



Appeal Decision

Site visit made on 13 June 2016

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 August 2016

Appeal Ref: APP/R3325/W/16/3142550

Land off Old Bowden Way, Milborne Port, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Big60Million Ltd against the decision of South Somerset District Council.
 - The application Ref 15/02187/FUL, dated 12 May 2015, was refused by notice dated 29 October 2015.
 - The development proposed is the development of Solar Photovoltaic Modules including an access track leading from Station Road; Temporary Construction Compound; Double Inverter Platforms; Transfer Station; Collecting Station; Security Fencing; CCTV cameras and poles; landscaping; and associated works and infrastructure including underground cable along Old Bowden Way and related equipment to allow connection to the electricity distribution network.
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Decision

1. The appeal is allowed and planning permission is granted for the development of Solar Photovoltaic Modules including an access track leading from Station Road; Temporary Construction Compound; Double Inverter Platforms; Transfer Station; Collecting Station; Security Fencing; CCTV cameras and poles; landscaping; and associated works and infrastructure including underground cable along Old Bowden Way and related equipment to allow connection to the electricity distribution network at Land off Old Bowden Way, Milborne Port, Somerset in accordance with the terms of the application, Ref 15/02187/FUL, dated 12 May 2015, subject to the conditions set out at the end of my decision.

Planning Policy

2. Policy EQ1 of the South Somerset Local Plan, March 2015 (the Local Plan) states that the development of renewable energy generation will be encouraged and permitted, provided that there are no significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets and biodiversity. Policy EQ2 states that development proposals will be considered against various considerations, including conserving and enhancing the landscape character of the area.
 3. The National Planning Policy Framework (the Framework) states that planning plays a key role in supporting the delivery of renewable energy and associated infrastructure, which is central to the economic, social and environmental dimensions of sustainable development. When determining applications, local planning authorities should, unless material considerations indicate otherwise, approve the application if its impacts are, or can be made, acceptable.
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4. The Government's Planning Practice Guidance (PPG) considers that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. It also notes however that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Background and Main Issue

5. The proposal seeks to construct a solar farm across two fields to the north east of Milborne Port. The appeal site covers some 5.38 hectares, and was reduced in size during the planning application process.
6. The main issue in this case is whether the benefits of the proposal, including the production of energy from a renewable source, outweigh any harmful impacts, having particular regard to the effect on the character and appearance of the landscape, and views from the Millennium viewing point.

Reasons

Benefits

7. The proposal seeks the erection of a 3.036MW solar farm for a period of 25 years. The panels would be expected to supply enough electricity to power around 915 homes a year. I place significant weight on these benefits.
8. The proposal also includes habitat enhancement measures; hedgerow and tree planting would be undertaken to infill gaps and breaks and the site would be enhanced by the creation of grassland, providing nesting and sheltering opportunities, together with the erection of bird and bat boxes and invertebrate habitats and shelters. Economic benefits would also be accrued largely through the installation of the panels and through farm diversification. When taken together I place moderate weight on the economic and biodiversity benefits of the proposal.

Character and appearance

9. The site lies within the National Character Area 140, Yeovil Scarplands. This has key characteristics including a contrasting and varied, but complementary rhythm of scarps and vales, with a rural agricultural character with distinct pastoral, mixed and arable areas, and manor houses and large mansions in landscaped parks. At a County level 'The Landscape of South Somerset'¹ defines the site as being within Visual Character Region 6, which is then divided into landscape character areas (LCAs). The appellant's Environmental Report² states that within this categorisation the site falls within 'Wooded Ridges and Clay Vales to the East'. The South Somerset Peripheral Landscape Study³ is noted to describe the site as being within an area that lies within a shallow valley, lying between the high ground to the north and the steep escarpment of East Hill; the field pattern reflects recent enclosure with the area below East Hill having robust hedgerows.
10. The Environmental Report considers the site to have an overall landscape value of medium, set within an area with a landscape value of medium-high. This accords with my assessment on my visit; the site lies to the west of, and is

¹ South Somerset District Council, 1993

² Milborne Port Solar Farm Environmental Report, May 2015

³ South Somerset Peripheral Landscape Study -Milborne Port, South Somerset District Council 2008

