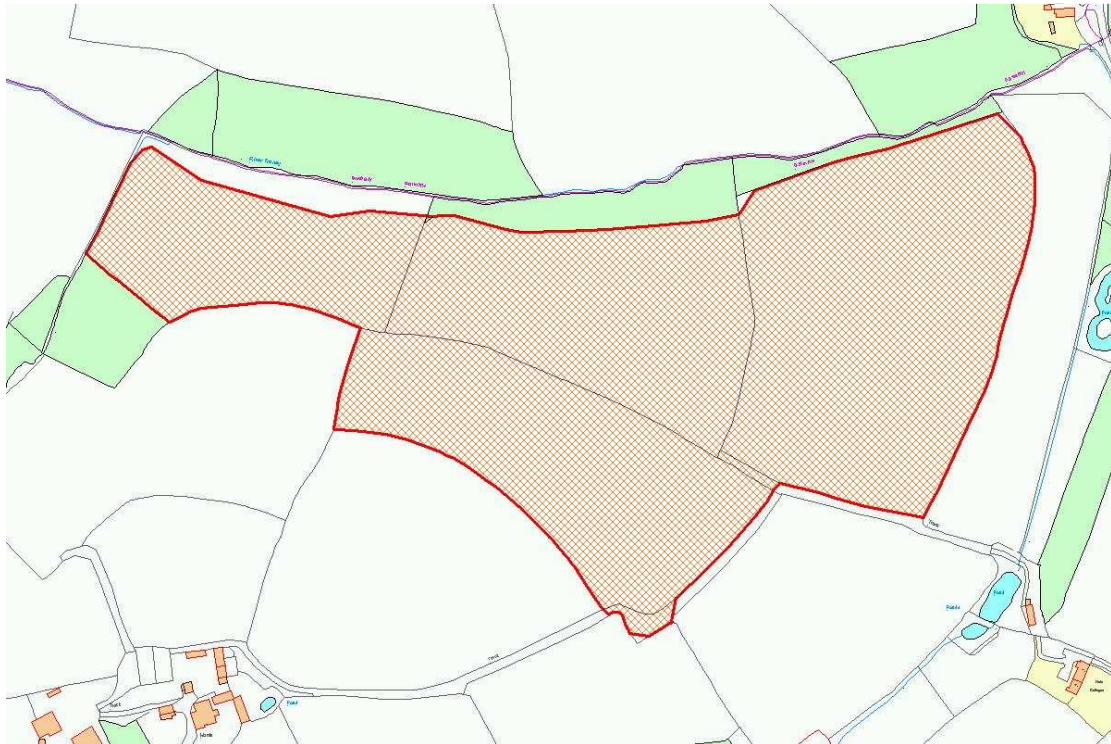
Aardvark EM Ltd  
Higher Ford  
Wiveliscombe  
Taunton  
Somerset  
TA4 2RL

**Applicant:**

Murex Martin Solar Limited  
Mells Park  
Mells  
Somerset  
BA11 3QB

**Site Address:** Land at Martin Farm, Whiddon Down, Okehampton, Devon  
EX20 2QL

**Development:** installation of solar pv array (site area 11.82ha, estimated output 5MW, approximately 19,230 panels) with associated infrastructure landscaping, access and cable route.



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### **Reason item is being put before Committee**

At the request of the Ward Member in light of the level of local interest.

### **Recommendation**

Approval subject to conditions covering:

- Standard time limit
- Accord with plans
- Unsuspected contamination
- Landscape / Biodiversity (Prior to Commencement [PTC])
- Duration 30 years
- Notification of Operational Commencement
- Materials (PTC)
- Fencing
- CCTV (PTC)
- Construction Management Plan (PTC)
- Highway road condition survey (PTC)
- GPDO
- External lighting (PTC)
- Archaeology

### **Key issues for consideration**

- Principle of Development
- Landscape and Visual Impact
- Ecology
- Highway safety and condition
- Impact on Tourism
- Impact on Heritage Assets
- Impact on residential amenity
- Flood risk

### **Site Description**

The site lies 0.5km north west of Whiddon Down and extends to some 11.82 hectares (29.2 acres), comprising four adjoining agricultural fields. Access is currently through an existing gateway to the south that is used by Martin Farm. The access track is a private highway that runs from the Whiddon Down road, which runs into the A382 and is a short distance from the A30, which runs almost north to south and approximately 0.5km to the north east of the site.

