
Appeal Decision

Site visit made on 5 September 2016

by B.Hellier BA(Hons) MRTPI

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

Decision date: 22 March 2017

Appeal Ref: APP/V3310/W/16/3141866
Townsend Farm, Axbridge, 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 Townsend Farm Solar Limited against the decision of Sedgemoor District Council.
 - The application Ref 02/15/00019, dated 16 September 2015, was refused by notice dated 17 December 2015.
 - The development proposed is the erection of a solar farm (4.9MW) landscaping and associated infrastructure including underground cables for a temporary period of 25 years.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application was considered on the basis of a temporary period of 25 years although it is clear that the appellant had sought to amend the period to 30 years prior to determination. The Council does not object to such an amendment and I am satisfied that this change would not prejudice the position of any of the interested parties. I have therefore proceeded on the basis of a 30 year period.

Main issue

3. I consider the main issue is whether the benefits of the proposal, in particular those associated with the production of renewable energy, would be outweighed by any harm the proposal would cause to the character and appearance of the surrounding area including the nearby Mendip Hills Area of Outstanding Natural Beauty (AONB).

Description of the proposal

4. The appeal site lies on the low lying Somerset Moors. It consists of four adjoining fields totalling some 14.2ha in area. The fields are separated by drainage ditches or rhynes. The solar panels would be set back 8.0m from these in four main blocks and aligned and tilted at 15° to face south with a maximum height of 3.0m. There would be a 2.0m high perimeter security fence with CCTV cameras mounted on 4.0m high poles at regular intervals. Two modest transformer buildings and a distribution network operator building the size of a lock-up garage would also be required.
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5. The village of Axbridge is some 780m to the north. Access would be from an agricultural access track, Prowses Lane, which leads, via Townsend Farm, to the main road network just to the west of the village. Utilising this access a temporary construction site would be set up outside but adjacent to the appeal site.
6. There are existing hedges along the north-east and north-west boundaries and on one internal boundary. The submitted landscape and ecological management plan proposes reinforcing the north-east hedge and new screen planting on the south-east and south-west edges. The fields are at present pasture land and would continue in agricultural use as sheep grazing under and between the panels. The plan also includes measures to enhance biodiversity and water quality.

Reasons

Planning policy

Development Plan

7. Core Strategy¹ Policy D4 supports proposals for renewable energy subject to there being no significant harm when assessed against a number of factors, including landscape character and visual amenity. Policy D14 says that development proposals should ensure that they enhance landscape quality wherever possible or, alternatively, that there is no significant adverse impact on local landscape character and scenic quality.

National planning policy

8. Government policy is to support the development of renewable energy sources, including solar power, to help to ensure that the country has a secure energy supply and to reduce greenhouse gas emissions. Reflecting Government policy the National Planning Policy Framework (NPPF) advises that an application for renewable energy should normally be approved if its impacts are, or can be made, acceptable². However it should be assessed against the NPPF objective of achieving sustainable development as a whole which includes the need to recognise the intrinsic character and beauty of the countryside. The NPPF also states that the planning system should protect and enhance valued landscapes³.
9. Current national web based Planning Practice Guidance (PPG) makes it clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. The PPG also refers to the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. It notes that with effective screening and appropriate land topography the zone of visual influence of a solar farm could be zero.

Benefits of the proposal

10. There would be environmental and social benefits in the generation of approximately 4.9MW of electricity which would offset around 20,000 tonnes of

¹ Local Development Framework: Core Strategy: Shaping the Future of Sedgemoor 2006-2027. Adopted September 2011

² NPPF Paragraph 98

³ NPPF Paragraph 109

CO₂ each year. That is stated to equate to enough electricity to serve the total power needs of 1,020 average UK households. As a result of EU Directive 2009/28/EC, the UK is committed to a legally binding target to achieve 15% of all energy generated from renewable resources by 2020 and the 2006 Energy Review has an aspiration of 20% of electricity from renewable resources by 2020. More ambitiously the 2009 UK Renewable Energy Strategy and the UK Low Carbon Transition Plan has as a lead scenario that this figure should increase to 30% although this is not a commitment. None of these documents sets a ceiling and there is an on-going need for renewable energy projects. Even though the contribution to national energy needs would be modest the NPPF emphasises that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.