- dominated visually by the steep escarpment at East Hill. Field boundaries and patterns appear fairly strong and the site is relatively flat.
11. The proposed solar arrays would be constructed in rows following an east-west axis, with the PV modules facing towards the south. The site would be enclosed by a 2m high security fence. Gaps in the arrays would be maintained around an existing hedgerow between the two fields and underneath existing overhead power lines.
 12. On my visit I walked various footpaths and roads around the site which criss-cross the settlement and surrounding countryside. These include Wheathill Lane which climbs to the south of the site to the top of the East Hill escarpment and then turns to the north to follow this ridgeline, as well as the footpath following Old Bowden Way to the north of the site. There is also a further footpath that traverses the escarpment halfway along. Views of the site would be available from various points along the ridgeline and the lower escarpment footpath between trees and hedges. The site would also be visible from the playing fields and recreation ground of the village to the west of the site and from varying points of local footpaths.
 13. The Council have particular concerns over the effect and the proximity of the proposal on views from the Millennium viewing point, which they consider overlooks the largely unspoilt rural landscape. This is a small vehicle lay by and bench set on the top of East Hill on Wheathill Lane. Views from this point are attractive, far reaching and extensive over Milborne Port to the hills beyond and towards Sherborne to the south west.
 14. However, particularly as the site now has a reduced size than originally proposed, I consider that the size of the solar farm would be readily encompassed within the landscape and the extensive views available from East Hill. The views from the point, whilst undeniably attractive, are already affected by various man made features within the landscape, including Milborne Port itself, a noticeable new housing estate to the east of the village and various electricity infrastructure. Whilst clearly noticeable, the relatively tightly confined proposal would form a small part of the extensive views and would be assimilated into the landscape and views readily easily. Whilst I note that at least initially the proposal would have the potential to have a slight industrial air, the landscaping proposed would help to restrict the site and soften the edges, and whilst such effects would inevitably be reduced in the winter months, they would still provide benefit.
 15. Such landscaping would also assist in screening the proposal from the views from the footpath set below East Hill, as well as from the village playing fields and other nearby local rights of way. There would clearly be some adverse impacts of the proposal on both the landscape and on the visual amenity of the area, both from close in viewpoints and from the Millennium viewpoint and, whilst temporary, in this respect the proposal would conflict with Policy EQ2 of the Local Plan. However, such impacts have been reduced by the revised scheme. Overall I ascribe moderate weight to these impacts.

Other Matters

16. Concerns have been raised over the effect of the proposal on the setting of Ven House, a grade I listed property on the south east fringes of Milborne Port. The listing states that the country house was built circa 1730 and is constructed of

red brick in Flemish bond with Ham stone dressings and a hipped Welsh slate roof. The park and gardens of the house have their own Grade II listing, which extend beyond the A30 road to the north east in the direction of the appeal site. The listing notes that this land includes the former 18th century formal approach to the House, now marked approximately by a late 19th century avenue. The wide views from the Millennium point encompass Ven House, as well as the appeal site. The site sits within the wider agricultural setting in which Ven House and its gardens are situated in. Whilst intervisibility is not always the same as setting, I consider that given these wide views and the pastoral landscape that Ven House and gardens sit in that the appeal site lies within the setting of the heritage assets.

17. The Council's Conservation Officer noted on the original scheme that the proposal would only be visible from Ven House from upper floor windows; this effect would be reduced further by the revised scheme. The removal of the southern end of the previous scheme has moved the edge of the proposal further away from the House, park and gardens, and the planting proposed to encompass the boundary of the site will help to restrict and contain the site edges, also helping to screen the site from views from the south. This has, I consider, reduced any impact on Ven House and its gardens to a negligible level such that no harm would be caused to the significance of the heritage assets by the proposal. Nor do I consider that the proposal would have an adverse effect on the substantially more distant Sherborne Park.
18. An Agricultural Land Classification (ALC) report⁴ indicates that the appeal site consists of ALC Grade 3, with a roughly 50/50 split of subgrades 3a and 3b. The Framework defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the ALC and thus roughly 50% of the site falls in the category of best and most versatile land.
19. Aside from the construction of the access track and the inverter platforms, the proposal would involve the insertion of support legs for the panels and the compaction of soil during installation and decommissioning. All equipment would be removed at the end of the 25 year period and the majority of the site would be maintained as grassland during the project. Having regard to paragraph 112 of the Framework I do not consider that the proposal would result in the significant development of agricultural land, and given the timescale of the scheme, the proposal would also not result in the irreversible loss of the best and most versatile agricultural land on the appeal site.
20. Concerns are raised over the effects of the proposal on highway safety, particularly in relation to the proposed access. This would be taken off an existing field access on a corner of Station Road. On my site visit I noted that visibility was good to the left and reasonable to the right, and that the access point lies within an area with a 30mph speed limit. The access would be used fairly intensively during construction and fairly infrequently thereafter and I do not consider that the use of this access would cause harm to highway safety. I also note that the highways authority have no objections to the proposed access, subject to conditions.
21. Local residents have concerns over the ecological effects of the proposal. Concern is also raised over the proposed undergrounding of a cable to connect the scheme to the national grid, and possible effects on ecology and

⁴ Milborne Port Solar Farm Somerset - Soils and Agricultural Use & Quality, June 2014, Land Research Associates

archaeology. However, the proposal has the potential to increase the biodiversity values of the site, provided the proposed planting and habitat management is carried out as described. The Council Ecologist and Somerset Wildlife Trust also have no objections to the proposal, subject to the implementation of the habitat management plan. The County Archaeologist has suggested archaeological excavations take place prior to development taking place and this can be secured via condition.

