



Department for
Communities and
Local Government

Mr Conor Rafferty
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Birmingham
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Our Ref: APP/P0119/W/15/3004513

21 December 2015

Dear Mr Rafferty

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY AEE RENEWABLES UK 19 LIMITED
AT GREEN FARM, FOLLY ROAD, IRON ACTON, BRISTOL, BS37 9TU
APPLICATION REFERENCE PK14/1755/F**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Jessica Graham BA(Hons) PgDipL, who made a site visit on 8 June 2015 into your client's appeal against the decision of South Gloucestershire Council (the Council) to refuse planning permission for a 7.76MW solar farm and associated works at Green Farm, Folly Road, Iron Acton, Bristol, BS37 9TU in accordance with application reference PK14/1755/F dated 6 May 2014.
2. On 17 August 2015 the appeal was recovered for the Secretary of State's determination in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for significant development in the Green Belt.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation, dismisses the appeal and refuses planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy and Statutory Considerations

4. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

5. In this case the development plan consists of the saved policies of the South Gloucestershire Local Plan adopted in 2006 (the Local Plan) and the South Gloucestershire Local Plan: Core Strategy adopted 2013 (the Core Strategy). The Secretary of State considers that the development plan policies of most relevance to this appeal are those identified by the Inspector at IR4.2-4.6.
6. Other material considerations which the Secretary of State has taken into account include the *National Planning Policy Framework*, March 2012 (the Framework), the planning practice guidance first published in March 2014 (the guidance) and EN-1, the *Overarching National Policy Statement for Energy*, July 2011. He has also had regard to the guidance documents identified by the Inspector at IR4.9-4.14, including the Written Ministerial Statement of March 2015 which, amongst other matters, concerns solar energy and the protection of the local and global environment.
7. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the appeal scheme or their settings or any features of special architectural or historic interest which they may possess.

Main Issues

8. The Secretary of State considers that the main issues in this case are those identified by the Inspector at IR9.2.

Harm to the Green Belt

9. The Secretary of State has taken account of the Inspector's remarks at IR9.1 and her statement at IR9.3 that the appeal site lies within the Green Belt, where the proposal would constitute inappropriate development. For the reasons given by the Inspector at IR9.4 and 9.5, he agrees with her that the proposed solar farm would reduce, rather than preserve, the openness of this part of the Green Belt and that, for the duration of its existence, it would constitute the encroachment of development into the countryside. In conclusion on this matter, like the Inspector (IR9.6) the Secretary of State attaches substantial weight to the totality of harm that would be caused to the Green Belt.

Whether any other harm would be caused

10. The Secretary of State has given very careful consideration to the Inspector's analysis at IR9.8–9.17. For the reasons set out in those paragraphs he sees no reason to disagree with the Inspector's view (IR9.17) that the appellant has not provided persuasive evidence that there are no alternative previously-developed sites suitable to accommodate a solar farm or that the existence of alternative potentially developable greenfield sites of poorer agricultural quality can be ruled out. Like the Inspector, the Secretary of State considers that the evidence in this case falls short of the very high bar of being "the most compelling evidence" necessary to justify the construction of a solar farm on best and most versatile (BMV) agricultural land (IR9.17). Like her (IR9.18), he also concludes that, in this respect, the proposal would conflict with guidance and with the objectives of Local Plan Policy L16 and the aims of Policy CS9 of the Core Strategy.
11. Turning to the scheme's impact on character and appearance, for the reasons given by the Inspector at IR9.19-9.24, the Secretary of State shares her view that the proposed development would conflict with the objectives of Policies CS1 and CS9 of the Core Strategy, which together seek to ensure that new development respects and enhances the character, quality, distinctiveness and amenity of the landscape, and that existing landscape features and Public Rights of Way are safeguarded and enhanced (IR9.25). He

also concurs with her view that the proposed development would conflict with Policy L1 of the Local Plan, but that this policy attracts greatly reduced weight given its conflict with the Framework (IR9.26) and he therefore attaches little weight to this policy.

12. For the reasons given by the Inspector at IR9.28-9.29, the Secretary of State concurs with her view that the proposed development would not result in any harm to the setting or significance of the Grade II listed Latteridge Green Farmhouse and that it would not materially harm the setting or significance of the Grade II listed Commonwealth House. The Secretary of State also concurs with the Inspector that the appeal scheme would adversely affect the setting of the Grade II listed Sheephouse Farm (IR9.30), albeit that the impact would be relatively minor (IR9.31). As the harm would be less than substantial for the purpose of paragraph 134 of the Framework, this has been weighed against the public benefits of the proposal in the planning balance below. The Secretary of State gives considerable weight to the harm which he has identified.

Considerations that weigh in favour of the proposed development

13. The Secretary of State has taken account of the Inspector's remarks at IR9.35-9.37 including that the currently proposed solar farm would achieve an output of 7.72MW each year and that this equates to producing electricity sufficient to power 2,200 average homes (IR9.37). He agrees with the Inspector (IR9.37) that this would make a significant contribution to the attainment of national and local renewable energy policy objectives and targets; it would help to improve the security of the energy supply through diversifying the range of resources, would have direct and indirect economic benefits, and would reduce carbon dioxide and greenhouse gas emissions, thereby helping to mitigate climate change. The Secretary of State has taken account of paragraph 91 of the Framework which states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Like the Inspector, the Secretary of State attributes great weight to these benefits (IR9.37).
14. The Secretary of State has given careful consideration to the Inspector's remarks at IR9.38-9.40 and he too has proceeded on the basis that the proposed development benefits from the support of Core Strategy Policy CS3.
15. In common with the Inspector (IR9.41), the Secretary of State attaches some positive weight to the ecological benefits which would ensue from the operations set out in the appellant's Landscape and Ecological Management Plan.

Conditions

16. The Secretary of State has had regard to the Inspector's remarks on conditions at IR8.1-8.6, the suggested conditions at appendix B of the IR, paragraphs 203 and 206 of the Framework and the guidance. He is satisfied that the proposed conditions are reasonable and necessary and meet the tests of paragraph 206 of the Framework. However, he does not consider that the suggested conditions would overcome his reasons for dismissing the appeal.

Conclusions

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out in this letter, the Secretary of State concludes that the appeal proposals would not be in accordance with the development plan and he has gone on to consider whether there are any material considerations which would overcome this conflict.

18. The Secretary of State has given very careful consideration to the Inspector's remarks at IR9.42-45. He considers that the appeal amounts to inappropriate development in the Green Belt and he has concluded (at paragraph 9 above) that the totality of the harm that the scheme would cause to the Green Belt carries substantial weight. He also endorses the Inspector's conclusion (IR9.42) that the harm the proposal would cause to the character and appearance of the area, including its adverse impact on the visual amenity of the footpaths which cross the appeal site are factors of considerable weight. With regard to the harm the development would cause to the setting and significance of listed buildings, the Secretary of State has had special regard to the desirability of preserving those buildings or their settings or any features of special architectural or historic interest which they possess as set out in Section 66(1) of the LBCA Act. He has given considerable weight to the harm identified in this case (paragraph 12 above). As he considers that the harm to heritage assets would be less than substantial, he has weighed that harm against the public benefits of the proposal in accordance with paragraph 134 of the Framework. The Secretary of State has concluded (paragraph 10 above) that the proposal conflicts with guidance and with development plan policies on BMV agricultural land and, having also taken account of the Inspector's view at IR9.42, he attributes moderate negative weight to the scheme's use of BMV agricultural land.
19. Turning to the other considerations in this case, the Secretary of State has concluded that the appeal scheme would make a significant contribution to the attainment of national and local renewable energy policy objectives and targets. He has also concluded that the scheme would help to improve the security of the energy supply and that it would have direct and indirect economic benefits. The Secretary of State has attributed great weight to these benefits (paragraph 13 above). In addition, he has attributed some positive weight to the ecological benefits that would ensue (paragraph 15 above).
20. The Secretary of State agrees with the Inspector's remarks at IR9.44. He too takes the view that the harm which this scheme would cause to the Green Belt and any other harm would not be clearly outweighed by other considerations and that very special circumstances have not been demonstrated in this case.
21. The Secretary of State agrees with the Inspector (IR9.45) that the scheme gives rise to conflict with Core Strategy policies CS1, CS5 and CS9 and Local Plan Policy L16. He is of the view that the scheme conflicts with the development plan overall. Whilst the Secretary of State has identified a number of benefits in this case, he does not consider that those amount to material considerations of sufficient weight to justify him determining the appeal other than in accordance with the development plan.

Formal Decision

22. Accordingly, for the reasons given above the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for a 7.76MW solar farm and associated works at Green Farm, Folly Road, Iron Acton, Bristol, BS37 9TU in accordance with application reference PK14/1755/F dated 6 May 2014.

Right to challenge the decision

23. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

24. A copy of this letter has been sent to South Gloucestershire Council. A letter of notification has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Christine Symes

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by Jessica Graham BA(Hons) PgDipL

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

Date: 8 October 2015

TOWN AND COUNTRY PLANNING ACT 1990

SOUTH GLOUCESTERSHIRE COUNCIL

APPEAL MADE BY

AEE RENEWABLES UK 19 LIMITED

Site visit made on 8 June 2015

Green Farm, Folly Road, Iron Acton, Bristol BS37 9TU

File Ref: APP/P0119/W/15/3004513

File Ref: APP/P0119/W/15/3004513

Green Farm, Folly Road, Iron Acton, Bristol BS37 9TU

- 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 AEE Renewables UK 19 Limited against the decision of South Gloucestershire Council.
- The application Ref PK14/1755/F, dated 6 May 2014, was refused by notice dated 31 October 2014.
- The development proposed is a 7.76MW solar farm and associated works.

Summary of Recommendation: That the appeal be dismissed.

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1.0 Procedural matters

Numbers in round brackets refer to the documents listed at Appendix A; numbers in square brackets refer to paragraphs within this report.

- 1.1 The planning application now the subject of this appeal described the proposed development as “a 10.9MWp solar farm and associated works including one substation, nine transformer stations, gravel access tracks and 2m high fencing” (D5). In the course of the application the proposal was amended, and it was determined by the Council on the basis that permission was sought for a 7.76MW solar farm and associated works (D2). I have determined this appeal on the same basis.
- 1.2 I visited the site and surrounding area on 8 June 2015, and spent several hours walking the local public rights of way network and assessing the appeal site from a number of vantage points, including the viewpoints identified in the material submitted by the Council, the appellant and other interested parties.
- 1.3 By letter dated 17 August 2015, the Secretary of State for Communities and Local Government (“the SoS”) directed that he would determine the appeal himself. The reason given for that direction was that “the appeal involves proposals for significant development in the Green Belt”.