The highest point of the site, 240m Above Ordnance Datum (AOD), is found in the south and the lowest, 200 AOD, is found in the north. The southern field has a reasonably steep north facing aspect whereas the three northern fields are less steep, but still oriented with a slight north facing slope.

Trees and hedgerows bound the site with the River Troney running along the northern boundary.

The site is not affected directly by any planning designations, is not classed as Best and Most Versatile (BMV) Agricultural Land and falls within Flood Zone 1.

There are no public footpaths crossing the site and no footpaths running in close vicinity.

The surrounding land is predominantly agricultural with some large and isolated farm buildings. A number of residential properties lie within 1km of the site, with those lying to the south east and on the north side of Exeter Road having clear views into the east side of the proposed installation.

The A30 runs approximately in a west-east direction to the north. Inter-visibility is very limited, but noise from the road is intrusive.

The site is well contained with respect to views from and to land to the south. Views are more open to the north with limited inter-visibility to the west and to the east. The boundary of Dartmoor National Park is approximately 650km to the west and 500km to the south.

### **The Proposal**

It is proposed to install 19,320 solar photovoltaic (pv) panels to provide up to 5MW of energy to the National Grid. The connection point is off site with the associated cable run to be provided by the District Network Operator (DNO). As such, this is permitted development.

Permission is sought for 30 years, after which the installation would be removed and the land revert to its current state.

Energy from the panels would be transferred via cables, some underground, into one of four transformer houses. One of the transformer houses would contain switchgear to raise the voltage before being transferred, via underground cable, to the substation. The substation would be the property of the DNO and it is from here the power would be fed into the national grid, via underground cables.

Panels would sit on an aluminum frame one above the other (in threes) in landscape. Rows of panels would run west to east with a south-facing orientation (gradient 20 degrees). Rows in fields 1, 2 and 4 would be 3m apart with the rows in field 4, due to the topography of that area, being 6 metres apart. The highest point of the rows of panels would be up to 2.16m (at the rear), with the front no less than 0.63m from the ground. This would allow sheep to graze and for an appropriate regime to enhance biodiversity.

Hedgerows and trees would be retained such that the installation would sit within the existing landscape structure.

Internal access tracks would be constructed to be permeable and with inert material.

A community benefit is proposed, but this is not a material consideration.

The application is supported by the following documents:

- Layout and access plans
- DNO Building, Substation and Inverter Buildings Plans and Elevations
- Access road cross section
- Planning Statement
- Design and Access Statement
- Construction Environmental Management Plan
- Environmental Considerations Statement.
- Flood Risk Assessment
- Statement of Community Involvement
- Land Classification Report
- Archaeological Evaluation
- Archaeological Gradiometer Survey
- Archaeological Desk Based Assessment
- Extended Phase I Habitat Survey
- Landscape and Visual Impact Assessment
- Landscape and Ecological Management Plan

## **Consultations**

No comments have been received from **South West Water**.

The **County Highways Authority** (DCC) in their response dated 13th August confirms that the existing access arrangements from the former A30 are adequate to accommodate the traffic generated by the construction of the proposed development and there is more than adequate provision on-site to accommodate the parking and turning of the associated vehicles. DCC comments that a Construction Management Plan has been provided and recommends a condition to require compliance with this document throughout the construction phase.