11. There would also be some ecological benefits from new hedgerows and measures to encourage bees, mammals and nesting birds. A low intensity grazing regime would allow the land to recover from overuse, support biodiversity and improve the quality of water run-off.
12. The renewable energy sector is a major employer in the south-west. There would be no direct job creation but the site would make a small contribution to the economic health of this sector. The land is not the best and most versatile and the ground rent generated would assist the viability of the farm holding. The NFU support the proposal. There would also be a contribution to Business Rates which would support local services.
13. Taken as a whole these benefits weigh substantially in favour of the proposal.

Landscape effects

14. A landscape assessment¹ published by the Council shows the site within the *Levels and Moors (Peat Moors and Clay Moors)* Landscape Character Area (LCA). It is land that has been reclaimed from the sea, very flat with a rectilinear pattern of fields, rhynes and droves. The proposal would introduce a substantial engineered structure into this setting and would result in a major change to landscape character at close quarters although beyond a radius of about 400m, within the floodplain, the development would not usually be a significant landscape element because of intervening hedgerows and the lack of elevated viewpoints.
15. Some 1km to the north of the appeal site is the scarp of the Mendip Hills with the linear settlements of Axbridge and, further to the west Cross and Compton Bishop, at the foot of the slope where the land is just above flood level. This land is within the *Scarp Slope, West Mendip Summits and Cheddar Gorge* LCA and also part of the Mendip Hills AONB. Designation of AONBs is to secure their permanent protection against development that would harm their special qualities. The special qualities² that create the sense of place and identity of the Mendip Hills include *views towards the Mendips from Exmoor, Quantocks, the Somerset Levels and Moors and Chew Valley together with the views out, including across the Severn Estuary to Wales and the Somerset Levels to Glastonbury Tor and the Somerset coast*.
16. The low lying Moors to the south of the Mendip scarp which include the appeal site make a significant contribution to this special quality. They are open to

¹ Sedgemoor Landscape Assessment and Countryside Design Summary (2003) Sedgemoor District Council

² Set out in the Mendip Hills AONB Management Plan 2014-2019

views from much of the higher land from Crook Peak to the limestone plateau above Cheddar Gorge. A considerable amount of upland access land is within 2.5km of the appeal site. At this distance the solar panels would appear as a noticeable urban feature out of keeping with both the local *Levels and Moors* landscape and that of the AONB. From this higher ground the proposed planting would be ineffective in screening the development.

17. The Landscape and Visual Appraisal (LVA) submitted by the appellant estimates the magnitude of landscape change to be small. I consider this is an underestimate. Whilst the development would be small scale in relation to its geographical extent within the floodplain it would be seen as a disruptive landscape element from a wide area to the detriment of one of the defining characteristics of the AONB. Furthermore I give little weight to the reversibility of the development. The proposed 30 year lifespan would extend over more than a generation. Indeed the LVA treats a temporary period of over 25 years as permanent. Having regard to the high sensitivity of the AONB landscape to change I find that the development would have a significant adverse effect on landscape character.

