

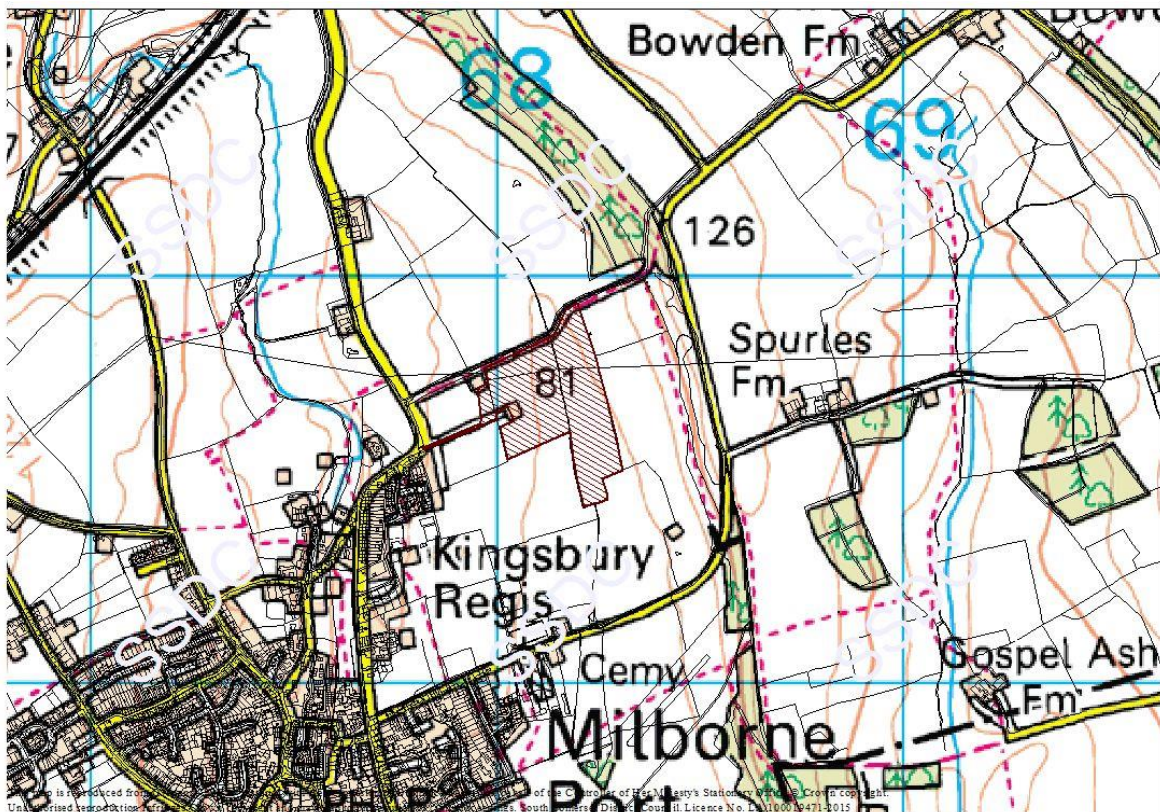
Officer Report On Planning Application: 15/02187/FUL