The **Environment Agency** in their response dated 3<sup>rd</sup> September makes no formal comment, noting that development is within the low risk flood zone 1 and does not appear to be subject to any other environmental constraints which are of interest to the Agency.

The **Police Architectural Liaison Officer** in their response dated 7th August makes no specific comments, but refer to guidance with respect to crime and safety at solar farms.

**Natural England**, in their response dated 1<sup>st</sup> September, makes no objection and provides standing advice with respect to species.

**Historic England**, in their response dated 28th August confirms that specialist staff have considered the information received and does offer any comments.

The **County Archaeologist** advises that the archaeological assessment and evaluation have identified archaeological evidence of county and more local

importance within the site. These include farmstead enclosures of late prehistoric and/or Romano-British date.

Since groundworks are likely to damage and destroy archaeology a condition is recommended.

The **Landscape Specialist** has not expressed any concern with respect to the landscape and visual impact being unacceptable.

The **Ecology Specialist**, in an email dated 12th October, comments that it is reasonable to consider that the proposal is in accordance with relevant policy and good practice, and that the Landscape and Ecological Management Plan (LEMP) gives the LPA confidence that the ecological value of the site could be enhanced by the proposal. No objection is made subject to conditions being applied in this respect

The original comments of the **Borough Engineer**, provided by email on 21 August 2015, set out requirements with respect to drainage. Additional information provided by the application clarifies, in the view of the Engineer, that an appropriate drainage scheme would form an integral part of the development.

**Drewsteignton Parish Council**, in their comments dated 17th August 2015, supports the application because it is in line with National Planning Framework Policy, but notes strong objections from local residents. If permitted, the Parish Council requests enhanced planting plan to screen affected homes and that drainage plans are reviewed as there are serious concerns about run off during heavy rain, and potential risk to property and highway.

No comments have been received by the **Dartmoor Preservation Association**.

No comments have been received from **Dartmoor National Park Authority**.

### **Representations**

Some 15 letters of representation have been received from separate addresses in relation to the proposed development, 14 in objection, including South Tawton Parish Council, and 1 in support. The detail can be seen on the Council's website.

Objections raised, in no particular order and in so far as they relate to planning matters, are summarised as follows:

- visual impact on A30 and area in general;
- reflection visible from A30;
- loss of residential amenity;
- adverse impact on wildlife;
- unacceptable industrialisation of the countryside;
- need not demonstrated by the applicant;
- no sequential test provided by the applicant;

- impact on Dartmoor National Park;
- should use industrial land;
- the impact of noise on neighbours has not been assessed by the applicant;
- the applicant has not demonstrated that the site does not contain any Grade 3a Agricultural Land;
- adverse impact on tourism;
- impact of run off on Hollycombe Ford Cottage;
- no benefit to local area;
- concern that more land would be used for panels at a later date;
- if permitted the lifetime should be limited to 25 years;
- report of flooding risk is misleading; and
- residential properties would overlook the installation.

Expressions of support, in no particular order and in so far as they relate to planning matters, are summarised as follows:

- this is a good place to put the panels well out of the way;
- solar panels are also quite and will not affect anyone in the local area;
- preference for solar panels than massive wind turbines; and
- benefits in the long run.

### **Relevant Planning History**

None.

## **ANALYSIS**

### **Principle of Development / Sustainability**

Paragraph 93 of the National Planning Policy Framework NPPF establishes that planning plays a key role in helping shape places to secure reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. It continues, at paragraph 97, to clarify that ‘to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.’

The principles for judging the acceptability of a renewable energy installation are established at paragraph 98, which states that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy; and
- approve the application, unless material considerations indicate otherwise, if its impacts are or can be made acceptable.

Planning Policy Guidance states that Local Planning Authorities should focus

large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. This position was confirmed in a ministerial statement from the Secretary of State for Communities and Local Government on 25th March 2015, which requires that 'any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence'.

With reference to the above; to policies of the West Devon Development Plan, as listed at the end of this report; and the non-statutory guidance 'Solar Arrays in West Devon: Interim Planning Guidance for Prospective Developers 2013' the key issues for this application are the sequential test for justifying the location together with landscape impact, design, heritage and amenity.

A detailed consideration of each of these matters follows.

### **Sequential test**

The Council considers that there is currently no alternative site that is likely to come forward for a renewable energy installation of this scale within a settlement boundary close enough to the point of connection (poc) to the grid that is available; neither is there suitably located and sized previously developed land in the locality that is available to accommodate the installation.

The Land Classification Report confirms that the site is Grade 3b Agricultural Land. Council Specialists are satisfied, therefore, that it is not necessary to consider whether other land of a lesser grade could provide a viable or more acceptable alternative site.

### **Landscape**

The provisions of Policies ED117 and ED21 of the Local Plan in relation to rural diversification make clear that such schemes will only be permitted where the proposal will not be visually intrusive or damaging to the appearance or character of the landscape. Policy SP17 of the Core Strategy also emphasises that development will not be permitted which would damage the natural beauty character or special qualities of the landscape.

Similarly, Policy SP3, 'renewable energy developments' makes provision for the protection, preservation and / or mitigation of features of importance, including landscape character.

National Planning Policy Guidance (NPPG) also emphasises the importance of investigating potential to mitigate landscape and visual impacts through, for example, screening with native hedges.

A Landscape and Visual Impact Assessment has been submitted and this includes a consideration of the impact on Dartmoor National Park (DNP).

The LVIA describes landscape impact, including glint and glare and heritage assets and provides montages to illustrate some of the photographic

viewpoints.

It is noted that Dartmoor National Park (DNP) lies to the south and west of the site, but inter-visibility is limited and distant. Views are available from the north and north east where the DNP forms a backdrop to the application site. These views are limited, the DNP is distant (generally more than 1km) and the proposed development would form a small part of the view. The site is screened from views to the south / south-west by topography and intervening vegetation. This precludes inter-visibility with DNP at its nearest point, which is the south side of Exeter Road. It is considered, therefore, that the impact on DNP would be negligible.

The surrounding land is predominantly agricultural with isolated farmsteads and some residential properties. The A30 runs to the north, providing a physical and psychological barrier between the site and the countryside to the north.

The site is well contained with respect to views from and towards land to the south, but views are more open towards and from the north with distant residential receptors and the possibility of distant views from footpaths.

The proposed development has been considered in terms of other local renewable schemes, both proposed and in place. With consideration to the relevant factors related to cumulative effects, there are no perceived impacts from this proposal.

The LVIA, at page 33 and page 34 Table 4.4, provides an accurate and detailed summary of views. A number of properties have distant views from parts of their curtilage, but these are not from living areas and the views are not, in any case, dominant in the wider panorama. Views from properties on the north side of Exeter Road are, however, available into the eastern part of the site. A public view is also available from a lay by / farm gate some 50m to the west of these properties.

Viewpoint 1 / Photomontage 1 as shown in the LVIA provides a reasonable interpretation of these views. It is considered that whilst there are views from living areas of the properties and from a public vantage point, only part of the solar farm can be seen and this is in the context of a wider panorama. It is concluded that whilst the occupiers would experience a change in outlook, it is not considered that this would be to an extent that the installation would have an unpleasantly overwhelming presence.

A Landscape and Ecological Management Plan has been provided that sets out treatment of boundaries in terms of retention and enhancement. It is not possible to fully screen views from the residential properties on the north side of Exeter Road on land within the ownership / control of the applicant. The applicant has, however, offered to provide trees for screening to be planted at the properties on Exeter Road that are affected.



## **Ecology**

The application is supported by an Extended Phase 1 Habitat Survey. The fields subject to the proposed solar farm are described as supporting cereal crops, with surrounding hedge banks containing native species and occasional mature trees.

There is limited value from the fields to protected species. Tall grassland at boundaries of two of the fields have potential for use by common reptiles, and the hedge banks have potential for use by nesting birds, dormice and foraging/commuting bats.

Recommendations within the Ext Ph 1 Survey are carried forward into a detailed Landscape and Ecological Management Plan (LEMP) which has been submitted with the application.

The LEMP confirms that the proposal retains the hedgerows (using existing gateways) and includes a hedgerow buffer which would be prepared and planted with a wildflower mix. Ongoing management of the buffer would be by cutting, while the grassland between and beneath the solar panels is proposed to be maintained by low intensity sheep grazing (with no grazing over spring and summer). Hedgerow cutting is specified, with the intention of allowing the hedgerows to grow to circa 3m in height and to develop a dense canopy (benefitting the various protected species which use the hedgerows). The proposals within the LEMP are in line with best practice and the Ecology Specialist is satisfied that they suit the habitats as described within the Survey.

The Survey has shown that the ecological value of the fields is limited, with most value to protected species being offered by the hedgerows. These hedgerows would be maintained, and through management could be enhanced. The LEMP has detailed proposed operational management which could improve the ecological value of the site through increasing the species mix and management regime.

A condition is recommended that the development shall adhere to the Landscape and Ecological Management Plan (Landscape Visual, June 2015), including habitat protection and creation, construction and operational management, and monitoring measures.

## **Design**

The proposed design is a standard frame for solar panels that would be oriented to run from east to west across the site. Retained and re-enforced hedgerows would result in a cellular approach to the development that would reflect the current character of small irregularly shaped enclosed fields.

The proposed security fencing would extend to a height of 2.5 metres, timber post and wire fencing and include badger gates to allow the movement of small mammals across the site. Inverter buildings would extend to a maximum height

of 3.7 metres and painted green to minimise their impact.

The applicant has confirmed that the fencing would be deer fencing and this is considered to have a substantially lower impact than more 'industrial' designs.

The sub-station buildings would be 2.6 metres in height and are located sensitively with respect to visual impact and potential for noise impact. The colour would be green or grey so as not to be prominent when viewed in the landscape and / or the context of the development.

Whilst the installation would introduce an 'industrial-looking' development in the countryside it is considered that the limited visibility, retention of the hedgerows and sensitive design is acceptable given the substantial benefit of providing renewable energy and a diverse income to the farm.

### **Heritage**

Two Grade II Listed Buildings lie to the east of the site: Hollycombe Ford Cottage and Hole Cottages. It is noted that open land would be retained between the boundary of the site and these properties. It is considered that there would be no impact on the properties and that the settings would be preserved.

Groundworks are likely to damage and destroy archaeology. The County Archaeologist recommends a condition to require a programme of work for targeted archaeological excavation. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

### **Tourism**

Concern has been raised regarding the impact of the proposed development on the tourist economy. There is no evidence that demonstrates that such development does an adverse impact on Tourism. With regards to this specific site, as set out in this report, the proposal does not have an adverse visual impact to the wider area and would not therefore be detrimental to the character and appearance the area. As such it is not considered that the proposal would have an adverse impact on the tourist economy.

### **Residential amenity**

In addition to the matters described and discussed above, it is noted that construction traffic and operations would generate noise that, at times, would be intrusive. The most intrusive noise would be piling and this would be controlled by condition to preclude working before 08:00am and after 18:00pm. This control and the temporary (approximately 4 months) nature of the construction period mean this is not likely to result in unreasonable harm to amenity.

During the operation phase noise would be limited to occasional vehicle movements and low-level noise from inverters and from ancillary buildings. Whilst this is not likely to result in noise nuisance, it would be appropriate to

secure this by condition, given the proximity and position of residential properties to the site.

There are some residential properties that would have a view of the development. It is considered that whilst the occupiers may experience a change in outlook, the relationship of the dwellings to the site is such that this change would not be to the extent that the installation would have an unpleasantly overwhelming presence.