Visual effects

18. A Zone of Theoretical Visibility map is included in the LVA. Taking account of topography and the screening effect of buildings and woodland it shows locations from where the solar farm is likely to be visible. These include most land within a radius of 1km together with longer views from the Mendip scarp to the north and the lower Isle of Wedmore to the south. On the floodplain it does not take account of hedgerows and so overestimates the available visibility.
19. The site is bounded on three sides by public footpaths readily accessed from Axbridge. It is crossed by low voltage transmission lines but, given the proximity to the village, the immediate surroundings have a surprisingly peaceful and remote feel to them. The development would be intrusive to users of the footpaths although the effect would be softened over time by the proposed screen planting.
20. There would also be a visual impact for walkers on the upper flanks of the Mendip scarp. There are panoramic views of outstanding quality across the Levels and Moors, including the view south across the appeal site to Nyland Hill and Glastonbury Tor. From Frys Hill and Wavering Down¹ the rear structure of the panel arrays would be prominent. The man-made embankment/extensive water area of Cheddar Reservoir is also a disruptive feature although situated closer to the foot of the scarp. Notwithstanding the presence of the reservoir in these views the solar farm would jar uncomfortably with the openness and tranquillity of the Moors.
21. Others whose views would be materially affected are residents living in the higher parts of Axbridge above the A371 and in Wavering Down Rise on Shute Shelf Hill although in the latter development the outlook from most properties is more south-west than south. In addition there is a formal viewpoint overlooking the Levels on the Strawberry Line cycleway/footpath accessed from a car park/picnic area on the A371.

¹ Including views from the ridge spur that runs south-east from Wavering Down towards the bridleway through Kings Wood and down to Cross. From here the viewer is only 1.2km to 1.5km from the appeal site.

22. The special qualities of the AONB include views towards the scarp from the south. However I found that from the Moors and from Brinscombe Hill, although the development would be visible, it would be seen against existing planting and the built up area of Axbridge. The eye would be drawn to the higher land on the skyline beyond and I do not find there would be a significant impact on these views.
23. As with many solar farm developments there would be a significant localised visual impact. However in this case the site is also exposed to wider views from the higher land to the north, many within a 2.5km range. I have had regard to the quality of these views and representations, supported by evidence on the ground, that they are well used and appreciated by many local people and visitors alike. I have also had regard to the importance that must be attached to protecting the special qualities of the AONB. Overall I find that the proposal would have a very considerable adverse effect on visual amenity.

Other matters

24. The appellant draws attention to an existing solar farm at Hawkers Farm also in the *Levels and Moors* LCA¹. This straddles the Sedgemoor/Mendip district boundary. The Mendip part of the site was allowed on appeal. The Inspector found that *whilst the constructed part of the solar park could be perceived in the wide breadth of the landscape, given the distance individual solar panels were not discernable and the appearance was not of an engineered feature but more of a darkened expanse within the landscape, reminiscent of a body of water*. However in that case, from the viewpoint at Deer Leap, the separation distance is some 5km. That is very different from this appeal where the open access land on Wavering Down and Frys Hill is much closer. Even from Crook Peak the viewing distance would be less than at Deer Leap although from here² the individual elements of the solar panels would appear to merge into a single landscape form. I find that in this case the impact on the AONB would be much greater than that at Hawkers Farm.
25. The Secretary of State has issued a Screening Direction³ for the proposal which determines that it is not development requiring an Environmental Impact Assessment (EIA). Although it recognises that the site would be overlooked by key viewpoints within the AONB it finds that there are not likely to be significant effects that would require an EIA to be undertaken. This is a material consideration and I have had regard to it. However it is a finding in relation only to the EIA Regulations and does not fetter or direct how this appeal should be determined.

Conclusion

26. Substantial weight should be attached to the benefits associated with the development. However in this instance I conclude this would be clearly outweighed by the harm to the character and appearance of the surrounding area, in particular to the harm caused to the enjoyment of the views across the site from the Mendip Hills to the north which are one of the special qualities of the AONB. The balance lies against the proposal.

¹ Appeal Ref APP/Q3305/W/14/3000543

² The SE shoulder of Crook Peak is between 3km and 4km from the appeal site

³ Screening Direction Ref NPCU/EIA/V3310/74072. Made under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

27. On the basis of this conclusion the proposal would be contrary to Core Strategy Policies D4 and D14 and contrary to the development plan as a whole. It would fail to protect the AONB and so would conflict with paragraph 109 of the NPPF and, since the impacts are not acceptable and cannot be made acceptable, paragraph 98 of the NPPF indicates that the appeal should be dismissed.
28. For the reasons given above and having regard to all matters before me, including representations from Weare Parish Council and other local people supporting the proposal, I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR