

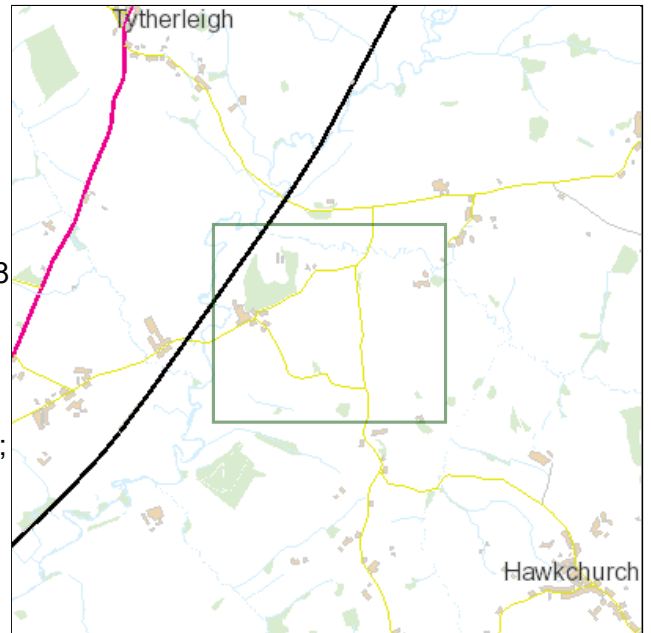
**Ward** Yarty

**Reference** 20/2551/VAR

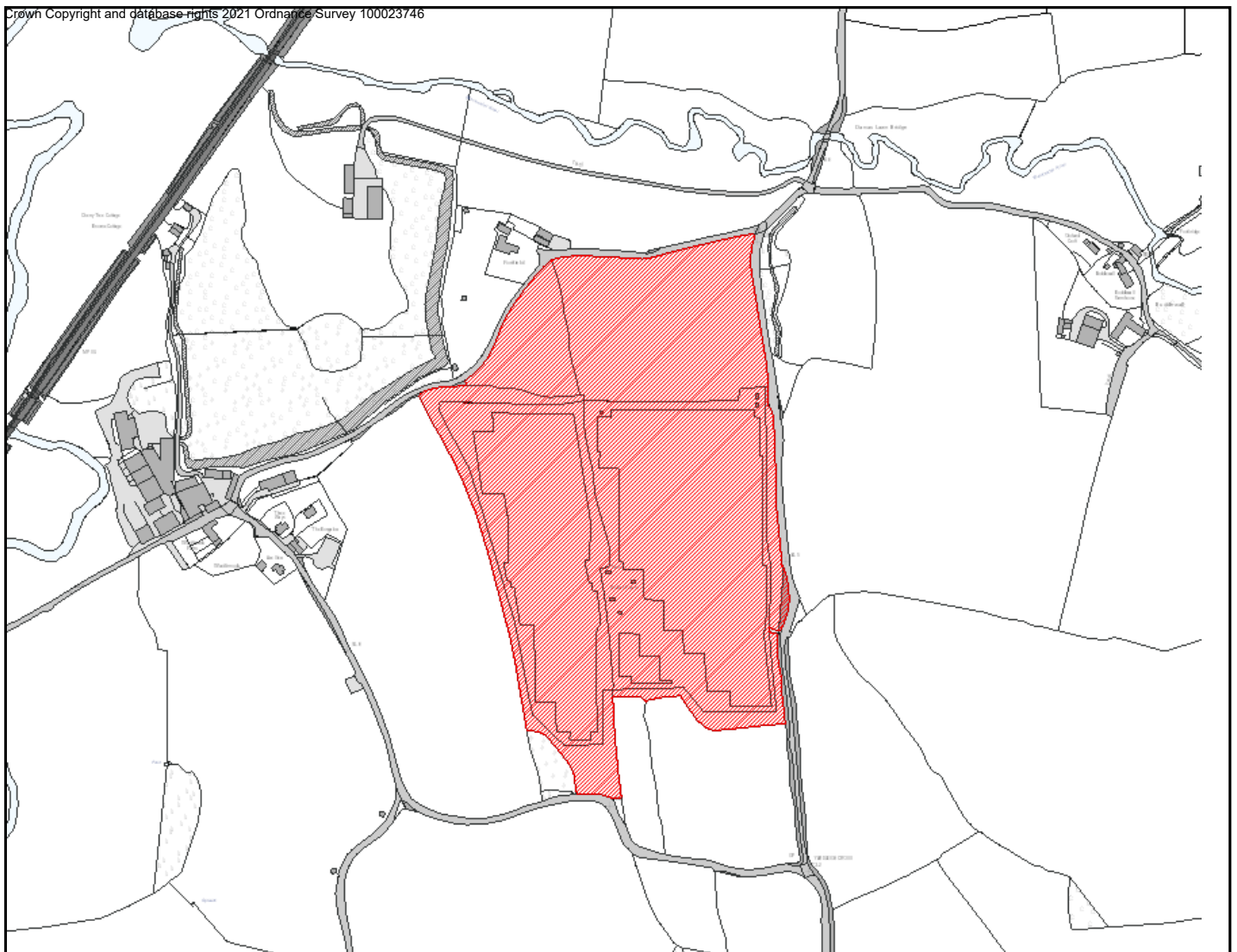
**Applicant** Maria Baci

**Location** Axe View Solar Farm Wadbrook EX13 7AS

**Proposal** Variation of conditions 2 (Approved Plans) and 8 (Inverter station and CCTV details) of application 19/1056/VAR (Installation of ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; fencing; security measures; access gate and ancillary infrastructure (without complying with Condition 16 of planning permission 17/1378/VAR, to extend the operational lifespan of solar farm to 40 years) to reflect changes to layout, fencing, infrastructure specification and appearance, and to allow siting of an additional storage container



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 10<sup>th</sup> March 2021</b>
<b>Yarty (Hawkchurch)</b>	<b>20/2551/VAR</b>	<b>Target Date: 11.03.2021</b>
<b>Applicant:</b>	<b>Maria Baci</b>	
<b>Location:</b>	<b>Axe View Solar Farm Wadbrook</b>	
<b>Proposal:</b>	<b>Variation of conditions 2 (Approved Plans) and 8 (Inverter station and CCTV details) of application 19/1056/VAR (Installation of ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; fencing; security measures; access gate and ancillary infrastructure (without complying with Condition 16 of planning permission 17/1378/VAR, to extend the operational lifespan of solar farm to 40 years) to reflect changes to layout, fencing, infrastructure specification and appearance, and to allow siting of an additional storage container</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**The application is before committee because officer recommendation differs to that of the Ward Member and Parish Council.**

**The application relates to an existing solar farm occupying two fields on a site in open countryside to the north of Hawkchurch.**

**The development was originally granted permission at appeal in 2016 (15/0645/MFUL) and has subsequently been amended several times both through applications for non-material amendments and s.73 applications to vary conditions on earlier permissions. The most recent variation application was granted in 2019 (19/1056/VAR) and allowed for an extension to the operational lifespan of the solar farm to 40 years.**

**The current application seeks further alterations to the approved development in the form of relatively minor changes to the fencing and infrastructure specification and appearance and to allow siting of an additional storage container and CCTV camera. It also seeks to amend the approved plans condition so as to reference plans previously approved as non-material amendments and those relating to the changes now proposed.**

**In relation to the scale of the approved development the overall effect of the changes, including the addition of a storage container in the central part of the site, is considered to be minimal and not to result in any additional landscape or visual impact or for that matter other harm. As such, the application is recommended for approval subject to the imposition of original conditions, amended as necessary.**

## **CONSULTATIONS**

### **Local Consultations**

#### Hawkchurch Parish Council

Hawkchurch Parish council does not support this application because it feels that extending the life of this operation to 40 years will mean the loss of agricultural land for a far longer period of time than the original planning application. It also feels that the adding of additional structures on the site adds to a permanent industrial site in what is a very rural and otherwise scenic location.

#### Yarty - Cllr Paul Hayward

I regret that I am unable, and unwilling, to support this application and share the concerns of the Parish Council.

Further comments:

Sadly, still opposed as poor Hawchurch really has suffered enough from this blight. Each application in this regard just piles on a little more woe and even though I know in my heart that it will go through, I still must oppose on principle of yet more damage and blight to this beautiful parish that sadly was never included in the AONB.

### **Technical Consultations**

#### Landscape Architect

I have no comments on the current application per se in terms of landscape design/impact. However having visited site yesterday and reviewed the approved Landscape Proposals Plan I have great concerns about the implemented landscape scheme which does not meet the requirements of the specification and has very high failure rates. Where new planting survives growth is generally very poor.

I attach a detailed defects report and over-marked site plan and have made recommendations for addressing the defects noted and requirements for future inspection and monitoring. These should be undertaken either through enforcement procedures or as a condition of approval of the above application or possibly through combination of both.

#### Devon County Archaeologist

My ref: Arch/DM/ED/36165a

I refer to the above application. The initial proposed construction details as set out in the drawings referred to in Condition 2 (drawings refs: PV-0171-01 and PV-0171-07)

did not involve any disturbance to the known Bronze Age archaeological deposits on site. As such, The Historic Environment Team did not advise that any consent granted should be conditional upon a programme of archaeological work, and instead advised the following worded condition, which is reflected in the wording of Condition 2 on the appeal decision for application 15/0645/MFUL

'The development shall take place in accordance with (i) the site layout plan (Drawing number PV-0171-01) and (ii) Non-Intrusive installation method cross section (Drawing ref: PV-0171-07) that have been submitted to the Local Planning Authority.'

#### Reason

To ensure, in accordance with Policy EN7 of the Est Devon Local Plan, the preservation in situ of known archaeological sites (heritage assets with archaeological interest) within the development site.

During the course of the construction of the solar farm construction the construction methodology was altered to one that did have an impact upon the known archaeological deposits within the site - see attached email. At that time and in consideration of this impact the applicant commissioned AC Archaeology to undertake the required archaeological mitigation in agreement with a Written Scheme of Investigation prepared in consultation with this office.

However, while the fieldwork has been completed some time ago the required post-excavation assessment, analysis, publication and archiving has yet to be undertaken. As such, I would advise that the completion of these outstanding tasks is secured either by the submission of a Written Scheme of Investigation (WSI) - prior to determination of the application - setting out a programme of post-excavation archaeological work to be undertaken to ensure that the information gained during the course the archaeological fieldwork is appropriately analysed, reported and archived as part of the mitigation for the loss of the heritage assets within the development, or by the application of an appropriately worded condition to any consent granted - see below. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'Within three months of consent being granted, the developer shall secure the implementation of a timetabled programme of post-excavation archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that the results of the archaeological fieldwork already undertaken are appropriately analysed, reported and archived to create a publicly accessible record of the archaeological evidence affected by the development'

Please note that this is a variation of the usually recommended worded archaeological condition.

I would envisage a suitable programme of work as taking the form of the post-excavation assessment, appropriate analysis and archiving of the results of the archaeological fieldwork undertaken. The results of the fieldwork and the post-excavation analysis undertaken will need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

#### Environmental Health

I have considered the application 20/2551/VAR and I have no objections to the proposals.

#### Other Representations

None received.

### **PLANNING HISTORY**

Reference	Description	Decision	Date
15/0645/MFUL	Installation of ground mounted photovoltaic solar arrays with transformer stations, internal access track, biodiversity enhancement, landscaping, fencing, security measures, access gate and ancillary infrastructure	Refusal  Allowed at appeal	05.11.2015  15.04.16
16/2784/OHL	Erection of 33kV overhead line termination supported by wooden poles	Circular 14/90 - No objections	20.12.2016

17/1378/VAR	Variation of condition 16 (site restoration) of planning permission 15/0645/MFUL (for installation of solar PV arrays and associated infrastructure) to extend the generating period from 25 to 30 years	Approval with conditions	01.08.2017
19/1056/VAR	Installation of ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; fencing; security measures; access gate and ancillary infrastructure (without complying with Condition 16 of planning permission 17/1378/VAR, to extend the operational lifespan of solar farm to 40 years).	Approval with conditions	30.07.2019

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 5 (Environment)

Strategy 47 (Nature Conservation and Geology)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

Government Planning Documents  
National Planning Practice Guidance

Government Planning Documents  
NPPF (National Planning Policy Framework 2019)

### **Site Location and Description**

The site is formed of two main fields extending in total to 9.5 hectares with solar arrays running east to west across the land. There is a small compound area with substations located in the northeast corner of the site adjacent to the site access. The land on site slopes gently from south to north. The fields and indeed site boundaries are generally formed by hedgebanks and some screening is provided to the south by a small copse. Within the site security fencing runs inside the hedgerows. There are a number of public footpaths in the surrounding area but none that cross the site itself. Residential dwellings are found within the vicinity of the site, the closest being 'Fortfield' to the north and the small group of dwellings that form the hamlet of Wadbrook to the west of the site. Three listed Buildings have been identified within the immediate vicinity, the closest being Wadbrook Farm 240m to the west of the site, in addition Buddlewell farm house lies approximately 350m to the east and Castle House 295m to the south.

The character of the area is defined by the agricultural land, made up of fields of varying size and generally defined with hedgebanks/hedges. There are no international or national ecological designations on the site, but the Dorset Area of Outstanding Natural Beauty lies approximately 100m north of the site and Broom Gravel Pits SSSI is located less than 100 metres to the west of the site and The River Axe SAC (Special Area of Conservation) and SSSI (Site of Special Scientific Interest) is located over 300m west of the site. The Blackdown Hills Area of Outstanding Natural Beauty lies approximately 1.3 km further to the west.

### **Background**

Permission was originally granted at appeal in April 2016 for: '*The Installation of ground mounted photovoltaic solar arrays with transformer stations, internal access track, biodiversity enhancement, landscaping, fencing, security measures, access gate and ancillary infrastructure*'(15/0645/MFUL).'

That permission was subject to a condition requiring the removal of the equipment and site restoration works after 25 years. A number of non-material amendments were subsequently granted to the permission relating to minor changes to proposed landscaping; substation details; internal access and specification details for pv modules, inverters and CCTV.

Subsequently permission was granted in 2017 (17/1378/VAR) to extend the permission period from 25 to 30 years.

In 2019 permission was granted for a further extension to the lifespan of the permission under Section 73 of the Town and Country Planning Act, with condition 3 of the 17/1378/VAR varied to extend the operational lifespan of the solar farm to 40 years.

## **Proposal**

The current application seeks to vary 2 no. conditions on the most recent approval (19/1056/VAR), those being; condition 2 (Approved Plans), and; 8 (Inverter station and CCTV details). These variations are sought to regularise minor changes to: the layout of the arrays; the fencing design; 2 additional CCTV cameras; the appearance and the specification of various infrastructure, and; to allow siting of an additional storage container within the existing compound area in the northeast corner of the site.

The comments of the parish council and ward member are noted with regards to the extension to the operational lifespan of the solar farm to 40 years, however that is not something that is sought under this application, having already been approved under a previous permission (19/1056/VAR).

## **ANALYSIS**

Taking into account the above the principle of development and the permitted lifespan of the permission are already established with the development constructed on site, the main issue to be considered in the determination of the application is therefore the impact of the proposed changes on the character and appearance of the area and wider landscape. Consideration is also given to whether the proposal would result in any other impacts.

## **Visual Impact**

The layout changes to the pv arrays and the reduction in number and changes to the inverter stations have already been approved under earlier non-material amendment applications but this application includes these in order that any decision notice issued, should approval be granted, reflects the 'as-built' situation. Similarly, the addition of inverter rack system to the PV support frame is considered to be non-material but has not previously been approved as such.

In terms of the fencing design the change proposed primarily relates to changes to the access gates which have been widened, however the overall layout of the fencing, its height and appearance are largely unaltered. In relation to condition 8 of the original approval the changes proposed relate to a different shade of green having been used on the transformers and sub-stations and the CCTV poles having a galvanized steel finish, there are no objections to these finishes. There is no objection to the 2 additional CCTV cameras given the number originally approved as part of the appeal and thie locations.

The most significant change and one which is considered to be material is the inclusion of an additional storage container to house maintenance equipment in the central part



of the site. This container is positioned close to the existing hedge boundary separating the two fields and in relatively close proximity to 2 no. existing inverter stations, these being structures of a similar size. The original approved scheme in fact had 4 no. inverter stations in this area but their number was reduced through an earlier non-material amendment. Whilst the proposal would represent further development that requires planning permission in the context of the site as a whole and the position of the container in the centre of the site it is not considered it would give rise to any additional landscape or visual impacts and would, together with the rest of the equipment on site need to be removed at the end of the consented period.

