



Appeal Decision

Site visit made on 12 and 13 July 2017

by Neil Pope BA (Hons) MRTPI

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

Decision date: 10 August 2017

Appeal Ref: APP/J3720/W/16/3164711

Radbrook Pastures, land to the west of Admington Lane (adjacent to Preston Bushes), Preston-on-Stour, Warwickshire, CV37 8NH.

- 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 TGC Renewables Ltd against the decision of Stratford-on-Avon District Council (the LPA).
 - The application Ref. 15/00588/FUL, dated 27 February 2015, was refused by notice dated 30 June 2016.
 - The development proposed is a solar farm and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for a solar farm and associated development at Radbrook Pastures, land to the west of Admington Lane (adjacent to Preston Bushes), Preston-on-Stour, Warwickshire, CV37 8NH. The permission is granted in accordance with the terms of the application Ref. 15/00588/FUL, dated 27 February 2015, subject to the conditions in the Schedule below.

Preliminary Matters

2. The LPA's decision notice describes the proposed development as: *Construction and 25 year operation of a solar farm (on a site area of 39.7 ha of land) and associated infrastructure for connection to the electricity network including underground cable, Inverter Cabins, Comms buildings, 66kV Substation with associated switchgear, control and metering rooms, 4m high pole mounted CCTV cameras, 2m high security fencing and temporary construction compound, section of overhead powerline, access track and new vehicle access onto Admington Road and ecological and landscape enhancement measures.* In the interests of concision, I shall use the description on the application form.
3. Prior to the LPA's determination of the application the proposal was amended in an attempt to address the findings of the LPA's landscape consultants. The 'red line' site area remained the same but the amendments included: reducing the 'footprint' of the proposal by deleting proposed solar panels above the 60m contour on the eastern slope (field identified as F1 in the appellant's Landscape and Visual Appraisal [LVA]); additional landscaping and; a reduction in row spacing to increase the proposed maximum output. I understand that these amendments were subject to public consultation. I have determined the appeal on the basis of the amended details.
4. I note the criticisms of some of the information submitted in support of the application, including the LVA and the appellant's Historic Environment Desk

Based Assessments (HA). I have treated the photomontages as illustrative only and I viewed the appeal site and surroundings, including various heritage assets, in some detail during my site visits. There is adequate information before me to determine the appeal. I also note that in withholding permission the LPA did not identify any shortcomings in the submitted material.

Main Issue

5. The main issue is whether the benefits of the proposal, including the production of electricity from a renewable resource, outweigh any adverse impacts, having particular regard to the effect upon: the character and appearance of the area, including any cumulative impact with approved solar farms at Drayton, Blackwell and Norton Hall and; the significance of various heritage assets, including the grade I listed Church of St. Swithin, the grade II* listed Radbrook Manor and the Scheduled Monument at Meon Hill.

Reasons

Planning Policy

6. The development plan includes the Stratford-on-Avon Core Strategy 2011 to 2031 (CS), which was adopted in 2016. The most relevant policies to the determination of this appeal are: CS1 (sustainable development); CS3 (sustainable energy); CS5 (landscape); CS6 (natural environment); CS8 (historic environment); CS11 (Cotswolds Area of Outstanding Natural Beauty [AONB]). The CS supersedes the saved policies of the Local Plan Review 2006.
7. I have also had regard to the National Planning Policy Framework (the Framework) and various Written Ministerial Statements in respect of renewable energy. Whilst not planning policy, the Government's Planning Practice Guidance includes advice in respect of renewable energy schemes.
8. My attention has been drawn to the Stratford-on-Avon District Renewable Energy Landscape Sensitivity Study 2014 (LSS). The appeal site lies within the Feldon Vale Farmlands Landscape Character Type (LCT) and the Avon Vale Farmlands LCT is immediately to the west. The sensitivity of both LCTs to very large solar farms (above 25 ha) is medium/high.
9. Within the LSS, the assessed capacity for solar energy development in the Feldon Vale Farmlands LCT is for occasional field solar energy developments and/or 'intervisible' in another LCT or for an LCT with field solar energy developments. The assessed capacity for the Avon Vale Farmlands LCT is for occasional field solar energy developments and/or 'intervisible' in another LCT. The LSS is referred to in CS policy CS3 and can be given moderate weight.
10. The Cotswold AONB Management Plan 2013-2018 (MP) was produced by the Cotswold Conservation Board. Amongst other things, it identifies the special qualities of the AONB. These include the Cotswold escarpment and views to and from it; the tranquillity of the area and; an accessible landscape for quiet recreation. The MP can be given moderate weight in determining this appeal.
11. I note that there is a Parish Plan. In my experience, such plans tend to set out the views of local residents in respect of a wide range of issues. Whilst they reveal the dedication of those who have spent time and effort presenting the aspirations of a local community, unlike made Neighbourhood Plans, they do

not form part of the development plan. I have not been provided with a copy of the Parish Plan and it is not determinative to the outcome of this appeal.

Other Documents

12. I have taken into account the provisions of various Acts¹, Directives², and Strategies³ relating to renewable energy, including the 2007 energy white paper⁴. Amongst other things, these set out and identify progress towards achieving the legally binding target of reducing UK emissions by at least 34% by 2020 and 80% by 2050, as well as achieving the UK's obligation of 15% of energy consumption from renewable energy resources by 2020. They reflect the Government's commitment to renewable energy. However, amongst other things, the PPG advises that the need for renewable energy does not automatically override environmental protection.

Benefits

13. The appellant has calculated that the peak output from the development would be 23.71 MW per annum, which would be the equivalent annual electricity needs of approximately 6,130 homes each year. It has also been calculated that the proposal would result in carbon savings of about 254,000 tonnes of CO₂ emissions during the lifetime of the development.
14. The proposal, in combination with other renewable and low carbon energy schemes, would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas emissions. It would make a substantial contribution towards the Government's renewable energy targets and there is general support within the Framework for renewable energy schemes.
15. The development would also assist in increasing the security of electricity supply and would further diversify and strengthen the local rural economy. It would provide support for the construction industry and the appellant has calculated that it would generate £89,000 in business rates/year, some of which could be used to support local services and communities. However, I agree with some interested parties that the proposed community benefit fund is not a material consideration that should be afforded any weight.
16. The proposals would involve the removal of some limited sections of existing hedgerow but overall there would be a considerable net gain in hedgerow planting and 'gapping up' of some existing hedgerows within the site. As set out within the appellant's Extended Phase 1 Habitat Survey and separate Great Crested Newt Surveys, the proposal would include other biodiversity enhancements such as bat and bird boxes, log/rubble piles and enhancements to the semi-improved grassland and ponds within the site. In noting the concerns of some interested parties, there is a greater weight of evidence to support the argument that the proposals would provide opportunities for enhancing nature conservation interests in accordance with CS policy CS6.
17. The appellant has suggested that an information board could be provided near the site entrance to explain the benefits of the proposals, including the

¹ The Climate Change Act 2008.

² Renewable Energy Directive 2009/28/EC.

³ Including the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap and its updates.

⁴ 'Meeting the Energy Challenge' DTI (May 2007).

biodiversity features of the solar farm. This could be of educational value and would be a minor social benefit of the appeal scheme.

18. The totality of the above environmental, economic and social benefits can be given very considerable weight in the overall planning balance.

Character and Appearance

19. The 39.7 ha appeal site lies within the countryside about 1.9 km south of Preston-on-Stour and 1km north east of Lower Quinton. It comprises nine small to medium sized fields (mix of arable and improved pasture) with some small ponds. Most of the fields are on the valley floor of the Marchfont Brook⁵.
20. The eastern boundary of the site abuts Admington Road and a substantial block of woodland known as Preston Bushes. The nearest dwellings at Preston Pastures⁶ and Radbrook Lodge are approximately 250m to the north east and north west of the edge of the main body of the appeal site.
21. There is no public access through the site. There is a footpath approximately 100m to the east and on the opposite side of Admington Road. A bridleway runs about 250-300m to the north and west (ref. SW51) and provides access to several dwellings including Radbrook Manor.
22. The closest part of the AONB is about 1.25km to the south west (approximately 2 km to the top of Meon Hill). A footpath traverses the north eastern slope of Meon Hill and is part of the waymarked Monarch's Way and Centenary Way.
23. Within the wider surroundings solar farms have been approved at Blackwell Grange⁷ about 5 km to the south east, Drayton⁸ approximately 7 km to the north west and at Norton Hall⁹ about 5 km to the south west. Long Marston Airfield, which includes leisure and business uses, is about 3 km to the west.
24. The Feldon Vale LCT is a flat open hedged landscape with few roads or settlements and is characterised by wide views to rising ground on one or more sides. Key characteristics include: broad flat vales with occasional small rounded hills and; medium to large scale geometric field pattern.
25. The Avon Vale LCT is an open hedged agricultural landscape lying in a broad clay vale along the foot of the Cotswold escarpment. Its key characteristics include: broad flat vale with occasional low rounded hills and; medium to large scale geometric field pattern.
26. As I saw during my visits, the appeal site lies within an attractive rural area and is part of the extensive setting to the AONB. In common with much of the countryside the unspoilt open qualities of the site and the established field boundaries with mature hedgerow trees make a pleasing contribution to the character and appearance of the area.
27. The proximity of existing woodland and other mature vegetation in and around the site and the generally flat gradient across these fields provide a sense of

⁵ This watercourse abuts the part tree-lined western boundary of the site and some of the site is within an area identified as Flood Zone 3 on maps compiled for the Environment Agency.