2.0 The site and surroundings

- 2.1 The appeal site lies within the Green Belt, and is located some 500m to the west of Latteridge, along Folly Road. It consists of low-lying agricultural fields which, while relatively flat, rise gently to the north-east towards Kites Hill. There are three Public Rights of Way which cross the appeal site. The verges of Folly Road are common land, over which the appellant has consent to carry out works (D5). A number of high-voltage power lines and pylons traverse the appeal site, and there are others in the locality, linking to a National Grid substation on Larks Lane around 1.5km to the north-east.
- 2.2 Folly Road is a single-track, unclassified road that provides access to Sheephouse Farm (a Grade II Listed Building), and links to the B4059 which runs through Latteridge. Latteridge Green Farm, which is made up of a number of large, modern agricultural sheds and buildings now used for office purposes and known as “Green Farm Business Park”, and a main farmhouse, lies some 200m to the north-east of the appeal site. Latteridge Green farmhouse is Listed Grade II. Commonwealth House also lies around 200m to the north-east of the appeal site, and is also Listed Grade II. The adjacent cottages, known as Elmlea Cottages, are let out as self-catering holiday accommodation.

3.0 The proposal

- 3.1 The proposed development is the installation of an array of solar photovoltaic panels, mounted on a metal substructure, and arranged in rows running east to west. The panels would be pitched at an angle of 20°, being 2.4m above ground level at their highest point, and would face south. The development would include eight electricity transformer stations, connected to a substation located within the appeal site. The proposed solar farm would be enclosed by 2m high deer fencing, with CCTV cameras, and access would be via Folly Road. Planning permission is sought for a period of 25 years.

4.0 Planning policy and guidance

The Development Plan

- 4.1 The Development Plan comprises the saved Policies of the *South Gloucestershire Local Plan* adopted January 2006 ("the Local Plan"), and the *South Gloucestershire Local Plan: Core Strategy* adopted December 2013 ("the Core Strategy").
- 4.2 The Development Plan Policies of particular relevance to this appeal are saved Policies L1 and L16 of the 2006 Local Plan (D22), and Policies CS1, CS3, CS5 and CS9 of the Core Strategy (D23). Policy L1 states that new development will be permitted only where the attributes of a landscape which make a significant contribution to the character of that landscape are conserved and, where possible, enhanced.
- 4.3 Policy L16 states that development on the best and most versatile (BMV) agricultural land will only be permitted where it cannot be accommodated on previously developed sites, within a settlement boundary, or on poorer quality farmland; or where development of poorer quality farmland would be inconsistent with other sustainability considerations. It goes on to say that if BMV land needs to be developed, and there is a choice between sites in different grades, land of the lowest grade available should be used.
- 4.4 Policy CS1 seeks to ensure that the highest possible standards of design and site planning are achieved. It states that development proposals will be required to demonstrate that, among other things, they are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 4.5 Policy CS3 states that proposals for the generation of energy from renewable or low carbon sources will be supported, provided that the installation would not cause significant demonstrable harm to residential amenity, individually or cumulatively. It identifies the considerations that will be given significant weight in assessing proposals, and goes on to state that such installations will not be supported in areas covered by national designations and areas of local landscape value, unless they do not compromise the objectives of the designations, especially with regard to landscape character, visual impact and residential amenity.
- 4.6 Policy CS5 deals with the location of development, and provides that aside from two specified categories of development, proposals for development in the Green Belt will need to comply with the provisions in the NPPF or relevant policies in the Core Strategy. Policy CS9 states that new development will be expected, among other things, to conserve and enhance the character, quality, distinctiveness and amenity of the landscape, and to avoid BMV agricultural land.

National planning policy

- 4.7 The National Planning Policy Framework (NPPF) was published by the government in March 2012. It does not alter the statutory status of the Development Plan, and confirms the primacy of the relevant statutory provisions in the Planning and Compulsory Purchase Act 2004 and the town and Country Planning Act 1990 (as amended), which state that applications for

planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is not itself a part of the Development Plan, but it is a significant material consideration in all planning decisions.

- 4.8 EN-1, the *Overarching National Policy Statement for Energy*, was published in July 2011 and sets out high level objectives, policy and a framework for the delivery of major infrastructure. The need for more electricity capacity to support an increased supply from renewables is set out at paragraph 3.3.10, while the urgency of that need is set out at paragraph 3.4.5 (D30). EN-3, the *National Policy Statement for Renewable Energy Infrastructure*, was also published in July 2011 (D30).

Other guidance

- 4.9 The *UK Renewable Energy Roadmap Update 2013* was published in November 2013. It reiterates the Government's commitment to achieving the UK's 15% renewable energy target by 2020, and states that solar energy accounted for 12% of renewable energy capacity in the UK and 2.9% of renewable energy generation (D40).
- 4.10 Part 1 of the Government's *UK Solar PV Strategy* was published in October 2013. It sets out the role of solar energy as one of eight key renewable energy technologies needed to create a clean and balanced energy mix. Part 2 was published in April 2014, and recognises that large-scale solar parks offer opportunities for greater generation which can be delivered in relatively short timescales, but proper weight must be given to the siting and environmental impact of such installations. The Solar Strategy seeks to install a capacity of 20GW by 2020 (D41).
- 4.11 The Government's *Planning Practice Guidance* (PPG) was issued in March 2014. The section on "renewable and low carbon energy" refers to the advice in the NPPF that all communities have a responsibility to help increase the use and supply of green energy, and explains that this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. Subsequent paragraph 13 sets out the particular planning considerations that relate to large scale ground-mounted solar farms (D29).
- 4.12 The *South Gloucestershire Council Climate Change Strategy – Low Carbon South Gloucestershire Strategy and Action Plan 2012-2015* was formally approved by the Council's Policy and Resources Committee on 8 April 2013. It sets local targets for carbon reduction and renewable energy, derived from the legally binding UK targets and from an assessment of local renewable energy resources. It sets a target of 7.5% of South Gloucestershire's total projected 2020 energy demand to be delivered from renewable resources (D24).
- 4.13 In November 2014 the Council adopted a Supplementary Planning Document (SPD) entitled *Renewables*. The objectives of the SPD include helping to secure delivery of renewables targets and technologies in South Gloucestershire (D26). The Council has also adopted a *South Gloucestershire Landscape Character Assessment* SPD (D27).

- 4.14 In March 2015, the Government issued a Written Ministerial Statement (WMS). This says that, in the light of continuing concerns about the unjustified use of high quality agricultural land, "... we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence."

5.0 The Case for the appellant

The following paragraphs summarise the grounds of appeal set out in the appellant's Statement of Case (D3), and the appellant's subsequent comments, dated 28 April 2015, on the Council's Statement of Case and the representations made by other parties (D46).

The landscape and visual reason for refusal

- 5.1 As recognised by paragraph 5.5 of the Council's Committee Report, "Policy CS3 of the Core Strategy is the primary policy for consideration in the determination of this application. It is considered that Policy CS3 is consistent with the NPPF and therefore most weight should be applied to this policy. The application must be determined in accordance with the requirements of Policy CS3 unless material considerations indicate otherwise" (D21).
- 5.2 In accordance with Policy CS3 significant weight must be given to the wider environmental benefits associated with the proposed development, and the local need for this type of secure and reliable energy generation. There is still some way to go in meeting the local target for 7.5% of South Gloucestershire's total energy demand to be generated from renewable energy installations by 2020. The aim of Policy CS3 is to enable suitable renewable energy developments, such as this current proposal, to come forward to meet local targets. Significant weight must therefore be accorded to the nature of the proposed development and its environmental impacts in this regard.
- 5.3 The appellant's Landscape and Visual Impact Assessment (LVIA) recognises the importance of native hedge screening, and additional hedgerow and tree planting at the appeal site, to allow the integration of the proposed development with the surrounding landscape (D7K). This could be secured by condition, and would accord with the requirements of Policy CS3, as well as conforming with the PPG provision that "the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively and mitigated with native hedge screening". The appellant submits that by retaining existing trees, providing for limited hedgerow removal only where internal access tracks are required, and providing additional planting and grassland restoration, the proposed development will not compromise the surrounding landscape character.
- 5.4 The LVIA has examined the most likely visual receptors of the proposed development: users of the three public rights of way (PROWs) that cross the appeal site, and nearby residents. The PROWs appear to have low usage, and the LVIA concludes that the visual impact on these views could be mitigated by further screening, and the introduction of green lanes where the footpaths run along the edge of a field. (Viewpoint ("VP") 1 and VP 2 (D8)). In light of the proposed introduction of a minimum width of 5m to be maintained for the PROWs, a buffer of 15m to the solar panels, and the provision of new kissing gates to existing stiles within the appeal site, the Council's PROW officer has

- no objections to the proposed development. All of these measures could be secured by condition.
- 5.5 With regards to the visual impact on nearby residents, the only property with a clear view into the appeal site is Sheephouse Farm, as shown at VP4 (D8). However, only two upstairs windows afford views of the appeal site, and only one of these looks directly to it. The impact on this view could be mitigated by improved hedging along Folly Road, which could be secured by condition.
 - 5.6 The appellant contends that the landscape and visual impacts of the proposed development can, therefore, be mitigated to acceptable levels, meeting the requirement of Policy CS3. This, coupled with the significant weight which must be afforded to the environmental benefits and local need for such energy generation, presents a clear case in favour of the proposed development in the local Development Plan.
 - 5.7 This is recognised at paragraph 5.27 of the Officer's report to the Council Planning Committee, which states *it is considered that in principle the wider environmental benefits weigh very heavily in assessing the visual impact of this development and in this instance, the development is acceptable subject to adequate mitigation*. As the Council has not objected to the proposal on the grounds of residential amenity, the project must be supported in line with Policy CS3, which states *Proposals for the generation of energy from renewable or low carbon sources, provided that the installation would not cause significant demonstrable harm to residential amenity, individually or cumulatively, will be supported* (D21).
 - 5.8 Policy CS3 is therefore in favour of the proposed development, and provides support for it at Development Plan level. The appellant takes the view that where a proposal complies with a development-specific policy, this should not be outweighed by generic policies unless they bring an additional consideration, outside of Policy CS3.
 - 5.9 Policy CS3 states that the objectives of Policy CS1 must also be met. Policy CS1 requires development proposals to take account of the South Gloucestershire Landscape Character Assessment (2005), which the LVIA has done (D7K, 3.4). In November 2014 the Council adopted a Revised Landscape Character Assessment Supplementary Planning Document (SPD), as part of its review of the 2005 assessment. While the landscape character of the area is primarily agricultural, the SPD states that *site-specific assessments of the landscape context of individual sites will often be necessary to inform the development of proposals for new development* (D27). The appellant has done this via its LVIA, which demonstrates that the effects of the proposed development can be effectively mitigated by way of screening and native hedge planting, so as to integrate with the surrounding landscape without significant harm.
 - 5.10 The LVIA demonstrates that the appeal site is an ideal location for a solar farm, in view of the fact that the area is sparsely populated, and contains a nearby electricity substation and power lines. These are a prominent feature of the Yate Vale and Earthcott Vale landscape areas, as acknowledged by the Landscape Character Assessment SPD. It is clear that comparable development exists in, and influences the character of, the surrounding area and that the proposed development would integrate with its context.

- 5.11 Policy CS1 also requires regard to be had to the scale, impact and significance of the proposed development within the landscape. In doing so, the appellant has, since the submission of the original application, significantly reduced the scale and layout of the proposed development in order to reduce its impact on, and respect the character of, the surrounding landscape. This includes the removal of solar panels from the south-eastern boundary and east part of the appeal site.
- 5.12 The proposed development therefore conforms with Policy CS1 by respecting and enhancing the character of the surrounding landscape through mitigation, native hedge screening and an appropriate reduction in scale, and by integrating with the existing nearby development of the Earthcott Vale Landscape. In doing so the proposed development also accords with Policy CS3.
- 5.13 Policy CS9 conforms with paragraphs 97 and 98 of the NPPF and therefore, in accordance with paragraph 215 of the NPPF, should be given due weight. Insofar as Policy CS9 relates to this reason for refusal, it should only be considered to the extent that it brings additional considerations outside those examined by Policy CS3. Policy CS9 has no such additional considerations, and as a result the proposed development accords with it.
- 5.14 Policy L1 of the Local Plan was adopted prior to the publication of the NPPF, and is permissive of development only where the landscape is conserved and enhanced. It does not take into account the balance required at paragraph 97 of the NPPF to enable adverse impacts (an inevitable consequence of renewable energy development) to be addressed but rather, if interpreted strictly, presents an outright restriction to the deployment of renewable energy, an approach which would conflict with paragraph 97 of the NPPF, and with the Core Strategy Policy CS3.
- 5.15 It is the appellant's case that the proposed development mitigates any adverse impact on the landscape and visual amenity of the appeal site and surrounding area to an acceptable level, in line with the NPPF and those Development Plan policies adopted with the provisions and requirements of the NPPF in mind. In this regard the appellant relies on Policy CS3, which relates specifically to this type of development and is the principle policy for its consideration. In accordance with policy no weight should be given to Policy L1, and reliance should instead be placed on Policies CS1, CS3 and CS9.

The agricultural land reason for refusal

- 5.16 Policy L16 of the 2006 Local Plan recognises the benefits of BMV agricultural land. This accords with the NPPF and is consistent with the approach set out in the PPG. Therefore, in accordance with paragraph 215 of the NPPF, this Policy must be accorded due weight.
- 5.17 The Agricultural Land Classification Report submitted by the appellant (D14) identifies the appeal site as Grade 3a land. The appellant has also carried out a Sequential Test (D16), which examined the land area of the Council in the light of the test in paragraph 4.16.2 of the PPG, which permits development of solar farms on agricultural land provided that *the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and the proposal allows for continued*

agricultural use where applicable and/or encourages biodiversity improvements around arrays.

- 5.18 The Sequential Test focused on the availability of brownfield and previously developed land, concluding that much of this land in the area benefits from planning consents in respect of other development, or is too contaminated to house the proposed development. It also held that due to the likely demand for growth and safeguarded areas, vacant employment land could not accommodate the proposed development.
- 5.19 The Sequential Test recognised that the development of solar generated electricity is subject to specific constraints, such as the availability of a viable connection to the National Grid. The Sieve Map indicates that such availability is restricted to the central area of South Gloucestershire, but that lower grade agricultural land in this area must be discounted due to being either north-facing, in flood-risk areas, or allocated for housing.
- 5.20 The Sequential Test also pointed out that greenfield land has been allocated for housing development by the Council in order to meet its housing target. This is a clear acknowledgement by the Council of the dearth of brownfield land in the area, and of the consequent need to site development elsewhere in order to meet targets. As such, in order to meet the 7.5% renewable energy target set out in the Council's Climate Change Strategy (D24), renewable energy developments must come forward on suitable Greenfield sites such as the appeal site.
- 5.21 Paragraph 5.49 of the Officer's Report to the Council's Planning Committee acknowledges that *...constraints, and the requirement to meet targets identified in the South Gloucestershire Climate Change Strategy, means that it is somewhat inevitable that some sites which are made up of higher quality agricultural land will be required to accommodate solar energy generation* (D21). The conclusions of the appellant's Sequential Test were unchallenged, and the Council has not presented any alternative sites to the Appellant either directly, or through specific land allocations within the recently adopted *Renewables SPD* (D26).
- 5.22 The Landscape and Ecology Management Plan submitted with the application (D7H) demonstrates, as required by the PPG, that a number of biodiversity gains will be implemented over the 25 year operational period of the proposed development. The agricultural use of the appeal site will continue, thorough the grazing of sheep. This will be done at a low density, to prevent over-grazing, and the sheep will be removed for a period of months in order to help restore the species-rich grassland in the area. As a result the proposed development would not permanently remove high quality agricultural land.
- 5.23 The appellant has demonstrated that the proposed development cannot be accommodated on previously-developed or poorer quality land and so, in line with Policy L16 and the PPG, can therefore be developed on Grade 3a land. Given that suitable sites of lower quality than Grade 3a are not available, the location of the proposed development at the appeal site is justified, and required by Development Plan policy. As acknowledged in paragraph 5.55 of the Officer's Report to the council's Planning Committee: *when considered alongside the positive contribution that the proposed development would make towards the objective of the South Gloucestershire Climate Change Strategy, it*

is considered that the impact of the proposed development on the retention of agricultural land is outweighed by the benefits (D21).

The Green Belt reason for refusal

- 5.24 Policy CS5 states that *proposals for development in the green Belt will need to comply with the provisions in the NPPF or relevant local plan policies in the Core Strategy.*
- 5.25 The proposed development constitutes inappropriate development in the Green Belt, as set out in the NPPF. When the level of harm to the openness of the Green Belt is weighed with any other harm arising from the proposed development, it is the appellant's position that very special circumstances exist that are sufficient to outweigh that harm.
- 5.26 While the appellant recognises that the proposed development does cause harm to the openness of the Green Belt, its temporary nature, and low impact on the surrounding landscape due to native screening, serve to lessen the extent of this harm and, accordingly, the weight that harm should be given.
- 5.27 The only other harm that the Council has identified as arising from the proposed development relates to its landscape and visual impact, and its impact on agricultural land. The appellant has demonstrated that these impacts do not represent harm to such an extent as to warrant a reason for refusal, or conflict with policy, and as such limited weight should be given to them. The appellant also notes that of the five purposes of Green Belt designation recognised by Natural England, none would be harmed by the proposed development.
- 5.28 The appellant contends that in any event, very special circumstances exist which, in accordance with the NPPF, outweigh the harm and justify the proposed development in the Green Belt. These are detailed in the appellant's "Special Need Justification" (D7Q) and include the availability of an (otherwise scarce) grid connection; the requirement for an 11ha site of flat or gently sloping land; and the absence of any alternative brownfield sites within the land area of the Council.
- 5.29 Paragraph 91 of the NPPF states that *very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable resources.* The proposed development would achieve an output of 7.72MW per year, which could provide electric power on average for 2200 homes, making a significant contribution to the Council's Climate Change Strategy in reducing the reliance on unsustainable energy generation. The increase of renewable energy sources are a government priority at both national and local level.
- 5.30 Paragraph 5.24 of the Officer's Report to the Council's Planning Committee states that *it is considered that the very limiting constraints to developing large scale solar energy generation, and the positive wider environmental benefits, combine to carry significant weight in determining this planning application. Accordingly it is considered that very special circumstances exist which outweigh the defined harm to the openness of the Green Belt and the purpose of including land in it (D21).* The harm to the Green Belt is therefore justified by very special circumstances, in line with the NPPF.

- 5.31 Paragraph 5.36 of the Core Strategy text accompanying Policy CS3 states: *given the close proximity of the Green Belt to the main urban areas, this will potentially be an attractive location for renewable or low carbon energy generation. Greater weight will therefore be given to the "wider" environmental benefits (CO2 reduction) in considering applications in this area, particularly where criteria 2, 3 and/or 4 are also met" (D23).*
- 5.32 Significant weight should therefore be applied to the wider environmental benefits associated with this proposed development; the local need for secure and reliable energy generation; and the temporary nature of the proposed development, particularly when assessing its proposed location in the green Belt.
- 5.33 In summary, the Council has identified in its planning policy a need for more renewable energy. In order to meet this, sites must come forward in the Green Belt, and accordingly Policy CS3 gives weight to the environmental benefits in order to provide the very special circumstances that the Council considers exist for the promotion of this type of development in the Green Belt.

Other objections

- 5.34 The Council's Conservation Officer raised concerns that the proposed development would result in harm to the setting of certain heritage assets in the area, and the historic landscape character. Similar concerns were raised by a member of the public. The appellant has, since the submission of the original application, significantly reduced the number of solar panels and omitted their installation in areas of particular sensitivity to the setting of Listed Buildings. The Conservation Officer has confirmed that this addresses his concerns, and the other aspects are of such a nature that can be addressed by way of condition.
- 5.35 Objections were raised about the impact of the proposed development on local residents. The appellant contends that given the nature and location of the appeal site in relation to nearby residential dwellings, there would not be any material impact in this regard. The proposed development is designed to be free from noise, pollution, dust, artificial light and the visual distraction of movement, and adverse views can be mitigated effectively by screening.
- 5.36 The Council's Ecology Officer raised an objection on the grounds that the scale and location of the proposed development would have a detrimental impact on the ecological value of the appeal site, and the lack of prospect for mitigation or improvement to the ecological environment. Similar objections were raised by the Iron Acton Parish Council and local residents. The originally proposed development was therefore revised to accommodate the retention of, and improvements to, semi-improved grassland and the provision of additional undeveloped fields and grassland buffer strips. Subject to this, and conditions on proposed working methods and ecological protection, the Council's Ecology Officer no longer objects.

Comments on the Statement of Case submitted by the Council in this appeal

- 5.37 The Council states that *The development would take place entirely upon Grade 3a Agricultural land and is the result of improvement through the management*

of the land under a Countryside Stewardship Scheme. This factor has gone some way to contributing to the quality of the landscape.

- 5.38 However, Agricultural Land Classification provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. It involves assessment of the quality of farmland, not the quality of landscape. The appellant contends that the Council has erred in inferring a relationship between agricultural land classification and landscape quality, and in so doing has misinterpreted the level of harm that would be caused by the proposed development.
- 5.39 The Council's Statement of Case also states *Policy CS3... sets out that renewable or low carbon energy installations will not be supported in areas covered by national designations and areas of local landscape value... In respect of this landscape it is within the Green Belt which is a national designation.* The appellant contends that the Council has also misapplied Policy CS3, since the allocation of land as Green Belt is not a national designation, but a local plan designation. Preservation of landscape quality is not one of the purposes of allocating land as Green Belt.
- 5.40 Further, paragraph 115 of the NPPF states that *great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONBs), which have the highest status of protection in relationship to landscape and scenic beauty.* Overarching National Policy Statement for Energy EN-1 reiterates that these areas have the highest status of protection in relation to landscape and scenic beauty. Policy CS3 is therefore referring to the national designation of the Cotswolds AONB in South Gloucestershire, which is relevant to landscape policy, rather than Green Belt land, which is not.
- 5.41 As a result of the Council's misunderstanding of Policy CS3 the level of harm that the proposed development would cause has been misinterpreted, since Green Belt designation should not have been taken into consideration when assessing the impact of the proposed development on the landscape. Policy CS3 seeks to ensure that the landscape of AONBs is protected. In locating a suitable site for the proposed development, the Appellant complied with Policy CS3 in this regard: the Sequential Test records that the appellant *...has taken the view that developing in designated areas such as AONB would also be contrary to policy and would raise strong local and national policy objections... thus areas located within the east of the Borough adjacent to Doynton, Dyrham and Chipping Sodbury have been discounted due to impact on these sensitive areas (D16).*
- 5.42 Paragraph 5.36 of the supporting text accompanying Policy CS3 states that the Green Belt will potentially be an attractive location for renewable or low carbon energy generation, and that greater weight will therefore be given to the wider environmental benefits in considering applications in this area (D23). The Council does not engage with this text in its Statement of Case. The appellant contends that in failing to acknowledge its importance, the Council has further misinterpreted Policy CS3 and the weight to be attached to the renewable energy benefits of the proposed development.

Conclusion

- 5.43 The appellant submits that the proposed development would comply with the local Development Plan and the NPPF, and is supported by other material considerations. In accordance with section 38 of the Planning and Compulsory Purchase Act 2004, the proposed development must therefore be approved in accordance with the Development Plan, and no material considerations exist to indicate otherwise. The evidence demonstrates that any potential impact that may be caused as a result of the proposed development is outweighed by the benefits and need for this renewable energy proposal.

6.0 The Case for the Council

The following paragraphs summarise the Statement of Case submitted by the Council on 25 March 2015 in response to the appeal (D45).

Refusal Reason No.1: impact upon the openness of the Green Belt

- 6.1 The NPPF explains that the fundamental purpose of the Green Belt is to preserve its openness, and that the development of many renewable energy projects will comprise inappropriate development.
- 6.2 Policy CS5 of the Core Strategy states that proposals for development within the Green Belt will need to comply with the provisions of the NPPF or relevant local plan Policies in the Core Strategy. Policy CS34 of the Core Strategy protects the Green Belt from inappropriate development. In such cases, the onus is upon developers to demonstrate very special circumstances that clearly outweigh the harm to openness, if projects are to proceed.
- 6.3 It is common ground that the test for finding very special circumstances is that harm to the openness of the Green Belt must be considered in conjunction with any other harm found. Furthermore, it must be shown that the benefit of development will clearly outweigh the harm to the openness of the Green Belt and any other harm. Paragraph 91 of the NPPF states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable resources.
- 6.4 In this instance, the proposal would constitute inappropriate development within the Green Belt, which is by definition harmful to the openness of the Green Belt and the purpose of including the land within it. The development would involve large-scale solar energy development consisting of 1542 tables, 8 transformer stations, access tracks within the site and fencing enclosing 28.5 hectares of open agricultural land. The Council considers that the nature of the development would have a substantial level of harm in respect of the openness of the Green Belt. Paragraph 88 of the NPPF attributes substantial weight to this harm, and on this basis it is clear that any special circumstances found must be of more substantial weight in order clearly to outweigh that harm.

Refusal Reason No. 2: loss of agricultural land

- 6.5 The development would take place entirely on Grade 3a Agricultural land and is the result of improvement through the management of the land under a Countryside Stewardship Scheme. This factor has gone some way to contributing to the quality of the landscape. The land classification falls within the category of BMV Agricultural land.

- 6.6 Policy L16 of the 2006 Local Plan seeks to protect the best quality agricultural land from development that would result in its loss. In particular, the policy sets out a sequential approach which directs development to previously developed sites, or land within a settlement boundary, or poorer quality farmland (Grades 3b, 4 or 5). Similarly, Policy CS9 of the Core Strategy seeks to maximise the opportunities for local food cultivation by (in part) encouraging the avoidance of BMV land for new development. This approach is consistent with that set out in the PPG.
- 6.7 There is a presumption in favour of protecting agricultural land of Grades 1, 2 and 3a. The Council acknowledges the argument made by the appellant that there are no other sequentially preferential sites available. However, some 28.5 ha of agricultural land would be lost to the development proposal. While some of the site would not accommodate solar panels, the coverage would nonetheless be substantial. The proposed development would be for a temporary period of 25 years, but that period of time is also substantial. Having regard to the amount of land and the lifetime of the development, the Council considers there would be a significant loss of Grade 3a agricultural land where there is a presumption in favour of its protection, and that this is a significant adverse impact. This aspect of harm must form part of the overall balance, and be considered together with the harm to the openness of the Green Belt.

Refusal Reason No. 3: landscape impact

- 6.8 The Council considers that the characteristics of the landscape forming part of and surrounding the proposed development site, and the impact of the development upon it, should be afforded substantial weight.
- 6.9 Policy CS3 of the Core Strategy states that renewable or low carbon energy installations will not be supported in areas covered by national designations and areas of local landscape value unless they do not compromise the objectives of the designations, especially with regard to landscape character, visual impact and residential amenity. This landscape is within the Green Belt, which is a national designation, and the Council considers that the local landscape that would accommodate the proposed development is of local landscape value.
- 6.10 Saved Policy L1 of the Local Plan states that new development will be permitted only where: (i) those attributes of the landscape which make a significant contribution to the character of the landscape are conserved and where possible enhanced; and (ii) those features in or of the landscape which make a significant contribution to the character or distinctiveness of the locality are retained, protected and managed in a manner which ensures their long term viability; and (iii) the amenity of the landscape is conserved and where possible enhanced.
- 6.11 Attributes of the landscape in this Policy are defined as being inherent characteristics of the locality including openness or enclosure, key views or vistas, landform and patterns in the landscape. Amenity is defined as the value of the area, including recreational opportunities and nature conservation functions as well as visual amenity. Visual amenity is the value of a particular area in terms of what is seen.

- 6.12 The appeal site lies on the eastern edge of the Earthcott Vale Landscape Character Area, as identified within the 2014 South Gloucestershire Landscape Character Assessment SPD (D27). The landscape strategy identifies a number of objectives for the landscapes of Earthcott Vale, including protecting higher-grade farmland from development; maintaining and improving tranquillity and landscape quality; and ensuring that any built development in the northern and western parts of the character area should incorporate robust landscape proposals.
- 6.13 The appeal site comprises pasture fields, divided by a strong network of well-connected hedgerows, with seasonal ponds. It sits within a shallow vale landscape sloping south-easterly at a height between 55-60m AOD and rising to Kites Hill, in the northeast at the highest point 70m AOD, from where there are panoramic views across the site.
- 6.14 There are a number of PROWs crossing the appeal site, which appear to be well used, connecting to the wider footpath network. The footpaths create an attractive circular walk from the village, and the western route provides long distance views to the east. The pasture fields and hedgerows provide an attractive and healthy landscape in good condition. The paths across the site are all well signed, and the stiles and bridges are all serviceable. Good ground conditions allow easier walking than the arable fields which occur elsewhere in the vale. The footpaths currently offer views across the fields of the site. The building groups at Sheephouse Farm and Latteridge Green provide local focal points rising above intervening hedgerows. Views to the buildings contribute to the rural character and form an attractive element of the scene.
- 6.15 Views from Folly Lane occur across the site. These are more prominent in winter, when the gaps in the hedges are more pronounced. The higher ground of Kites Hill and Latteridge Hill form the skyline in views from the lane. From Kites Hill, the higher ground gives views across the appeal site and the wider countryside. While there are electricity pylons within this view, the predominant characteristics of the view remain the rural character, and the strong framework of hedges and fields. More modern development at the edge of Bristol and Yate remains at a distance, and well screened. The historic maps included within the Appellant's LVIA reveal that the landscape remains little changed from the 1881 maps (D7K).
- 6.16 The Council considers there to be a number of issues which weigh against the benefits of the proposed development. Firstly, the quality of the existing landscape, particularly given that some of the site is managed under the Higher Level Stewardship agricultural grant scheme. This helps ensure the hedges are well managed, and the species diversity of the grassland is protected and improved. Land within Higher Level Stewardship is relatively rare within South Gloucestershire and contributes to the attractive appearance, intactness and ecological interest of the site.
- 6.17 Secondly, the context of the landscape. This part of the Earthcott Vale Character Area has been identified as relatively tranquil and remote, due to the lack of settlement and the distance from the motorway and main road network. This is in contrast to the southern and western parts of the Character Area, where the influence of the motorway, urban edge and a wide range of development and transport pressures influence character and erode landscape

quality. The visual amenity of the landscape at Latteridge is therefore greater, and worthy of protection.

- 6.18 Thirdly, the visibility of the development, with special concern for the visual impact on the rights of way network. The PROWs currently allow the landscape quality, intactness and relative tranquillity to be enjoyed. The scale and massing of the development is of particular concern, and in this the scheme is considered to be contrary to Core Strategy Policy CS1, which requires development to demonstrate that its scale and massing are informed by, respect and enhance the character, distinctiveness and amenity of the site and its context.
- 6.19 The proposed development would result in a fundamental change in the character and appearance of the landscape, from agricultural land to an industrial character. Current views are composed predominantly of simple elements of pasture fields, hedges and hedgerow trees, with isolated farm buildings as minor elements in the view. The expansive feel of the landscape, with longer distant views east, is more pronounced in the winter. The overhead pylons and wires are not the dominant element in the view. The Council therefore disagrees with the appellant's assertion that openness is "somewhat limited and has to some extent already been altered". Looking at the existing site and its wider setting, the landscape is open in nature and the agricultural character is predominant.
- 6.20 The photomontage image from VP4, by comparison, is dominated by the view of the proposed panels (D8). These fill the majority of the view, and despite the retention of the hedgerow framework, they are a visual intrusion and a significant eyesore. The visual impact would be worst during the 5 to 6 months of the year when the trees and hedges are bare of leaves. The appearance of the solar panels would read as an industrial feature within this open countryside, due to the materials of aluminium and reflective panels contrasting in colour, texture and form with the natural ground surface. The panels would be aligned at an angle against the existing field pattern.
- 6.21 The photomontage from VP11, on PROW LIA44 looking south, shows the industrial character of the tables and the enclosing effect of the panels alongside the footpath, blocking out views to the hedgerows and the wider landscape (D8). The enclosing 2m high fence line is not shown in this view. This enclosing effect, and close views of the panels, would not be a brief effect but a sustained experience for users of the footpath.
- 6.22 VP12 shows what is currently an agricultural landscape, dominated by the gentle ridge line of Kites Hill (D8). The pylons are a more numerous element in this view and the northern edge of Bristol is just visible to the south-west, but the character remains strongly rural. The photomontage from this view is typical of the view that would arise along PROW LIA44, with views of panels on both sides of the footpath, and fencing to either side of the footpath route. Views to the wider landscape are curtailed by the structures, and the rural character of the path is lost. This type of visual impact, with close views to both sides of the path, would occur for roughly 0.5km along the footpath. The photomontage does not show the CCTV cameras which would occur at intervals along the path, adding to the visual clutter and detracting further from the rural character.

- 6.23 A similar effect would occur on footpath LIA/43, where the path would be enclosed by 2m high fencing to the north, and the view would be dominated by the close proximity of the panels. The panels would be above head height; creating enclosure, blocking wider views, and creating an industrialised landscape. Views into the backs of the panel arrays, to the frames, legs and cables, would be less attractive and more cluttered than views of the tops of the panels. Paths would cross the 3m wide access tracks in a number of places. The 9 individual built structures of the transformer units and sub-station, distributed through the site area, would contribute to the visual clutter and industrialisation of the landscape.
- 6.24 Views of the appeal site are available from a number of points along Folly Road, a road which links with a number of footpaths and a bridleway and allows circular walks within the local area. Views are more numerous in the winter months, and would include the easternmost parts of the proposed development, and those areas in the west where the rising ground makes them visible above the intervening hedgerows. Photomontage 13 shows one of the views from Folly Road (D8).
- 6.25 The Council disagrees with the Appellant's assertion that views from the PROWs through the site would be "temporary and transitory". It considers that views would not be brief glimpses, but a sustained experience for footpath users. The walk between Sheephouse Farm and Kites Hill is a distance of 0.84km, during which the solar farm would dominate the view, or completely surround the viewer. The Council considers that the visual impact of the scheme on the amenity of users of the PROW network both through and around the appeal site would be substantial and unacceptable. As such the scheme would be contrary to Local Plan Policy L1.
- 6.26 Planning permission is sought for a period of 25 years, which represents a long-term change to the site and the landscape, equivalent to a whole generation. The Council considers that the temporary nature of the development can therefore only be afforded limited weight. The 1.5km of track ways, together with the extent of the structures and sub-station, would create a permanent change in character. Even if grazing were retained, the Council does not agree with the appellant's view that the use of the site would not change. The site would not appear to be agricultural land once the solar panels were in place: rather, the panels would become the dominant characteristic of the site and its surroundings.
- 6.27 The Appellant's LVIA assesses the visual impact on footpaths at VP2, VP4 and VP11 and acknowledges the adverse visual impact of the fencing (D7K). While the Council agrees that the fencing would have an adverse visual impact, it considers that a much more significant impact on character and visual amenity would arise as a consequence of the large number of solar panels, which would enclose the footpath and block views from it.
- 6.28 The Council notes that in Table 1 of the appellant's LVIA (D7K), the accepted methodology has not been used. The correct methodology identifies the sensitivity of the visual receptors by type, and then assesses the extent and significance of the view as a separate stage in the process. The Council considers that using the correct methodology, the users of Folly Road should have a "high sensitivity" (not "low sensitivity", as assigned by the appellant)

as they include riders and pedestrians in a low speed, rural context. Users of the public footpath on Kite's Hill should also be considered "high sensitivity".

- 6.29 In Table 2 of the LVIA (D7K), the impact on users of the footpath at VP2 is considered to have a substantial magnitude but a moderate-substantial significance. Given that the footpath users' sensitivity as receptors is clearly high, the Council considers the significance of the visual impact on this view to be substantial (ref photomontage). In relation to VP7 and VP8, the LVIA says that *the two views from Kites Hill offer the clearest views into the site from any distance beyond the immediate edge of the site, and the angle from which the site is viewed means that it will be difficult if not impossible to screen the site from these viewpoints*. However, Table 2 records the magnitude of impact as only "moderate", and the significance as "slight". The Council considers these conclusions to be incorrect. Photomontages 3, 4 and 18 show the proportion of the existing view which would be occupied by the proposed development.
- 6.30 To conclude in respect of this reason for refusal, it is the Council's case that by introducing large-scale structures of an alien and industrial appearance, the proposed development would have a significant negative impact upon the character and appearance of this rural countryside. This would be contrary to Policy L1 of the Local Plan, and Policies CS1, CS3 and CS9 of the Core Strategy. This pleasant, good quality landscape is currently composed of simple landscape elements, a gently sloping ridge and vale landform with robust hedges and pasture fields with views to isolated farm buildings. The appeal site has a relative tranquillity, without traffic, road noise or suburban intrusions. This is rare within the Green Belt north of the M4 where development pressures, agricultural change and recreational uses regularly detract from the rural character, quality and appearance.
- 6.31 The visual amenity benefits of the landscape, which users of the public footpath network within and around the site currently enjoy, would be substantially harmed by the development proposals. The path users would be surrounded by the structures of the solar farm for a sustained period, with views of the structures in close proximity, and from higher ground to the west. These views would not be brief glimpses, but rather would form a substantial element of a walk around Latteridge.

The balancing exercise

- 6.32 There is a balance to be struck between the urgent need to provide renewable energy to address climate change, and the environmental costs associated with its production. The Council considers there to be both environmental benefit and environmental harm associated with this proposal.
- 6.33 The appeal site is located within the Green Belt. The proposed development is not appropriate development within the Green Belt and is, by definition, harmful to the openness of the Green Belt. Paragraph 88 of the NPPF attributes substantial weight to that harm, and very special circumstances must be found in order to justify the development in the face of harm to openness.
- 6.34 The Council acknowledges that the renewable energy generation target set out in its Climate Change Strategy is a material consideration. The proposed

development would contribute to that target over a period of 25 years, and the Council gives this weight in accordance with Core Strategy Policy CS3.

Paragraph 91 of the NPPF states that wider environmental benefits, such as this contribution, can be considered as a factor that would go towards the case for very special circumstances and the Council acknowledges this factor carries weight. However, the degree of the benefit is a relevant factor when apportioning weight. The Council is mindful of the relatively small portion of the South Gloucestershire target for renewable energy that the development would meet: approximately 1.73% of the target.

- 6.35 The test for finding very special circumstances for allowing inappropriate development in the Green Belt has a high threshold, and this is essential to meet the objectives of the Green Belt policy. When combined with the other identified harm, this is more difficult to achieve. When weighed against the identified benefit (bearing in mind the relatively small contribution to the Council's Climate Change Strategy target) the Council considers that the balance is such that the benefits do not clearly outweigh the harm to the openness of the Green Belt.

Conclusion

- 6.36 The Council concludes that when the environmental benefits of the proposed solar farm are considered against all other material planning considerations, those environmental benefits do not outweigh the defined harm to the openness of the Green Belt, the harm to the character and visual amenity of the landscape and the loss of high quality agricultural land as a result of the proposal.

7.0 Other written representations

The following paragraphs summarise the representations made by the Parish Council and members of the public in response to the original application (D9) and the notification of the appeal (D44).

- 7.1 Concerns were raised about the health impacts of the proposed development, the impact of increased traffic along Folly Road, the detrimental effect upon wildlife in a species-rich area, and the effective removal from production of high-grade agricultural land. The point was made that this type of development should be directed towards brownfield sites.
- 7.2 Concerns were also raised about loss of visual amenity in the Green Belt, the detrimental impact on the character of the locality, and harm to the natural landscape. Objections were raised to the enclosure of public footpaths which are currently in open fields, and the consequent detrimental impact on their recreational value. The view was expressed that this would also have an adverse impact on the safety of footpath users.
- 7.3 The proprietor of nearby self-catering holiday cottages expressed concern that the proposed development would have a negative impact on this business, by deterring holidaymakers from visiting the area, which would consequently affect other local businesses. A number of local residents raised concerns about the proximity of the proposed development to heritage assets such as the nearby Grade II Listed Buildings.

8.0 Conditions

- 8.1 The Council provided a list of suggested conditions that it would wish to see imposed if the appeal were to be allowed (D45), and the appellant provided comments on them (D46). I have considered this material in the light of the guidance in the NPPF, PPG and Circular 11/95: "Use of conditions in Planning Permission" (to the extent that it remains extant). I have amended some of the suggested conditions, added some and omitted others, as discussed below, and my final list is set out in Appendix B. Should the SoS be minded to grant planning permission for the proposed development, I recommend that the conditions set out in Appendix B be attached.
- 8.2 It is necessary, first of all, to impose the standard conditions governing the time limit for the commencement of development (1), and requiring compliance with the approved plans (2).
- 8.3 The proposed development is intended to be temporary, rather than permanent, and conditions are therefore needed to secure its removal, and the restoration of the site, after 25 years (3 and 4). To protect the character and appearance of the area a condition requiring the earlier removal of the construction compound is needed (5), but since the design, dimension and finish of the transformer stations is detailed in the submitted plans, the suggested condition requiring those details is not necessary.
- 8.4 In order to ensure the satisfactory disposal of surface water from the site, it is necessary to impose conditions requiring the implementation of the mitigation measures detailed in the Flood Risk Assessment (6), and the future maintenance of the drainage system (7). To protect the ecological value of the site, conditions are needed to secure the implementation of an up-to-date Ecological and Landscape Management Plan (8), and a further badger survey if more time should elapse (9).
- 8.5 Conditions securing the timely provision of the proposed planting and landscaping works (10) and the protection of retained trees and hedgerows (11) are needed, but since revised tree planting and hedgerow reinstatement details were provided in the course of the application, the suggested condition requiring submission of those details is not necessary. Further details are however needed to clarify the construction details of the drainage ditches and access tracks (12), and the location of the CCTV cameras (13).
- 8.6 To protect the amenity of local residents, and users of the PROWs crossing the appeal site, conditions are needed to limit noise emitted by the development (14), to restrict construction work on the site to reasonable hours (15), to require compliance with an approved Construction Management Plan (16) and to maintain a 5m width and 15m buffer for the PROWs (17). In line with the findings of the appellant's archaeological report and the advice of the Council's Archaeological Officer, a condition imposing a "watching brief" over works on the site is necessary (18).