Conclusions and Conditions

22. When taken together I place substantial weight on the environmental and economic benefits of the proposal that I have identified above. The Framework identifies as a core principle that planning should support the transition to a low carbon future in a changing climate and encourages the development of renewable energy. I have found that the proposal would cause moderate harm to the character and appearance and the visual amenity of the surrounding area. However, the proposal would not have a significant adverse impact upon such matters and this impact can be made acceptable by the proposed landscaping. The proposal would therefore comply with Policy EQ1 of the Local Plan, as well as with paragraph 98 of the Framework and the PPG. Such benefits would also outweigh the moderate conflict with policy EQ2 of the Local Plan that I have found.
23. I therefore conclude that the benefits of the proposal, including the production of energy from a renewable source, outweigh any harmful impacts, having particular regard to the effect on the character and appearance of the landscape, and views from the Millennium viewing point.
24. I have imposed conditions relating to implementation and compliance with plans, in the interests of proper planning and for the avoidance of doubt. I have also imposed a condition to ensure that at the end of 25 years the solar farm is removed and the land restored, for the avoidance of doubt and in the interests of the long term character of the surrounding area.
25. Conditions are also imposed concerning archaeological works, as mentioned above, as well as to ensure that the proposed planting scheme and habitat management plan are fully implemented and maintained. Such conditions are required in the interests of the character and appearance of the area, as are conditions concerning the restriction of external illumination, further CCTV equipment other than that in the approved plans, and details of the location of the concrete bases for the arrays. I have amended the wording of these Council suggested conditions slightly in the interests of precision.
26. Finally, I have also imposed conditions relating to the production of a Construction Environmental Management Plan, a condition survey of the existing highway, and mud/dust controls on vehicles leaving the site. Such conditions are required in the interests of highway safety.
27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 13 CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PO4_DI_RevB, PO6_SA_RevB, PO7_TS_RevB, PO8_CS_RevB, PO9_CT_revB, P11_SC-RevB, P18_FGE_RevB, P19_CCTV1_RevB, P20_CCTV2_RevB, P02_SP_RevC, P03-CC-RevC, P12_PC_RevC, P13_PE_RevC, P14_DNO_RevC, P15_MB_RevC, P16_AT_RevC, P17_Sensors_RecC, and 4.10 RevD.
- 3) The development hereby permitted shall be undertaken in accordance with the implementation of the Habitat Management Plan (30.04.2015) submitted with the application.
- 4) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. The scheme shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.
- 6) Prior to the commencement of development a Construction Environmental Management Plan providing details on: construction vehicle movements; construction operation hours; construction vehicular routes to and from site; construction delivery hours; expected number of construction vehicles per day; car parking for contractors; specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; a scheme to encourage the use of Public Transport amongst contractors; and measures to avoid traffic congestion impacting upon the Strategic Road Network shall be submitted to and approved in writing by the Local Planning Authority and fully implemented in accordance with the approved details.
- 7) No development hereby approved shall take place until a Condition Survey of the existing public highway has been carried out and agreed with the Highway Authority. Any damage to the highway occurring as a result of this development will be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- 8) The applicant shall ensure that all vehicles leaving the site are in such condition so as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of work and thereafter maintained until the use of the site

- discontinues.
- 9) The approved on-site planting scheme (4.10 Rev D dated 18 August 2015) shall be implemented in the first planting season following the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 10) No means of external illumination/lighting shall be installed within the site.
 - 11) Prior to first operational use of the development hereby permitted the extent and precise location of the concrete bases for the solar arrays following their provision on site shall be submitted in writing to the Local Planning Authority.
 - 12) No development hereby permitted shall be commenced unless a site management plan for tree, hedge and grass maintenance of the site has been submitted to and approved in writing by the Local Planning Authority. Such management plan, once agreed, shall be fully implemented for the duration of the use hereby permitted.
 - 13) No CCTV equipment or other cameras shall be installed on the site other than that shown on the submitted layout plan ref. P02_SP_RevC.