⁶ The proposed underground cable route would run to the north and west of this dwelling and the adjacent Herdsman's Cottage.

⁷ A 14MW scheme on a 22 ha site

⁸ A 50MW scheme on a 96 ha site.

⁹ A 2.5MW scheme on a 7.4 ha site.

- enclosure. Close public views of the site are largely limited to glimpses from Admington Road and sections of the bridleway to the north and west.
28. Whilst some of the site can be seen from the AONB, it forms a very small part of a wide and extensive¹⁰ panorama that includes settlements, roads, farm and other industrial buildings. Although there is a degree of tranquillity this is a working landscape. I concur with the appellant's detailed LVA that the appeal site is of medium landscape sensitivity to the proposed development.
29. All landscapes have some value. Whilst it is not necessary for them to be designated to fall within the remit of a 'valued landscape' to which paragraph 109 of the Framework applies, on the basis of everything before me, the appeal site does not possess any demonstrable attribute to place it within the category of a valued landscape.
30. If unspoilt countryside within the setting of an AONB was the test then extensive areas of rural England would comprise 'valued landscape'. There is nothing of substance, such as a detailed assessment against a range of factors in widely used guidance¹¹, to support the assertion by some interested parties that the site is part of a valued landscape. I note that no such argument was advanced by the LPA.
31. The proposed development would introduce thousands of photovoltaic panels, mounted in arrays¹², set out in rows across about 37ha. There would be numerous ancillary buildings with security/deer fencing around the perimeter of the site, as well as CCTV cameras and an access track. About 88m of overhead line would be required at the northern end of the site to bridge the high pressure gas main and about 25m of existing hedgerow would be removed.
32. As noted above, there would be a considerable net gain in hedgerow planting within the site and some 'gapping up' of existing hedges. This would include a new screen hedge by the construction access and the closing up of an existing gate onto Admington Road. The new hedges that would be provided in F1 and immediately to the south of the high pressure gas main would not disrupt the pattern of fields and would assist in screening the proposed arrays.
33. Nevertheless, the proposal would comprise a utilitarian form of development that would markedly change the character and appearance of the site and erode its unspoilt open qualities. It would result in a high magnitude of change and a major adverse effect. This weighs against granting planning permission.
34. Beyond the site boundaries and for a distance of about 1.5 km, the solar panels and ancillary buildings would dilute the natural qualities of the landscape and conflict with CS policy CS5. However, the limited height of the arrays and the new/strengthened hedgerows would ensure that the predominant agricultural character of the area remained.
35. The sense of enclosure, general field pattern and scale of the landscape would be retained and after the construction phase the tranquil qualities would resume. The proposal would have a moderate adverse impact on the character of the local area. This also weighs against granting planning permission.

¹⁰ Whilst walking along the north eastern slope of Meon Hill I was able to see the obelisk on the Welcombe Hills.

¹¹ Box 5.1 of the 'Guidelines for Landscape and Visual Impact Assessment' third edition by the Landscape Institute.

¹² These would be about 3m high for most of the site and higher in Flood Zone 3.

36. Upon completion of the development, including the new and strengthened planting, the visual impact from the public realm would be most apparent during the winter period from Admington Road (by the site entrance) and from the bridleway (SW51) to the north and west.
37. From the site entrance, there would be views of many of the solar panels and the ancillary buildings. The manufactured form/appearance of the arrays would contrast awkwardly with the natural qualities of the surrounding fields and would detract from the appearance of the countryside. However, this would be a glimpsed view that is unlikely to be seen by many passers-by and would not significantly diminish an appreciation of the surrounding landscape.
38. Some of the proposed arrays would be visible to walkers and riders (high sensitivity receptors) using SW51. From sections of this bridleway the proposal would appear as a discordant addition to the landscape. However, due to distance and filtering by intervening vegetation and buildings, the development would not be unduly prominent or interrupt views to Meon Hill, the Church of St. Swithin or Radbrook Manor. There would be a slight adverse visual impact. From other parts of the public realm the impact would be insignificant.
39. The limited height of the proposed arrays, the distance from the AONB, proposed planting and the intervening topography, including hedgerows, woodland/trees would ensure that the proposed development did not detract from the setting or the special qualities of this designated landscape. It would not harm views to or from this nationally important landscape or erode the tranquillity of the area or the enjoyment for quiet recreation.
40. I note that the Cotswold Conservation Board was consulted on the application and did not object. The LPA's landscape consultant also advised that given the *"substantial degree of mitigation it is considered that there would be no adverse effects on the purposes or special qualities of the AONB."* The proposal would accord with the provisions of CS policy CS11 and the MP.
41. The proposal would add to the number of permitted solar farms within the landscape. However, the extent of separation between these renewable energy schemes, the landform and intervening topography would avoid these developments having a defining influence on the overall experience of the landscape. The appeal scheme would be difficult to perceive in conjunction with any other approved solar farm.
42. Having travelled along various sections of the local highway network, including public rights of way, the proposal would not result in any harmful cumulative landscape or visual impact. There is no cogent evidence to demonstrate that it would create a landscape dominated by solar farms or materially change the wider landscape character of the area. I note that the LPA has not identified any conflict with its LSS.
43. The adverse effects upon the character and appearance of the site and surroundings that I have identified would be limited to a period of 25 years and would be reversible. Solar farms are not precluded within the countryside or this LCT and it is almost inevitable that there would be some adverse impact. I shall attach moderate weight to this harm in the overall planning balance.

Heritage Assets

Meon Hillfort

44. This nationally important monument is situated on the summit of Meon Hill with commanding views across the landscape. The significance of this designated heritage asset¹³ is derived primarily from its archaeological interest as a large multivallate Iron Age hillfort and its importance in understanding the social organisation, economy and occupation of land during the Iron Age.
45. The vales and hills that form the surrounding landscape, including the appeal site, comprise the wider setting of this hillfort. I concur with the assessment within the appellant's HA that the views across this wider landscape would have formed an important element of its defensive capabilities and would have emphasised its status as a socio-economic centre and likely political focus for Iron Age communities. I also note the key views from the northwest and southeast entrances to the hillfort.
46. Over a period of time there have been very many changes to the setting of this monument. These include settlement expansion, farm buildings, infrastructure (such as roads and utility equipment) and changes to vegetation and field sizes/patterns. Notwithstanding these changes, the significance of this asset can still be appreciated.
47. The proposed development would be visible in some views to and from the hillfort. However, seeing the development does not by itself equate to harm. The change in character and appearance of the appeal site would form a minor part of the panoramic views from this monument and would not be evident in the key views.
48. The extent of separation from this asset, the limited height of the photovoltaic panels and the existing hedgerows growing in and around the appeal site, as well as the proposed planting, would avoid any significant visual intrusion into the wider landscape setting of the monument. More importantly, it would not detract from the ability to understand, interpret or appreciate the importance or significance of this designated heritage asset.

Listed Buildings

49. The appeal site forms part of the settings of a number of listed buildings within the surrounding area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore engaged. Whilst the LPA's decision notice includes reference to Radbrook Manor it is vague as to other listed buildings. Reasons for refusal must be clear, precise and specific.
50. In his consultation response, the LPA's conservation consultant refers, amongst other things, to Radbrook Manor *"and the listed buildings in Lower Quinton, including the church."* In response to my request for clarification on this matter, the LPA has informed me that the listed buildings that would be adversely affected are Radbrook Manor and the Church of St. Swithin. It has also informed me that the settlement of Lower Quinton, *"a non-designated heritage asset"* would be *"slightly harmed"*. I address below the likely impact upon these designated and non-designated heritage assets.

¹³ On behalf of the appellant, it has been calculated that the proposed development would be about 2.5 km from this designated heritage asset.

51. Parts of the proposed development would be seen from some other listed buildings. These include the assets at Meon Hall. However, having considered all the evidence, including the representations made by the heritage consultant appointed on behalf of some interested parties, as well as those made by a resident of Meon Hall, there is nothing of substance to demonstrate that the proposals would have any adverse effect upon the significance of any other listed buildings. With the proposed mitigation, the appeal scheme would preserve the settings of all other listed buildings.

Church of St. Swithin

52. The significance of this coursed limestone rubble and ashlar church (which dates from the 12th century) with its tower and spire, is derived primarily from its architectural qualities (including arcades, chancel, tracery windows, cornices) and historic interest (including important plan form, important fabric and associations with notable residents of the parish).
53. The village of Lower Quinton and the surrounding countryside, including the appeal site, form part of the historic rural surroundings to the church¹⁴ and contribute to its heritage interest as a medieval village church. Views of the impressive spire afford an appreciation of the historic role of the church within the landscape and make a positive contribution to the significance of this designated heritage asset.
54. As I saw during my visits, there are views of the church spire across the appeal site. These include views from the field gates along Admington Road and the bridleway (SW51) between Radbrook Manor and Back Lane. The fields and hedgerows that are included within these views assist in affording an appreciation of the church as a 'beacon' of worship within the rural landscape.
55. The proposed arrays and ancillary buildings have the potential to intrude into these views and to erode an appreciation of the historic landscape setting of the church. However, these are some of the many views of the church spire within this part of the district, most of which would be unaffected by the proposal. The views from Admington Road are also glimpsed views.
56. As I have noted above, the proposal would include new planting alongside the field gates along Admington Road, including a new screen hedge along the site access. A new hedge would also be planted in F1 along the eastern edge of the proposed arrays. This would avoid any significant visual impact upon the setting of the church and would maintain the significance of this listed building.
57. From SW51, the proposed development would not be in direct line of sight of the church spire. The existing trees/woodland along the Marchfont Brook and the proposed under planting along the western boundary of the appeal site would avoid any harmful visual intrusion into views of the church.
58. The proposed mitigation would preserve the setting and significance of this listed building.

Radbrook Manor

59. The significance of this brick and ashlar manor house (which dates from the 16th century with later additions, including a 21st century conservatory) with its

¹⁴ On behalf of the appellant, it has been calculated that the appeal site is about 1.2km away.

pantile roof is derived primarily from its architectural qualities (such as its south west facing Baroque façade, the brick laid to Flemish Bond, chimney stacks, symmetrical bay range, parapet, architraves, pediment, panelled door, windows, attached wall and iron gates) and historic interest (including L-shaped plan, important fabric and role as a main residence within the parish). I note Historic England's comments that externally this is a good example of an early 18th century small country house.

60. The surrounding countryside, including the appeal site¹⁵, forms part of the wider historic surroundings to this important rural building. It informs the building's wider landscape context and also contributes to its heritage interest. This setting has changed over time and includes modern agricultural buildings, farm dwellings and some utility poles and overhead lines.
61. As I noted during my visits, this designated heritage asset is set back from the access road/track (SW51) and there is a range of modern agricultural buildings and some farm dwellings between this listed building and the appeal site. There is also some trees/tall hedge along the boundary with the bridleway.
62. Whilst there are oblique views towards the appeal site and Preston Bushes from some upper floor windows in Radbrook Manor these are heavily filtered. Although this filtering effect would, to a limited extent, be reduced during the winter months there is nothing of substance before me to demonstrate that these are key or important views to understanding the significance of this designated heritage asset.
63. From the entrance driveway to this listed building the appeal site forms part of working agricultural landscape. The extent of separation from the site, the limited height of the proposed photovoltaic panels and the new hedge and trees that would be planted to the south of the high pressure gas line would ensure there was no harm to the significance of Radbrook Manor. Views of Preston Bushes would remain.
64. When continuing south west along this bridleway in the direction of Back Lane, there are views looking back towards the principal elevation/façade of Radbrook Manor. The western edge of the appeal site forms part of these views but is not in direct line of sight with the façade. The height of the proposed photovoltaic panels/arrays and the existing and proposed boundary planting would ensure there was no harmful intrusion into important views of Radbrook Manor or loss of significance.
65. Whilst I have given careful consideration to the comments of Historic England, I have not found harm to the significance of this or any other listed building. This includes any harmful cumulative impact. With the mitigation, the proposal would preserve the settings of the listed buildings drawn to my attention.

Non-Designated Heritage Assets

66. Amongst other things, Lower Quinton includes the Church of St. Swithin and some 17th century timber framed buildings. The surrounding countryside forms part of its attractive qualities. However, there is nothing of substance before me to demonstrate how the appeal site contributes to the significance of this settlement as a non-designated heritage asset or to substantiate the concern of the LPA that the proposal would harm its heritage interest.

¹⁵ On behalf of the appellant, it has been calculated that the appeal site is about 350m away.

67. I understand that Preston Pastures is a mid-18th century planned farm/historic former farm complex¹⁶ that resulted from Parliamentary Inclosure and has historic links to Alscot Estate. It continues to be surrounded by agricultural land but is no longer an active farm and the functional association with the appeal site has long since lapsed. The site forms part of the wider agricultural setting of this asset but over time its historic interest to this asset has been eroded. It makes a neutral contribution to the significance of this asset.
68. Whilst the proposal would, for a temporary period (setting aside any sheep grazing) remove the appeal site from agricultural use, Preston Pastures would continue to be surrounded by agricultural land. The short section of overhead wire would not be uncharacteristic of the agricultural setting. The proposal would not harm the significance of this non-designated heritage asset. I note that this was not a concern identified by the LPA.
69. The appeal site forms part of the historic landscape. The new fields that would be created as part of the proposed landscaping would not significantly disrupt the overall pattern of fields or harm the heritage interest of the landscape as a whole. This landscape has evolved over long periods of time and has shown a capacity to absorb new development, including sizeable buildings to serve the agricultural industry and utility infrastructure. Whilst two small openings would be created in hedgerows that are deemed 'Important' under the Hedgerow Regulations 1997 (as amended), others would be strengthened by new planting. The proposal, which is temporary and reversible, would have a localised effect and would not materially harm an understanding of the historic environment. The proposal would not harm the significance of other assets.
70. The proposed development would not harm the significance of heritage assets and would accord with the provisions of CS policy CS8.

Other Matters

71. There is considerable opposition to the proposals. This includes objections from Preston-on-Stour Parish Council, Quinton Parish Council, the Group Against Radbrook Solar Plant (GARSP), the CPRE, the Warwickshire Ramblers and some local residents. However, there were also many letters of support, including some from other local residents. I have taken all of these representations into account in determining the appeal.
72. Some interested parties have queried the agricultural land classification. However, there is more force to the appellant's Agricultural Land Classification report that the appeal site comprises a mix of grade 3b and 4 agricultural land. I also understand that the intention is to let sheep graze part of the site during the operational phase of the development.
73. There is a greater weight of evidence before me to indicate that the proposal would not involve the loss of the best and most versatile agricultural land. Moreover, it would be for a temporary period, reversible and would support the viability of a local agricultural business. There would be no significant adverse effect on the agricultural industry.
74. I also note the concerns of some interested parties that the appellant has given inadequate consideration to siting the proposed development on previously developed and non-agricultural land. In particular, my attention has been

¹⁶ I have taken this to include Herdsman's Cottage and the Lodge.

drawn to former airfields and rooftop spaces. However, as revealed within the appellant's 'Rooftop, Previously Developed and/or Non-Agricultural Land Solar Programme Opportunity Register', which includes an assessment of potential alternative sites elsewhere within the district and the wider area, there are no suitable, available alternative sites for a large-scale solar farm.

75. Furthermore, the LPA, whom it is reasonable to assume has detailed knowledge of 'brownfield' sites within the district, did not identify any deficiencies within the appellant's assessment. There is no cogent evidence to demonstrate the availability of any alternative previously developed or non-agricultural site.
76. During my visits I noted the relationship between the appeal site and neighbouring properties. I have also considered the various photographs that have been submitted, including some which I understand were taken from neighbouring properties. The proposal would change the outlook for some residents, including those at Preston Pastures. However, due to a combination of distance and topography (including intervening vegetation) the proposal would not be unduly close or prominent as to significantly intrude into private views across the landscape or seriously affect the outlook for local residents.
77. There is nothing of substance to support fears that the proposed development would harm the local economy, including tourism interests. When seen from sections of the long distance waymarked paths, the proposal would not be unduly prominent and would form part of transient and extensive views. It would be unlikely to spoil the enjoyment of these public rights of way.
78. My attention has been drawn to appeal decisions for solar farms on other sites. These include land at Claverdon (ref. APP/J3720/W/15/3029788) and Deppers Bridge (ref. APP/J3720/W/14/2217844). The circumstances of these other appeals are materially different to the one before me and involve different LCTs. In this instance, the proposal does not involve land in the Green Belt and convincing evidence has been submitted to demonstrate the absence of an alternative available site. Unlike the site I am considering, at Deppers Bridge a public right of way crossed that site and other parts were "*...higher than the level of the road and therefore easily in view from it and the houses along it.*"
79. Each case must be determined on its own merits and these other decisions do not set a precedent that I must follow. Similarly, my decision would not bind the LPA in determining any future applications for solar farms in the district.
80. During the construction phase neighbouring residents would experience noise disturbance and some inconvenience along the local highway network. However, this would be for a limited period¹⁷ (as would the subsequent decommissioning phase) and an agreed Construction Management Plan would avoid any serious impact. Whilst equipment within the inverter cabins creates noise, the extent of separation between these and neighbouring dwellings would be likely to prevent any harmful noise disturbance. I note that neither the LPA nor the Highway Authority was concerned by these matters.
81. The appellant's Flood Risk Assessment (FRA) demonstrates that the proposal would be designed to avoid increasing the risk of flooding.

¹⁷ On behalf of the appellant, it is anticipated that this would last about 20 weeks.

Planning Conditions

82. In addition to the 'standard' condition requiring the commencement of development within three years, in the interests of certainty, a condition would be necessary specifying the approved plans.
83. Given the temporary nature of the proposed development, a condition would be necessary limiting the works to a twenty-five year period following the first export of electricity to the National Grid. A separate condition would be necessary requiring notification of the proposed export date to enable the LPA to record the commencement of the twenty-five year period.
84. In the interests of highway safety and the free flow of traffic along the local highway network conditions would be necessary requiring: the submission / approval of a Construction Management Plan (to include turning areas within the site and temporary passing bays); the provision of visibility splays at the site entrance and; widening and hardsurfacing the site entrance/access track.
85. To safeguard the character and appearance of the area conditions would be necessary requiring: details of the proposed planting arrangements; the retention and protection of existing and new hedgerows; changes to any ground levels; details of the colour and type of materials to be used, including the solar panels; details of any external lighting; details of site restoration works and decommissioning; details of the direction/field of vision of the CCTV cameras. I agree with the appellant that a separate condition requiring details of the boundary treatment would be unnecessary duplication.
86. In the interests of nature conservation, a condition would be necessary requiring the submission, approval and implementation of a Biodiversity Management Plan for the site. A condition would also be necessary to safeguard archaeological interests. I agree with the appellant that the version suggested by the LPA would be unnecessary.
87. In the interests of land drainage a condition would be necessary requiring the development to be undertaken in accordance with the details specified in the FRA and sustainable drainage strategy. Other conditions suggested by the LPA regarding surface water drainage would amount to unnecessary duplication.
88. In the interests of securing an educational (social) benefit, a condition would be necessary requiring the provision of the suggested information board. Where necessary, I have modified some of the suggested conditions to ensure compliance with the provisions of paragraph 206 of the Framework.

Planning Balance / Overall Conclusion

89. I do not set aside lightly the concerns of some members of the local community. However, public opposition or support for a proposal is not in itself sufficient grounds for withholding or granting permission. When all of the above is weighed together, the benefits of the proposal outweigh the adverse impact upon the character and appearance of the area.
90. Having undertaken this balance, the wider environmental benefits to be derived from this renewable energy scheme satisfies the environmental dimension to sustainable development. Given my findings in respect of economic and social benefits, I concur with the assessment made by the LPA's planning officer that the proposal comprises sustainable development. It accords with CS policies

CS1, CS3 and the development plan as a whole. I therefore conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. This permission hereby granted shall expire no later than 25 years from the date of connection of the solar farm to the National Grid.
3. The developer shall notify the Local Planning Authority in writing within 21 days of such time that electricity from the development is first exported to the National Grid.
4. The permission hereby granted relates to the following approved plans:
 - a) Location Plan 1:5,000 scale;
 - b) Location Plan 1:10,000 scale;
 - c) Site Design Rev.B7;
 - d) Security Palisade Fence SFGA Rev.O;
 - e) 33kw Looped Connection Building GCS0016-1 Rev.O;
 - f) Indicative 66kV Single Circuit Tee-Off Connection (Underground) Proposed Site Layout and WPD Control Room Details GCS0021-2 Rev.O;
 - g) 2.0m Deer Fence Typical General Arrangement: TGC/PV001-DEER Rev.A1;
 - h) Standard Double Gate Configuration TGC/PV002 Rev.A1;
 - i) CCTV System TGC/PV004 Rev.A2;
 - j) 2V Racking System Rev.2;
 - k) Comms Building: TGC/PV009/01 Rev A1.
5. No development shall take place until details of a proposed Construction Management Plan (relating to Construction Traffic, Equipment and Operations) has been submitted to and approved in writing by the Local Planning Authority. Such Plan shall include details of:
 - a) construction traffic and HGV delivery routes to and from the site;
 - b) temporary waiting areas or 'Holding Areas' for construction and delivery vehicles waiting to enter or leave the site;
 - c) the arrangements for the parking and turning of vehicles for both site operatives and visitors;
 - d) loading and unloading of plant and materials;
 - e) storage of plant and materials;
 - f) security hoarding;
 - g) wheel washing facilities;
 - h) measures to control the emission of dust and mud/dirt;
 - i) measures to protect, mitigate or compensate biodiversity interests including, identification of biodiversity protection zones, practical measures (both physical measures and sensitive working practices) to

avoid, reduce, mitigate or compensate for impacts on biodiversity interests during site clearance and construction, and use of use of protective fences, exclusion barriers and warning signs;
j) recycling/disposing of waste/controlling litter;
k) site compound and offices;
l) site electricity generators;
m) temporary passing bays and a timetable for providing these;
n) management of surface water run-off;
o) provision, routing and method of installation of utilities needed during construction;
p) site manager contact details;
q) details of external lighting needed during construction;
r) hours of construction.

The works and development shall thereafter be implemented in accordance with the approved Construction Management Plan.

6. Notwithstanding the landscape details submitted in association with the application, no development hereby permitted shall be carried out until the following details have been submitted and approved in writing by the Local Planning Authority:
- i) planting plans, including new tree and hedgerow planting, the 'gapping up' of existing hedgerows and the heights at which hedgerows are to be retained;
 - ii) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - iii) a schedule of plants noting species, plant sizes and proposed numbers/densities;
 - iv) accurately plotted existing landscape features such as trees and hedges to be retained;
 - v) existing landscape features such as trees and hedges to be removed;
 - vi) measures to protect planting from wildlife and livestock;
 - vii) details of any changes to existing ground levels and;
 - viii) a timetable for undertaking the approved planting.

The development shall be undertaken in accordance with the approved details.

7. Any hedgerow that is removed, uprooted, damaged, destroyed or dies during the 'life' of the permission shall be replaced by planting of the type approved under condition 6 above.
8. No sections of hedgerow shall be removed or building operations commence or equipment, machinery or materials shall be brought on to the site until a scheme for the protection of existing trees and hedges, including those on the southeast boundary of the site adjacent to the swale and the CCTV poles and associated trenching, has been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection measures shall include:
- i) submission of a Tree and Hedge Protection Plan and appropriate working methods in an Arboricultural Method Statement in accordance BS 5837:2012 Trees in relation to design, demolition and construction: Recommendations; and
 - ii) details of the erection of stout protective fencing in accordance with BS 5837:2012, Paragraph 6.2.

The fencing shall be shown on the Tree and Hedge Protection Plan and shall be installed to the extent of the tree Root Protection Area (RPA) as defined

in BS 5837:2012.

No equipment, machinery or structures shall be attached to or supported by a retained tree or hedge and no mixing of cement or use of other contaminating materials or substances shall take place within any RPA.

No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree within or adjacent to the site. The measures in the approved Tree and Hedge Protection Plan shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.

9. Notwithstanding the information submitted in association with the application, the development hereby permitted (including hedgerow removal) shall not commence until a Biodiversity Management Plan, based upon the recommendations contained within the Extended Phase 1 Habitat Survey dated April 2014 and the Great Crested Newt Surveys dated June 2014 by Ecosulis Ltd, that shall include a detailed schedule of habitats and protected species' mitigation and biodiversity enhancement measures, including habitat management and long term monitoring, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation and enhancement measures shall thereafter be implemented in full.
10. Notwithstanding the information submitted with the application, full details of the type, materials and colour of the solar panels, external materials for the fencing/gates, inverter cabins, CCTV poles, comms buildings, switchgear housing and substation and shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
11. Before the development hereby permitted is brought into use a plan detailing the direction and field of vision of all CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the Local Planning Authority a programme of archaeological work consisting of a written scheme of investigation (WSI) and a timetable for that work. The WSI must be prepared by a member/organisation registered by the Chartered Institute for Archaeologists (CIfA). The development shall thereafter proceed in accordance with the approved WSI and timetable.
14. Before the development hereby permitted is brought into use details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external illumination of the development.
15. The development hereby permitted shall be undertaken in accordance with the flood mitigation measures and surface water runoff management specified in the Flood Risk Assessment (FRA) and sustainable drainage strategy dated 7/7/14 (ref. J-4794-CFM-V1) compiled by H2OK. This shall include:

- i) locating the inverter stations outside of Flood Zone 3 extent where practical at least 150mm above ground level;
 - ii) where inverter stations are located within Flood Zone 3 these should be elevated a minimum of 300mm above the 100 year Climate Change Water level as determined within the FRA;
 - iii) elsewhere, solar Panels are located a minimum of 300mm above the 100 year Climate Change Modelled Water Level;
 - iv) security fencing mesh sizing around the perimeter of the site shall be sized to ensure minimum obstruction to flood flow routes.
16. The access to the site for vehicles shall not be used in connection with the development until visibility splays have been provided with an 'x' distance of 2.4 metres and a 'y' distance of 73 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
17. The access to the site for vehicles shall not be used in connection with the development until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of at least 15 metres, as measured from the near edge of the public highway carriageway.
18. No later than six months prior to the expiry of the planning permission or within six months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, a detailed site scheme for:
- (a) the removal of the solar PV panels, frames, fencing/gates, CCTV poles, inverter cabins, comms buildings, switchgear housing, substation, access track and all other associated equipment, works and structures hereby permitted and;
 - (b) the restoration of the land (including a timetable for restoration works) to a condition suitable for exclusive agricultural use shall be submitted to the Local Planning Authority (LPA) for its approval in writing.
- The site restoration scheme shall be implemented in accordance with the agreed restoration details and timetable. The operator of the solar farm shall notify the LPA in writing no later than five working days following the cessation of electricity generation.
19. No later than six months prior to the expiry of the planning permission or within six months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, a detailed Decommissioning Statement shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Statement shall include a timetable for the completion of decommissioning works and shall be implemented wholly in accordance with the agreed decommissioning details and timetable.
20. No later than the installation of the final solar panel, details of an information board, explaining the benefits of the proposals, including the biodiversity features of the solar farm and its location near the site entrance, shall be submitted to and approved in writing by the Local Planning Authority. The approved information board shall be erected prior to the first export of electricity to the National Grid and the board shall be retained for the duration of the development thereafter.