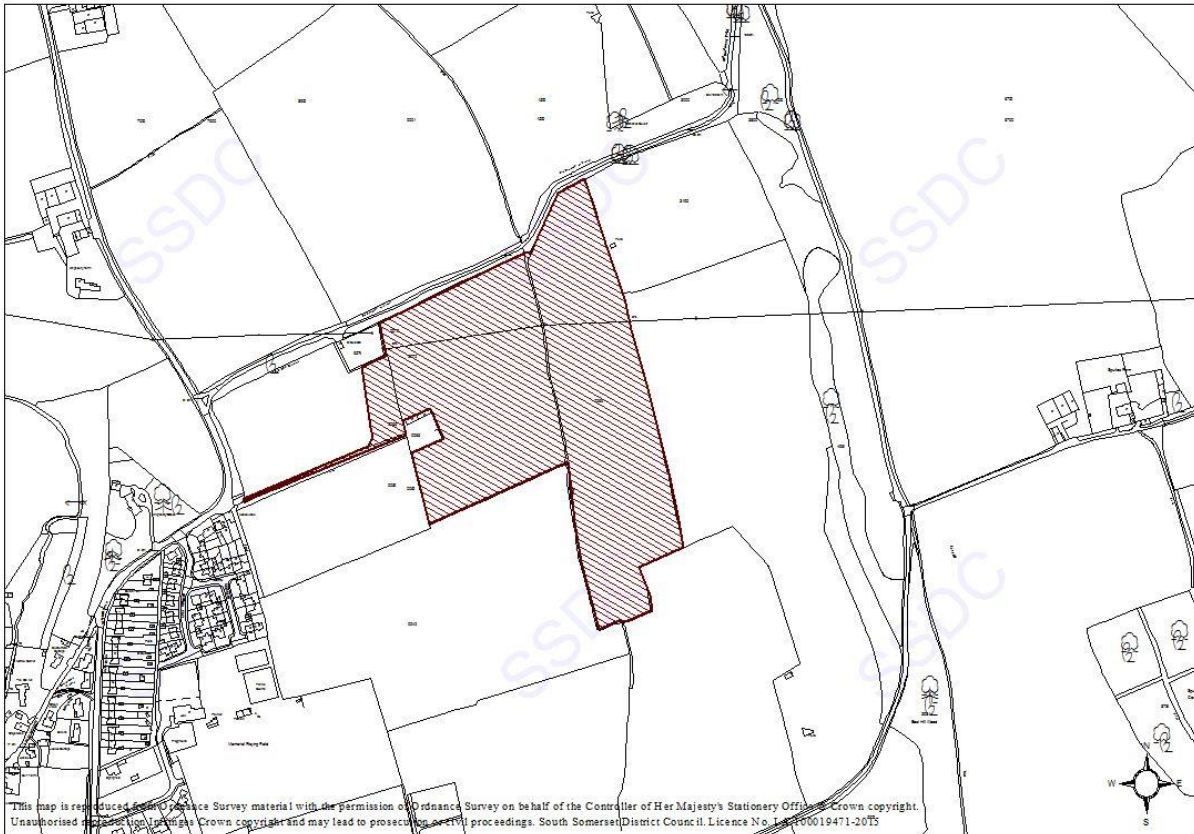
Proposal :	Proposed development of Solar Photovoltaic Modules including an access track leading from Station Road; Temporary Construction Compound; Double Inverter Platforms; Transfer Station; Collecting Station; Security Fencing; CCTV cameras and poles; landscaping; and associated works and infrastructure including underground cable along Old Bowden Way and related equipment to allow connection to the electricity distribution network (GR 368218/119662).
Site Address:	Land OS 2269 Old Bowden Way Milborne Port
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr S Dyke-Bracher
Recommending Officer:	Lee Walton
Case Officer:	Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	17th August 2015
Applicant :	Big60Million Ltd
Agent: (no agent if blank)	Mr Cliff Lane Wessex House, Priors Walk, East Borough Wimborne, Dorset BH21 1PB
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee as a large scale major development that is recommended for approval.

SITE DESCRIPTION AND PROPOSAL





The application site is located north-east of Milborne Port. The site is bounded on its north side by an unrestricted byway, Old Bowden Way, and extends across 2 (no.) hedgerow enclosed fields. The site extends to 5.38 hectares having been reduced in size from its original 8.85 hectares following receipt of amended drawings that establishes a squarer footprint having removed the southward projection of the site.

Located in a low lying part of the landscape the western field slopes gently upwards to the east, both fields slope southwards but immediately to the east the landscape rises more steeply and abruptly that forms a ridge behind which is aligned the public highway on which is located the 'millennium' vantage point that offers seating and an observation point from which to take in the surrounding landscape. Other footpaths also access this higher ground from where the application site is overlooked, as is Milborne Port.