9.0 Inspector's conclusions

The following conclusions are based on my report of the submitted evidence, and on my inspection of the site and its surroundings.

- 9.1 There is no dispute that the proposed solar farm would constitute "inappropriate development" in the Green Belt [5.25, 6.4]. Paragraphs 87 and 88 of the NPPF explain that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances: further, such "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.2 The main issues in this case are therefore
- a) the harm that the proposal would cause to the Green Belt;
 - b) any other harm that the proposal would cause, with particular regard to (i) the use of BMV agricultural land and (ii) the character and appearance of the area;
 - c) other considerations that weigh in favour of the proposal; and
 - d) whether those other considerations would clearly outweigh the harm to the Green Belt and any other harm, such that the very special circumstances necessary to justify the proposal would be demonstrated.

Harm to the Green Belt

- 9.3 The appeal site lies within the Green Belt where, as noted above, the proposal would constitute inappropriate development.
- 9.4 Paragraph 79 of the NPPF identifies "openness" as one of the essential characteristics of the Green Belt. The relatively low-level and horizontal nature of this type of development, and the fact that it would follow the existing contours of the land, would make it less visually intrusive than a taller structure such as (for example) a wind turbine. Nevertheless, previously open and undeveloped fields would be covered with glass panels set on metal supports, together with cabins housing electrical equipment, and would be enclosed by a security fence. It is clear that the proposed solar farm would reduce, rather than preserve, the openness of this part of the Green Belt.
- 9.5 The appellant contends that the proposal would not conflict with any of the five purposes of the Green Belt, which are set out at paragraph 80 of the NPPF [5.27]. However, one of these is "to assist in safeguarding the countryside from encroachment", and since the proposal would involve developing a part of the countryside that is currently undeveloped, it would be at odds with this aim. Planning permission for the proposed development is sought for a temporary period of 25 years, and its removal at the end of that period could be secured by condition, but for the duration of its existence it would constitute the encroachment of development into the countryside.
- 9.6 The proposed inappropriate development would, then, materially reduce the openness of this part of the Green Belt, and would conflict with one of the purposes for its designation. Taking this into account, I attach substantial weight to the totality of the harm that would be caused to the Green Belt.

Whether any other harm would be caused

- 9.7 In addition to harm to the Green Belt, the Council's reasons for refusal cited concerns about the use of good quality agricultural land, and about the impact of the proposal on the character and appearance of the area. I shall consider these matters first, before going on to assess any further potential for harm.

Use of good quality agricultural land

- 9.8 The Agricultural Land Classification Report commissioned by the appellant concluded that the land which forms the appeal site falls within Grade 3a of the Agricultural Land Classification (D14). This means that it constitutes the "best and most versatile" (BMV) agricultural land, as defined by the NPPF.
- 9.9 The PPG sets out the particular planning considerations that relate to large scale ground-mounted solar farms. The first of these concerns focusing large-scale solar farms on previously-developed and non-agricultural land. The second advises that where a proposal involves greenfield land, consideration should be given to whether the proposed use of any agricultural land has been shown to be necessary, and poorer quality land has been used in preference to higher quality land. Similarly, Policy L16 of the Local Plan states that development on BMV agricultural land will only be permitted where it cannot be accommodated on previously developed sites, land within a defined settlement boundary, or poorer quality farmland.
- 9.10 The appellant has provided a "Sequential Test" for alternative sites (D16), the first part of which assesses the potential for siting solar development on previously-developed and non-agricultural land within the South Gloucestershire District. The assessment concludes that the availability of previously-developed land in the district is extremely limited, and that which is available has already been assigned to housing or employment use.
- 9.11 I note that the Council did not dispute these findings [5.21, 6.7]. However, in my view the analysis is somewhat limited, having been based largely on an Employment Land Review, and a Strategic Housing Land Availability Assessment, without any reference to more comprehensive resources such as the Office of National Statistics' Land Use Datasets for previously-developed land. The Sequential Test does not attempt to identify, or assess the suitability, of potential roofspace locations for solar development within the district: it simply lists a number of reasons why it would be "challenging" for roof-top commercial schemes to be scaled up to the equivalent of the 9MW scheme (as it then was) proposed, then lists some small-scale roof installations that have already been approved.
- 9.12 The argument that the allocation of greenfield land for housing development constitutes a "clear acknowledgement" of the dearth of brownfield land in the area [5.20] is not persuasive. The economics (and regulations) of developing sites for housing and developing sites for renewable energy are very different, so the fact that a previously-developed site may be considered unsuitable for the former does not necessarily mean it must be unsuitable for the latter. Nor are adequate reasons given for ruling out all of the 19 former airfields located in Gloucestershire. The assessment notes that "there are a number located within the AONB... making development more complicated", but does not go on to explain why those not within the AONB would be unsuitable (D16).

- 9.13 The appellant's Sequential Test provides a "sieve map", which identifies a search area for potential alternative sites, defined by a 1km wide corridor either side of the 33kv grid line, being the only part of the grid in South Gloucestershire which Western Power Distribution has confirmed currently has capacity available. The sieve map plots the various designations and land classifications where solar development would not be appropriate, such as flood zones, and BMV agricultural land classified as Grades 1 and 2 (and consequently of better quality than the appeal site). There are some areas of Grade 4 land within the search area, but these are ruled out by other constraints, such as being predominantly north-facing (D16).
- 9.14 The remaining land within the search area, identified as potentially developable and not rendered unsuitable by other constraints, is Grade 3. This means it is not possible to rule out the existence of alternative potentially developable sites of Grade 3b quality which, unlike the appeal site, would not involve the use of BMV agricultural land.
- 9.15 I have considerable sympathy with the point made by the appellant that it is beyond the scope and ability of an individual developer to define which areas of land are Grade 3a, and which Grade 3b. The Government's Agricultural Land Classification Map does not distinguish between the two, and it is difficult to envisage how individual applicants might bring forward evidence capable of addressing this deficiency on a case-by-case basis: I am conscious that it would not be proportionate for the proponents of a specific site to undertake a soil analysis of every potential alternative site.
- 9.16 The proposed development would allow the continued agricultural use of the appeal site, with sheep grazing beneath and between the solar panels, and this would accord with the guidance of the PPG. However, it is also material to note that in the WMS of March 2015 the (then) Secretary of State for Communities and Local Government explained that while "encouraged" by the impact of the guidance set out in the PPG, the Government was aware of "continuing concerns... about the unjustified use of high quality agricultural land" and "want it to be clear that any proposal for a solar farm involving BMV agricultural land would need to be justified by the most compelling evidence" [4.14].
- 9.17 To summarise, in the absence of any district-wide Capacity Study that identifies and analyses the full range of constraints and opportunities in order to inform choices about the siting of renewable energy projects, it is very difficult to assess the extent to which it may be "necessary", in the terms of the PPG, to accommodate such development on agricultural land. The appellant has produced a Sequential Test of other potential sites, but due to the limitations discussed above, the first part of the test does not constitute persuasive evidence that there are no alternative previously-developed sites suitable to accommodate a solar farm. Nor is there sufficient evidence to rule out the existence of alternative potentially developable greenfield sites of poorer agricultural quality (i.e. Grade 3b) than the appeal site. Taken as a whole, I consider that the evidence in this case falls short of the very high bar of being "the most compelling evidence" necessary to justify the construction of a solar farm on BMV land.

- 9.18 I conclude that in this respect, the proposal would conflict with the guidance set out in the government's PPG, and the objectives of Local Plan Policy L16. It would also be at odds with the aims of Policy CS9 of the Core Strategy, which states that new development will be expected to maximise opportunities for local food cultivation by avoiding BMV agricultural land.

Character and appearance

- 9.19 The appeal site lies within the Landscape Character Area identified by the South Gloucestershire Landscape Character Assessment (SGLCA) as Earthcott Vale. This is described as a gently undulating agricultural area, with low ridges, and a land cover of medium to small sized pasture and arable fields, bordered by hedgerows varying from thick, clipped or overgrown or intermittent in places. The SGLCA says of the area around Latteridge that the limited and well-integrated nature of the settlement, together with agricultural land use and the visual enclosure formed by vegetation and a generally low-lying landform, creates areas of tranquil and slightly remote character. It also notes that the numerous power lines and associated pylons crossing the area are a visible and intrusive element (D27).
- 9.20 I saw at my site visit that the appeal site accords with this description, being comprised of regular shaped fields, bounded by well-established hedges. For the most part, the only gaps in these hedges are at the gates connecting the different fields. There are pylons located within the site, but it retains a rural character largely free from traffic noise and other suburban intrusions.
- 9.21 The proposed development would retain the existing hedgerows and would have little effect on the local landform and topography; the solar panels, at a maximum of 2.4m above ground level, would follow the existing contours of the land. However, the installation of large black-glass panels and their associated infrastructure would clearly alter the nature of the appeal site, introducing precision-engineered structures at odds with its existing rural character and appearance. The sub-station, transformers and security fence would add visual clutter and exacerbate the incongruity of the development [6.20].
- 9.22 The existing levels of visual enclosure noted above would largely restrict views of the development from the wider area, and additional screening would be provided through hedgerow enhancement and tree planting [5.3]. However, from the public footpath at Kites Hill, the higher ground provides clear views over the appeal site and the countryside beyond. Modern development at the edge of Bristol and Yate is visible in the distance, but the foreground is a green patchwork of fields and hedges. The presence of the proposed solar farm would fundamentally alter the rural character of this landscape, and would appear as a major, and incongruous, new element within the countryside [6.15].
- 9.23 Further, the proposed development would significantly affect the experience of walking the footpaths which cross the appeal site. Instead of passing through open fields, with views of the hedgerows and countryside beyond, walkers on these public rights of way would for the most part be enclosed by 2m high fencing on either side, or a hedge on one side and a security fence on the other, in close proximity to solar panels of above head-height, which would largely obscure wider views [6.27]. This would fundamentally and harmfully

alter the open character of these stretches of footpath, and detract significantly from their visual amenity. I note that the appellant would be willing to accept conditions to the effect that the minimum width of each Public Right of way through the development would be 5m; the solar panels would be set back from them by a distance of 15m; and new kissing gates would be provided alongside existing stiles. However, these measures would only slightly reduce the harm caused: they would not eliminate it.

- 9.24 It is fair to note that from some parts of the public right of way network, such as Folly Road itself, views of the proposed development would be limited to glimpses through and over field gates and hedgerows, and would be filtered by mature vegetation. But the footpath which runs from Sheephouse Farm to Kites Hill covers a distance of some 0.84km, for the duration of which the proposed solar farm would surround, and dominate the view of, users of this public right of way. This would result in a sustained adverse visual impact [6.25].
- 9.25 Taking all of this into account, I conclude that the proposed development would conflict with the objectives of Policies CS1 and CS9 of the Core Strategy, which together seek to ensure that new development respects and enhances the character, quality, distinctiveness and amenity of the landscape, and that existing landscape features and Public Rights of Way are safeguarded and enhanced.
- 9.26 The proposed development would also conflict with Policy L1 of the Local Plan. However, as the appellant rightly points out, this Policy was adopted prior to the publication of the NPPF and does not take into account the balance required at paragraph 97 of the NPPF to enable adverse impacts (an inevitable consequence of renewable energy development) to be addressed. Rather, its strict application would constitute an outright restriction to the deployment of renewable energy, an approach which would conflict with paragraph 97 of the NPPF. Having regard to the guidance in paragraph 215 of the NPPF, this greatly reduces the weight that attaches to the identified conflict with this particular Local Plan Policy.

Other potentially harmful impacts

- 9.27 There are three listed buildings of potential concern: Latteridge Green Farmhouse (Listed Grade II), Commonwealth House (Listed Grade II) and Sheephouse Farm (also Listed Grade II) [2.2].
- 9.28 Latteridge Green Farmhouse fronts on to the village green of Latteridge. The associated buildings within its courtyard have now been converted into business units, but the relationship of the complex of buildings as a whole to their natural and man-made setting retains historical interest. The significance of this heritage asset lies mainly in its evidential, historical and communal value (D70). The proposed construction of the solar farm on agricultural land near this complex would not alter the contribution made by Latteridge Green Farmhouse to the character of the village, and the evolution of its distinctive identity. I am satisfied that the proposed development would not result in any harm to the setting or significance of this designated heritage asset.
- 9.29 Commonwealth House dates from 1686. Its significance lies largely in its historic fabric and architecture, and the evidence it provides for the physical,

social and economic development of Latteridge, and the evolution of land ownership and social organisation in the South Gloucestershire region. The evidence indicates that it was not historically or functionally associated with the farming of any nearby land parcels (D70). The extent to which the agricultural fields of the appeal site contribute to its significance is therefore limited, and there would be very little inter-visibility between this property and the solar farm. I conclude that the proposed development would not materially harm the setting or significance of this designated heritage asset.

- 9.30 Sheephouse Farm dates from the early nineteenth century. Its scale, materials and form reflect its original status and function as a farmstead, and its continuing agricultural use by a local family sustains its value as an integral part of the community and landscape. Its significance also derives in part from its relationship to its agricultural landscape setting (D70). The farmhouse fronts on to Folly Road, facing out over the appeal site on the opposite side of the road. While the proposed development would allow the continued agricultural use of the appeal site for grazing sheep, the installation of solar panels would greatly alter the rural character and appearance of this agricultural land, and this would in turn adversely affect the setting of Sheephouse Farm.
- 9.31 As the appellant acknowledges, there would consequently be an adverse impact on this designated heritage asset (D70, p24). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is no dispute that the impact on the overall significance of Sheephouse Farm would be relatively minor [6.34]. Nevertheless, following the clarification provided by the Court of Appeal¹, a conclusion that a development proposal would fail to preserve the setting of a Listed building is a consideration that must carry considerable weight and importance in the overall planning balance.
- 9.32 The appellant's desk-based archaeological assessment of the site identified some potential for the presence of buried archaeological remains, in particular relating to features associated with medieval and later agricultural practices (D7J). The Council's Archaeological Officer considered the evidence and raised no objection to the proposed development, subject to a condition requiring an archaeological "watching brief" to be kept over any excavations [8.6].
- 9.33 Concerns were raised that the presence of the proposed solar farm may adversely affect local businesses, by discouraging visitors to the area [7.3]. This is a concern commonly raised in connection with proposed renewable energy development, but there is no evidence that such development does, once installed, have an adverse impact on tourism. It is not, therefore, a consideration which weighs against granting planning permission for the current proposal.
- 9.34 I note the concerns expressed by some local residents that the proposed development might have adverse effects on the personal safety of users of the

¹ Barnwell Manor Wind Energy Ltd v E Northants DC & Ors [2014] EWCA Civ 137

PROWs crossing the site [7.2]. However, it is also material to note that CCTV cameras would be installed, and remotely monitored by security contractors (D7P). Their primary concern would be the security of the equipment, but it is likely that the presence of the CCTV cameras would also serve to deter any attacks on persons. I see no convincing reason, therefore, to suppose that the proposed development would in any way compromise the personal safety of users of the PROWs.

Considerations that weigh in favour of the proposed development

- 9.35 The UK Renewable Energy Roadmap, published by the Department for Energy and Climate Change in 2011 and updated in 2012 and 2013, confirms the UK's commitment to delivering its legally binding EU target of meeting 15% of its energy consumption from renewable sources by 2020. The 2013 update states that solar energy accounted for 12% of renewable energy capacity in the UK and 2.9% of renewable energy generation [4.9]. The Government's UK Solar PV Strategy sets out the role of solar energy as one of eight key renewable energy technologies needed to create a clean and balanced energy mix, and seeks to install a capacity of 20GW by 2020 [4.10]. Figures released by the Department of Energy and Climate Change show that overall UK solar PV capacity at the end of December 2014 stood at 4,979MW (D42).
- 9.36 Locally, the Council has adopted the South Gloucestershire Climate Change Strategy – Low Carbon South Gloucestershire 2013-2015, which sets a target for 7.5% of South Gloucestershire's total energy demand to be generated from renewable energy installations by 2020 [4.12]. A briefing note issued by the Council on 29 December 2014 advised that only 0.8% of the South Gloucestershire's projected 2020 total energy demand is currently generated from renewable sources, and went on to note that if all the consented schemes were developed the amount of renewable energy being generated would then be 4.2% of that projected demand (D25). There is, then, a clear national and local need for further renewable energy development to come forward.
- 9.37 The currently proposed solar farm would achieve an output of 7.72MW each year. This equates to producing electricity sufficient to power 2,200 average homes [5.29]. This would make a significant contribution to the attainment of the national and local renewable energy policy objectives and targets set out above; it would help to improve the security of the energy supply through diversifying the range of resources, would have direct and indirect economic benefits, and would reduce carbon dioxide and greenhouse gas emissions, thereby helping to mitigate climate change. These are benefits of great weight.
- 9.38 Core Strategy Policy CS3 is supportive of proposals for the generation of energy from renewable or low carbon sources, where (as here) such proposals would not cause significant demonstrable harm to residential amenity. However, that support is not extended to installations in areas covered by national designations and areas of local landscape value, unless they do not compromise the objective of the designation. I have found that this proposed development would compromise one of the purposes of including land within the Green Belt [9.5], and the Council argues that since the appeal site is within the Green Belt and is part of a landscape that has local landscape value, it would conflict with Policy CS3 [6.9].

- 9.39 The intended application of Policy CS3 is not entirely clear. As the appellant rightly notes, the allocation of land as Green Belt is not a national designation, but a local plan designation [5.39]. The wording of the policy does not explicitly state that in order to be recognised as such, “areas of local landscape value” must benefit from some form of designation, in the Local Plan or elsewhere: but while the landscape of which the appeal site forms part is undoubtedly attractive, I have seen no convincing evidence that it is of more “value” than other parts of the District’s countryside.
- 9.40 I therefore proceed on the basis that the proposed development benefits from the support of Policy CS3, noting the comment in paragraph 5.6 of the supporting text that “greater weight” will be given to the wider environmental benefits of renewable energy generation proposals in the Green Belt [5.31]. If the SoS were to take a different view about the interpretation of this Policy, and conclude that the proposal would conflict with Policy CS3, that would not in my view reduce the great weight that should still be attached to the environmental and economic benefits identified in paragraph 9.35 above.
- 9.41 The appellant has provided a Landscape and Ecological Management Plan, which sets out a table of actions for work such as restoring species-rich grassland, maintaining a network of species-rich hedgerows, restoring and improving the ponds on the appeal site, and creating habitat piles for reptiles, amphibians, small mammals, mosses and fungi. These operations, which would be carried out as part of the development of the solar farm and maintained throughout its lifespan, could be secured by condition [5.22, 8.4]. I attach some weight to the ecological benefits that would ensue.

Conclusions

- 9.42 The harm that the proposed development would cause to the Green Belt carries substantial weight against a grant of planning permission. To this must be added the harm that the proposal would cause to the character and appearance of the area, including its adverse impact on the visual amenity of the footpaths which cross the appeal site: these are factors of considerable weight. The harm that the proposed development would cause to the setting and significance of Sheephouse Farm, a Grade II listed building, is also a consideration that must carry considerable weight and importance in the overall planning balance. I have found that there is no compelling evidence to justify the siting of the solar panels on BMV agricultural land, and this is a further consideration which weighs against the proposed development.
- 9.43 On the other side of the balance, the proposed solar farm would make a significant contribution toward meeting national and local targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. It would have economic benefits, and would also help to increase the security and diversity of the electricity supply. These are benefits which carry a great deal of weight in favour of the proposed development. I also attach some weight to the benefits of the ecological improvements to the appeal site that the proposed development would secure.
- 9.44 Weighing all of these considerations together, I conclude that the adverse impacts of the proposed development would outweigh the benefits. Since the totality of the harm caused would not be “clearly outweighed by other considerations”, as required by paragraph 88 of the NPPF, the “very special

circumstances" necessary to justify development in the Green Belt do not exist in this case.

- 9.45 While I have found that the proposed development would accord with Core Strategy Policy CS3 [9.40], I have found that it would conflict with Core Strategy Policies CS1 and CS9 [9.18, 9.25] and Local Plan Policy L16 [9.18]. Further, in light of my conclusion that the very special circumstances necessary to justify development in the Green Belt do not exist in this case [9.44], the proposed development would also conflict with Policy CS5 of the Core Strategy. The other material considerations are not of sufficient combined weight to overcome the extent of this conflict with the Development Plan.

10.0 Inspector's recommendation

- 10.1 For the reasons set out above, I recommend that the appeal be dismissed.
- 10.2 If the SoS decides instead that the appeal should be allowed, I recommend that he attach the conditions set out in Appendix B.

Jessica Graham

INSPECTOR

APPENDIX A: DOCUMENTS

File 1

- D1 Appeal form dated 11 February 2015
- D2 Refusal Notice dated 31 October 2014
- D3 Statement of Case on behalf of the Appellant
- D4 Notices of appeal served on landowners
- D5 Application for planning permission, Site Ownership and Agricultural Holding Certificates, Common Land consent dated 25 April 2014
- D6 List of appellant's appeal documents and plans
- D7 Appellant's Planning Statement, with the following appendices:
 - D7A Location Plan
 - D7B Module layout & cable route plan
 - D7C Cross-sections of solar PV tables
 - D7D Drawings of transformer station and substation
 - D7E Boundary fencing
 - D7F Access track cross sections
 - D7G Flood Risk Assessment
 - D7H Landscape and Ecological Management Plan
 - D7I Statement of Community Involvement
 - D7J Archaeology Desk-Based Assessment and Geophysical Survey
 - D7K Landscape and Visual Impact Assessment
 - D7L Ecology Report
 - D7M Construction & Traffic Management Plan
 - D7N Tree Survey Report

File 2:

- D7O Historical Report and Summary of Significance
- D7P Crime Prevention Statement
- D7Q Green Belt Development – Special Circumstances relating to solar development projects
- D7R EIA Screening request and letter from LPA
- D8 Photomontages
- D9 Consultation responses (application stage)
- D10 Revised Site Location Plan
- D11 Revised Modified Cable Route Plan
- D12 Revised Module Layout Plan
- D13 Earth Works Plan
- D14 Agricultural Classification Report
- D15 Noise Impact Assessment
- D16 Sequential Test and accompanying plans
- D17 Correspondence
- D18 Landscape and Ecology Management Plan Revision 3, dated October 2014
- D19 Ecology Report Revision 4 dated October 2014
- D20 Archaeological Trial Trench Evaluation Report dated August 2014
- D21 Report and Minutes of Committee dated 23 October 2014

File 3

- D22 Relevant policies of the South Gloucestershire Local Plan (adopted January 2006)
- D23 Relevant policies of the South Gloucestershire Core Strategy (adopted December 2013)
- D24 South Gloucestershire Climate Change Strategy – Low Carbon South Gloucestershire Plan 2012-2015
- D25 South Gloucestershire County Council Briefing Note dated 29 December 2014
- D26 South Gloucestershire Council Renewables Supplementary Planning Document
- D27 South Gloucestershire Landscape Character Assessment Supplementary Planning Document
- D28 NPPF
- D29 Renewable Energy Section of the PPG
- D30 National Policy Statements for Energy and Renewable Energy Infrastructure
- D31 National Renewable Energy Action Plan for the UK
- D32 Our Energy Future – Creating a Low Carbon Economy 2003
- D33 Energy Review 2006
- D34 Renewable Energy Roadmap in the 21st Century: Building a more sustainable future 2007
- D35 Energy: Meeting the Energy Challenge 2007
- D36 Climate Change Act 2008
- D37 UK Renewable Energy Strategy 2009
- D38 Directive 2009/28/EC
- D39 Delivering Our Carbon Future 2011
- D40 UK Renewable Energy Roadmap 2011, 2012 and 2013
- D41 UK Solar PV Strategy 2013 and 2014
- D42 Solar PV Deployment January 2015
- D43 SoS CLG v Redhill Aerodrome Ltd [2014] EWCA Civ 1386

File 4

- D44 Written representations by Third Parties (appeal stage)
- D45 The Council's Statement of Case
- D46 The Appellant's comments on the Council's Statement of Case and the written representations of Third Parties

APPENDIX B: SUGGESTED CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (20141010_gre1_aee_site-location-plan-r00_lgr)
 - Module Layout Plan (20140910_gre1_aee_mplan04-r23_cch)
 - Cable Route Plan (20141009_gre1_aee_cable-route-r09_pmi)
 - Earth Works Plan (20141009_gre1_aee_earth-works-plan-scale-2500-r00_pmi)
 - Grassland Planting Plan (20140917_gre1_aee_grassland-planting-plan-yr1-r00_lgr)
 - Hedge Landscaping Plan (20140917_gre1_aee_hedge-landscaping-plan-yr1-r00_lgr)
 - Tree Landscaping Plan (20140917_gre1_aee_tree-landscaping-plan-yr1-r00_lgr)
 - Landscape Management Plan (20140917_gre1_aee_landscape-management-plan-yr2-25-r00_lgr)
 - Landscape Reinstatement Plan (20140917_gre1_aee_landscape-reinstatement-plan-yr25-r00_lgr)
 - Transformer/Inverter Station (20131126_uk_aee_transformer-inverter-design-r07_sal)
 - Substation Housing (20130906_gre1_aee_substation-housing-planning-r00_lgr)
 - Fence Design (20131125_gre1_aee_deer-fence-r01_sal)
 - PV Table Design (20140701_aee_pv-table-design-r01_sal)
 - Hedge Planting Scheme (20130912_gre1_aee_hedge-planting-details-r00_lgr)
 - Neoweb Access Track (20131008_gre1_aee_neoweb-access-track-r00_lgr)
 - Construction Access Road Design (20130906_gre1_aee_construction-access-road-design-r00_lgr)
 - Compound Area Plan (20130913_gre1_aee_compound-area-plan-r00_lgr)
 - Access Route (20131125_gre1_aee_route-plan-r00)
 - CCTV Design (20131126_uk_aee_cctv-design-r00)
- 3) This grant of planning permission shall expire no later than 25 years from the date when electricity is first exported from any of the solar panels to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be given to the local planning authority within 14 days of its occurrence.

- 4) No later than 12 months before the expiry of this permission, or within 3 years of the cessation of the exportation of electricity to the grid, whichever is the sooner, a decommissioning method statement shall be submitted for the written approval of the local planning authority. The statement shall include details of the timing and management of the decommissioning works; the removal of all equipment including the solar panels, mounting frames, foundations, inverter and transformer modules, fencing, and all other associated structures; and the reinstatement of the land to its former agricultural use and condition. The works shall be carried out in accordance with the approved details.
- 5) Within 2 months of the First Export Date, the temporary compound detailed in the approved Compound Area Plan shall be taken up and removed from the site, and the area of land on which it was located shall be restored to its former condition.
- 6) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by H2OK Consulting, dated August 2013, and the mitigation measures detailed in that FRA.
- 7) Development shall not commence until a surface water run-off limitation scheme, in the form of swales or infiltration trenches, has been submitted to and approved in writing by the local planning authority. The submitted information shall detail the future maintenance provision for all drainage works serving the site. The approved scheme shall be implemented, and thereafter maintained, in accordance with the approved details.
- 8) Development shall not commence until a revised Ecological and Landscape Management Plan (ELMP), based on the Landscape and Ecological Management Plan dated October 2014 compiled by Avon Wildlife Trust and provided with the application, has been submitted to and agreed in writing by the local planning authority. The ELMP shall include the following information:
 - details of the existing habitat to be safeguarded, and any new habitat to be created
 - details of the proposed grassland mix and tree planting scheme, which must reflect the species composition occurring locally, and should include a programme of management and a monitoring plan for all works for a minimum period of 5 years
 - a method statement addressing the construction methods for the implementation of the route of the connection to the national electricity grid, to include working practices to be carried out in relation to the known badger sett, and hedgerow crossing points.
 - details of the 5m wide buffer strips to be associated with the hedgerow and field boundary network within the site and along the route of the connection to the national electricity grid

The development shall be carried out in accordance with the approved details.
- 9) In the event that one year or more has elapsed between the date of this permission and the implementation of the connection of the development to the national electricity grid, as detailed in connection with condition No. 8

above, a further survey shall be carried out in respect of the connection route to look for additional badger activity. The findings of the survey, and details of any mitigation work consequently necessary, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works related to the connection of the development to the national electricity grid and the works shall then be implemented in accordance with the approved details.

- 10) Development shall not commence until a Composite Landscape Plan has been submitted to and agreed in writing by the local planning authority. The Composite Landscape Plan shall include the positions of drainage ditches, access tracks and proposed areas of landscaping, and details of the phasing of planting and landscaping works as follows:
 - Phase 1: the planting to be carried out in the first planting season following completion of construction
 - Phase 2: ongoing hedgerow and tree management in years 2 – 25
 - Phase 3: reinstatement/restoration landscaping and ongoing landscape and ecological management specification.

The development shall be carried out in accordance with the approved Plan.

- 11) Development shall not commence until a Tree and Hedgerow Protection Plan, including a tree survey and arboricultural method statement, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Plan.
- 12) Development shall not commence until construction details of all drainage ditches and access tracks have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) Development shall not commence until a plan showing the position of all the CCTV cameras, and detailing the height, design and finish of their mountings, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) Noise emissions from the development during operation shall not exceed a corrected noise level of 35dBA when measured at the boundary of the site in accordance with BS4142: 1990 (as amended).
- 15) Work on site during the construction period shall be restricted to 0800 – 1800 Monday to Friday, and 0800 – 1300 on Saturday, and no work shall take place on Sundays or Public Holidays. For the purposes of this condition, the term “work” includes the use of any plant or machinery (mechanical or other), maintenance and cleaning work on any plant or machinery, deliveries to the site, and the movement of vehicles within the site.
- 16) Development shall not commence until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall include:

- a fully detailed condition survey of the public highway along the delivery route to the site, to be used by the local planning authority to inform any repair or mitigation works required along the access route as a consequence of the impact of the construction and decommissioning stages of the development
 - details of any necessary highway surface and/or highway drainage strengthening works on the length of Folly Road leading to and including the construction access to the site
 - the method to be used for the safe control of delivery vehicles to and from the site along Folly Road
 - a construction method statement for ecological issues. This shall address the general measures for the protection of habitat for badgers, great crested newts and dormice and shall be informed by the details provided in Chapter 6 and addendum of the ePhase 1 and Phase 2 habitat surveys dated October 2014 and carried out by Avon Wildlife Trust. The statement shall also include measures for any necessary hedgerow reinstatement following the completion of the construction phase of the development
 - details of a suitably qualified Ecologist to monitor works during the construction phase.
- 17) At all times, a minimum width of 5 metres shall be maintained along the Public Rights of Way crossing the site (LIA 43/10, LIA 44/40 and LIA 45/10) and a minimum separation distance of 15m shall be maintained between the centre line of each of these Public Rights of Way and any solar panel.
- 18) The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford that appointed person (or any other archaeologist nominated by the local planning authority) access at all reasonable times in order to observe excavations and record any items of interest uncovered.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act). This new requirement for permission to bring a challenge applies to decisions made on or after 26 October 2015.

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.