### **Other material considerations**

The County Highways Authority (DCC), in their response dated 13th August, confirms that the existing access arrangements from the former A30 are adequate to accommodate the traffic generated by the construction of the proposed development and there is more than adequate provision on-site to accommodate the parking and turning of the associated vehicles. DCC comments that a Construction Management Plan has been provided and recommends a condition to require compliance with this document throughout the construction phase.

The application is supported by a Flood Risk Assessment and the Environment Agency has confirmed no objection to the proposed development with respect to flood risk.

The Parish Council and third party objectors have, however, raised concerns with respect to particular features / structures that they consider to be at risk from the potential from increased flooding. This includes a bridge, which is described by third parties as having two tunnels which link to a tunnel that goes under the road, which is not considered to be sufficient to take any additional water. Third parties conclude that the solar farm in combination with the 'new link road' would accumulate water drainage at this water converging point. Third parties also express concern that the FRA does not take into account the changeable effects of the River Troney, reporting (with photographic evidence) that the road drainage is currently insufficient leading to hazardous conditions and potential flooding of local properties.

In recognition of the expressed concerns the Council has requested and the applicant has provided a detailed drainage strategy as part of the application rather than addressing this matter through condition. The Borough Engineer is satisfied that the proposed drainage strategy, which employs extensive swales, would ensure that there is no increased risk to flooding off site. The drainage strategy forms an integral part of the proposed development and would be further secured by condition.

The Statement of Community Involvement provides a record of consultation with the community prior to the submission of the planning application.

Given the well contained nature of the site and absence of intrusive visibility it is not considered likely that the installation of a solar farm as proposed would result in adverse impacts on tourism

## **Conclusion**

The site is classified as Grade 3b Agricultural Land and lies outside major landscape designations. Inter-visibility with the National Park would be limited such that the impact is considered to be negligible.

It would produce up to 5MW of renewable energy, which is considered to be a significant benefit in environmental, social and economic terms.

The layout and design, including Landscape and Ecological Management Plan, would ensure benefits with respect to biodiversity.

Construction impacts would be significant, but temporary and controlled through the provisions of a Construction Management Plan.

The application is, therefore, considered to be sustainable development and there are no material considerations that indicate planning permission should not be approved. The recommendation is for approval subject to conditions.

## **Planning Policy**

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, where relevant, with Sections 66 and 72 of the Town and Country Planning Act 1990 (Listed Buildings and Conservation Areas).***

### **Planning Policy**

#### **West Devon Borough Council Core Strategy 2011**

- SP1 – Sustainable Development
- SP3 – Renewable Energy
- SP5 – Spatial Strategy
- SP10 – Supporting the Growth of the Economy
- SP11 – Rural Regeneration
- SP16 – Safer Communities
- SP17 – Landscape Character
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding

#### **West Devon Borough Council Local Plan Review 2005(as amended 2011)**

- NE10 – Protection of the Countryside and Other Open Spaces
- BE3 – Listed Buildings
- BE7 – Archaeology and Sites of Local Importance
- BE8 – Archaeology and Sites of Local Importance
- BE9 – Archaeology and Sites of Local Importance
- BE10 – Archaeology and Sites of Local Importance
- BE13 – Landscaping and Boundary Treatment
- ED16 – Development for Employment in the Countryside
- ED17 – Farm Diversification
- ED21 – Rural Diversification

T9 – The Highway Network  
PS2 – Sustainable Urban Drainage Systems

**WDBC Core Strategy Policy SP19d, NPPF Para 118, NERC Act 2006.**

**National Planning Policy Framework (2012):**

Paras. 17, 28, 56, 97, 98, 100, 103, 111, 112, 118, 128, 131 and 132

**Non Statutory Guidance: Solar Arrays in West Devon: Interim Planning Guidance for Prospective Developers 2013.**

**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.