As noted above, the scheme has been amended to reduce the site area that now comprises a little more than half the site being classified grade 3a - eastern field and therefore 'best and most versatile land' and the western field grade 3b.

The proposal seeks the erection of a 3.036MW solar farm to generate electricity for a period of 25 years.

The works include:

- Solar modules and supporting 'tables' 2.5m to 2.7m in height with up-right supports secured in excavated holes 1.2m deep by 0.6m wide secured by post grout that is poured in and sets enabling the support structures to be removed following the cessation of the solar farm.
- 3(no.) double inverter platforms measuring 11.2m by 2m by 3m high to accommodate

- the 6(no.) inverters and 3(no.) transformers.
- 2 Energy storage containers
- Collecting station 8.3m by 3.1m by 2.9m high
- Transfer station 10.2m by 3.4m and 3.5m high
- Access arrangements
- Communication and Security equipment including a general storage container 12.2m by 2.4m by 2.6m high
- 2m high security fencing
- CCTV on 3m high pole mounted.

The structures proposed would have dark green/moss green finishes. A temporary Construction Compound would be established. This will occupy an area of approximately 3,266 square metres and will be used for the duration of the estimated 12 week construction phase. It will be located on the western area of the site next to the site access point.

The application is supported by the following documents:

- Site Selection and Justification Report
- Planning, Design and Access Statement
- Habitat Management Plan
- Flood Risk Assessment
- Decommissioning Method Statement
- Construction Method Statement
- Arboricultural Impact Assessment
- Environmental Report
- Agricultural Use and Quality Report
- Construction Traffic Management Statement
- Statement of Community Involvement

RELEVANT HISTORY:

14/02468/EIASS - Request for a screening opinion in respect to the proposed installation of photovoltaic arrays - EIA not required 12/06/2014.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

EP5 - Farm Diversification

TA5 - Transport Impact of new development.

National Planning Policy Framework - March 2012:

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Supporting a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

The NPPF (para.98) advises 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 also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

and

Approve the application if its impacts are (or can be made) acceptable.

Other Material Considerations:

An EIASS application has been considered covering the site. This determined that an EIA was not required and the overall scale of the site is subsequently reduced following the receipt of amended drawings.

CONSULTATIONS

Milborne Port Parish Council - No Objections, although there is concern regarding the amount of planning applications for Photovoltaic Parks in and around Milborne Port. Although the Council recognises the need for renewable energy, and singularly do not object to each application, they are very concerned about the number of proposed sites within a very small area. There are currently two applications in.

Charlton Horethorne Parish Council (adjacent) - the Parish Council, in general, supports the principle of expanding renewable energy but do not think solar photovoltaic modules, and all the associated works/construction etc., such as this, should be located on prime agricultural land and has a preference for using brownfield sites.

Horsington Parish Council (adjacent) - resolved to support.

County Highway Authority - No objection, subject to conditions requiring a condition survey of the public highway, Construction Environmental Management Plan to be agreed, details of vehicle's wheel cleaning to be agreed.

SSDC Ecologist - I've noted the ecology chapter of the Environmental Report and I've also undertaken a site visit. These haven't identified any particularly significant issues. I recommend a condition requiring implementation of the Habitat Management Plan submitted with the application.

Somerset Wildlife Trust - We fully support the proposed Ecological Enhancement Measures as well as the Habitat Management proposals. We therefore fully agree with your Ecologist Mr Franklin and request that, if it is decided to grant Planning Permission, a Condition is included requiring full implementation of the Habitat Management Plan.

SSDC Conservation - There are a number of heritage assets in the vicinity of the proposal

and these are comprehensively identified in the submitted Environmental Report and I am broadly in agreement with the conclusions in the Chapter 6 on Cultural Heritage. No assets would be directly impacted but some settings are potentially affected. The conservation area and listed buildings within the built up area of Milborne Port will not be affected to any degree.

In the submitted Environmental Report on Cultural Heritage consideration does not include fully assessing the intervisibility between the site and Ven House although it does note that the house can be seen from the site. In my view intervisibility is very definitely an issue that can affect the character of a historic asset in spite of assertions sometimes made that it does not impact 'significance' unless it is to a 'designed view'. Having visited Ven House it was thus possible to assess the extent that the site is visible from the house and the degree to which it might impact the setting. This is in my opinion a minor impact since only a very small sector of the site is visible and moreover this is as viewed from the upper floors, these rooms arguably being of a lesser significance than the principle rooms on the ground floor.

SSDC Landscape Architect - (Amended Drawings) I had initially concluded that whilst the array is sited within a low point in the local valley; contained within the local landscape pattern as defined by the enclosure fields; and does not unduly impact upon local village amenity; which are positive elements in its favour, conversely its incongruity of character is notable as viewed from the head and upper sides of East Hill, where the array will be seen within the setting of Venn HP&G; and from within the historic park looking across its main tree avenue. On balance I considered the impact of the array relative to those receptors to be sufficiently adverse, to provide landscape grounds for refusal.

The revised scheme has reduced the southward extent of the east field, so that it no longer projects beyond the southern boundary of the west field. Additional planting is included to define this amended boundary; to contain the extent of the array; and to screen the array from low-level vantage points to the south. This provides a more compact arrangement, which is better contained in the wider landscape pattern, with greater separation from the line of view toward Milborne Port when viewed from the millennium viewpoint, similarly so from Venn HP&G. Whilst the effects of array development upon local landscape character can be viewed as remaining negative, I do not consider them to be of sufficient magnitude to provide a landscape case for refusal.

Historic England - The site forms part of the wider agricultural landscape setting in which Ven House and its associated Park and Garden are situated and experienced. Ven House is a Grade I listed heritage asset that sits within a Grade II registered Park and Garden.

(Amended Plans) The removal of the field from the southern edge of the site and the improved boundary screening will go quite some way to minimising the impact of the proposal on the setting of both the house and park. If the council's conservation officer is content that the alterations to the site plan will minimise the impact to an acceptable degree then the application should be determined without the further assessments requested by Historic England.

Somerset Garden Trust - The importance of Ven House is clearly indicated by its Grade I designation. The Park and Garden are in turn highly significant and important to the setting of Ven. We would endorse your Landscape Architect's observation that the array would lie within the designated setting of the Ven HP&G and within the sightlines towards Ven House and its Park. In our view, the nature of the solar array would impose harsh features on the otherwise gentle, pastoral landscape as described in the SHER.

Sherborne And District CPRE - Object. We contend that this is the wrong location and will have an adverse impact on the landscape, on that out skirts of the village and views from

above it. Its development is not justified in this location.

Somerset CPRE - The proposal to bury the underground cable connecting to the grid under Old Bowden Road would cause huge damage to wildlife, trees and hedges. There are likely to be archaeological remains beneath the surface of the track which would be destroyed. The whole area of the proposed solar park would be visible from the viewpoint on the ridge which gives views of a magnificent landscape. This would be severely damaged by a sea of solar panels in the foreground.

County Archaeology - The geophysical survey shows that there are some limited archaeological remains on the site that should be investigated prior to development. For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of condition.

SSDC Climate Change Mitigation Officer - I have no objections to this application.

SSDC Environmental Protection Officer - No comments.

REPRESENTATIONS:

There have been 26 householder notification letters received objecting to the proposed development concerned that:

- Milborne Port is in a valley, the siting of these solar panels is visible from many of the surrounding hills
- The viewing area at the summit of East Hill will be completely ruined a very lovely panoramic view. This is a much loved feature of Milborne Port.
- The impact on the landscape and the setting of the valley setting north of the settlement will be unacceptably damaged.
- the 180 degree vista would be tarnished
- Complete destruction of the area visually.
- No consideration appears to have been given to the great impact the construction would have on the amazing views from the ridge above East Hill.
- This field is a major part of a most attractive view, the installation would be extremely intrusive
- Eyesore
- Blot on the landscape
- It is too near to the village
- Industrial site in an otherwise rural area and, as such, is totally inappropriate.
- Renewables must be balanced with the environment and not unbalance the aesthetic qualities of it.
- No direct benefit for the village
- What has been done with all the responses to the consultation that was held in the village hall? A lot of people were invited and attended, and a lot expressed their disapproval of the plans.
- Access point on blind bend - highway safety
- There are plenty of wildlife benefits to the current land use, and there would certainly be no enhancements by covering the habitat with solar panels.
- Good agricultural land

CONSIDERATION

Principle of development:

The National Planning Policy Framework (NPPF) states that local authorities should have a

positive strategy to promote energy for renewable and low carbon sources, and design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. The expectation should always be that an application should be approved if the impact is (or can be made) acceptable (para.98 of the NPPF).

Local Plan Policy EQ1 is applicable in considering renewable energy proposals. Bullet point 3 states that 'Development of renewable and low carbon energy generation will be encouraged and permitted, providing there are no significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets, and biodiversity.' Policy EQ2 also refers to the need to safeguard landscape character of the area and visual appearance is clearly a weighty matter in considering environmental harm.

While it might be preferable for brown field sites to be considered before green field agricultural land there is no requirement for developers to consider brown field sites in the first instant. The supporting information indicates that half the amended application site is Grade 3a good quality agricultural land, and half grade 3b moderate quality. Para.112 of the NPPF states development 'should seek to use areas of poorer quality land in preference to that of a higher quality'. This also requires LPAs should take into account the economic and other benefits of such land. The land is proposed to be grazed by sheep and continues in agricultural use. In their written statement (25 March 2015) the then Minister Eric Pickles states proposal for solar farms 'involving the best and most versatile agricultural land would need to be justified by the most compelling evidence' but this continues: 'Of course,... every application needs to be considered on its individual merits... in light of the relevant material considerations.' This effectively rules out an approach that would seek refusal on the basis that part of the land is 'best quality'. We are in essence drawn back to scale and the on-going agricultural use made of the land.

The proposal seeks the installation of PV panels in arrays supported on posts in holes excavated to a depth of 1.2m by 0.6m wide and fixed by post grouts. The land would remain available to agriculture. Any permission would be for a long-term but temporary basis for a period of 25-years. A condition can be imposed to require the site's restoration following cessation of its approved use should the site become redundant. A further condition seeks to identify the concrete post bases for later removal. On the basis of the development's temporary nature the principle of the use of this agricultural land for the purpose of a solar farm is considered acceptable. Accordingly the main considerations for this application relate to landscape character and visual appearance, impact on heritage assets, highway safety, and residential amenity.

Landscape character and Visual Appearance:

The amended plans have reduced the overall area covered by the solar array that makes for a more compact site and importantly removes the array further from the adjacent ridge and viewing point, also aiding visual separation between the site and built edge of Milborne Port. While the Landscape Officer is now more accepting of the proposal, local objections largely remain because of the physical overlooking caused by the site's proximity to the adjacent ridge from where viewers can take in the wider valley setting and the strong north- south alignment into which the settlement of Milborne Port competes with the proposed solar array site that is considered by objectors would have an over prominence to the detriment of character and appearance. This said the Landscape Officer no longer opposes the application although acknowledging the effects of array development upon local landscape character can be viewed as remaining negative, but having considered this, he has not thought this of sufficient magnitude to warrant a landscape reason for refusal.

Impact on Heritage Assets:

It is considered that the arrays' removal from the southern projection and the improved boundary screening makes for a more acceptable scheme. This goes some way to minimising the impact of the proposal on the setting of both Ven House and Park. The Council's conservation manager having viewed the site from inside Ven House was not of the opinion that the array as originally laid out had any particular concern, although its effect from the edge of the park on higher ground was of greater concern. With the reduction in area it is considered that the previous concerns with the scheme's impact on heritage assets are resolved.

Highway Safety:

The proposal seeks use of the existing field access point off the bend on approaching Milborne Port. This would be for a temporary but busy period during the construction phase and thereafter very limited annual traffic should be expected. The Highway Authority do not object, subject to the use of conditions that would be attached to any permission.

Residential amenity:

There are no dwellings in close proximity to the site whose use is considered would result in harm for the amenity of occupants.

Neighbour responses:

All neighbour responses have been considered, mostly under the relevant sub-headings of the officer report. One that is not refers to the public consultation undertaken by the applicant prior to submission of their application and the evidence for local objection at that time not submitted with the current application. There is no requirement, given the scale of the development for the applicant to submit their findings as part of the application for planning permission.

Other Matters:

The application has been accompanied by detailed assessments of ecological impacts. These have been assessed by the Council's Ecologist, who raises no objections. A condition is proposed to ensure the proposed works are carried out.

The proposed development is located in low probability flood zone 1 and no significant flood risks to the site have been identified.

Grid connection direct to adjacent electricity substation (northwest corner) confirmed by the operation it is feasible to connect to grid and a viable grid offer has been secured by the applicants.

Conclusion:

Government advice is clear. Planning Authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable (NPPF Para 98). Importantly, the courts have established that national policy promoting the use of renewable resources does not negate the local landscape policies or must be given 'primacy' over them but is subject to a balancing exercise.

The solar park is clearly overlooked in close proximity from the ridge and in particular the 'millennium' viewing area wherefrom the built form of Milborne Port is seen in context with its valley setting. The extent of the solar park is considered would be prominent but having removed the southerly projection resulting in a more compact form that little bit further removed from the millennium viewing area that is considered sufficiently removed to mitigate for the solar park's presence. Heritage and highway comments are otherwise favourable and with no outstanding environmental concerns no adverse harm arises, and with the government's position towards sustainable energy the proposal should be approved.

RECOMMENDATION:

Approve.

01. Notwithstanding local concerns it is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact of the proposed PV panels on the local landscape character, visual appearance and heritage assets. As such the proposal accords with the Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, and Policies SD1, EQ1, EQ2, EQ3, EQ4 and TA5 of the South Somerset Emerging Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. 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_C8_RevB,
P11_SC_RevB,
P18_FGE_RevB,
P19_CCTV1_RevB, and
P20_CCTV2_RevB, received 13 May 2015, and
PO2_SP_RevC,
PO3_CC_RevC,
P12_PC_RevC,
P13_PE_RevC, and
P14_DNO_RevC; received 10 September 2015, and
P15_MB_RevB,
P16_AT_RevC,
P17_Sensors_RecC, and
4.10 RevD, received 23 September 2015

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The development hereby permitted shall be undertaken in accordance with the implementation of the Habitat Management Plan (30.04.2015) submitted with the application.

Reason: For the conservation and enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

04. 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.

Reason: In the interests of archaeology further to Policy EQ3 of the South Somerset Local Plan 2006- 2028.

05. 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.

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

06. 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety further to policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

07. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

08. The applicant shall ensure that all vehicles leaving the site are in such condition 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.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

09. The approved on-site planting scheme (4.10 Rev D received 23 September 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

10. No means of external illumination/lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

11. Prior to first operational use of the development hereby permitted the extent and precise location of the use of concrete bases for the solar arrays following their provision on site as part of the permitted development shall be submitted in writing to the Local Planning Authority

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006-2028.

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, unless any variation is agreed in writing with the Local Planning Authority.

Reason: In the interests of character and visual amenity further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

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, in accordance with the CCTV design details submitted with the application.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the landscape in accordance with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.