The site is already subject to a landscaping scheme and the proposal, located in the centre of the site, is not considered to require any additional landscaping. The Council's Landscape Architect has visited the site raising no concern with regards to the impact of the changes proposed under this application. However, he has raised a concern in relation to the maintenance of the approved landscaping scheme and requirements for replacement planting. This is a matter that relates to compliance with landscaping conditions on the earlier permissions (that will be copied across to this application) and is a matter for investigation and where necessary enforcement action related to those conditions to ensure compliance.

### **Other matters**

In terms of other issues, the Historic Environment Service (HER) at Devon County Council (DCC) has advised that a condition on the original planning approval for the site has not been fully satisfied. That condition required development to be carried out in accordance with approved plans relating to non-intrusive installation on a certain part of the site and designed to avoid disturbance of any below ground deposits.

During the course of construction the construction methodology was altered and as a result archaeological mitigation was proposed in a Written Scheme of Investigation prepared in consultation with the HER. It is advised that the fieldwork was carried out at the time but that the required post-excavation assessment, analysis, publication and archiving has yet to be undertaken. It is understood that this reporting work has been undertaken but has not been submitted to the HER, nor has it been submitted as part of the current application. It is therefore recommended that any permission that may be granted includes a condition requiring this work to be completed within a set time period from the date of permission being granted.

Subject to the relevant conditions on the previous permission, which this application seeks to vary, being reiterated or amended as necessary the proposal is considered to be acceptable and is recommended for approval.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following plans:

- Site Location Plan PV-0171-02, approved in relation to 15/0645/MFUL, 15.04.16
- Landscaping Plan BRS.5295\_13-F approved under non-material minor amendment to 15/0645/MFUL, 22.11.16
- Substation Plans P1515(01)-25-08-C, P1515(01)-25-02-O, P1515(01)-25-08-B approved under non-material minor amendment to 15/0645/MFUL, 11.01.17
- CCTV Elevation Layout GRC1001-161-00 approved under non-material minor amendment to 15/0645/MFUL 14.03.17
- 17021616 REV A approved under non-material minor amendment to 15/0645/MFUL, 27.03.17
- Table Plan A0B0C01 received 10.12.20
- Fence Details A0B0C01 received 10.12.20
- Transformer combined plans 616083 Rev A received 10.12.20
- Inverter Rack System 1612027 received 10.12.20
- Spare Parts Container A0B01C0 received 04.02.20

(Reason - For the avoidance of doubt.)

2. Development shall be carried out in accordance with the submitted Construction Method Statement (Construction Environmental Management Plan) prepared by Pegasus Group and dated March 2015. (Reason: To ensure that the impacts of development are minimised and that adequate facilities are available for the traffic attracted to the site in accordance with policies EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan).
3. Unless otherwise agreed in writing by the Local Planning Authority beforehand, the development (including any site preparation and decommissioning works) shall be carried out in accordance with the following restrictions:
  - (a) There shall be no burning of any kind on site;
  - (b) No construction or decommissioning work shall be carried out, or deliveries received, outside the hours of 08.00 and 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and not at all on Sundays or Public Holidays; and
  - (c) Dust suppression measures shall be employed during construction.

(Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan).
4. The development shall be carried out in accordance with photographic evidence as shown in document pre-commencement highway condition survey by TPA and date stamped 10.05.2016. (Reason - To minimise the impact of the development on the highway network in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.)
5. Visibility splays shall be provided, laid out and maintained for that purpose, at the site access, in accordance with Figure 2.3 of the submitted Construction Traffic Management Plan. (Reason - To provide adequate visibility from and of emerging

vehicles in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.)

6. A turning area, parking spaces and site compound shall be laid out and maintained for those purposes in accordance with the approved Site Layout Plan. (Reason - To ensure the provision of adequate facilities within the site for the traffic generated by the development in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.)
7. The material finish of the transformer stations, substation sections and CCTV elevations approved under Condition 1 above shall be carried out in accordance with details set out in the letter from Aardvark Environment Matters dated 17<sup>th</sup> November 2020 reference 5409/kl. (Reason - In the interests of the character and appearance of the area and in accordance with policy D1 (Design and Local Distinctiveness) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan.)
8. The development shall be carried out in accordance with the Tree Protection Plan, drawing number BRS.529514-3 and the Arboricultural Method Statement received 6th July 2016. (Reason- To ensure that adequate protection is in place prior to the commencement of development and that the continued well-being of retained trees in the interests of the amenity of the locality and in accordance with Policy D3 (Trees on Development Sites) of the adopted East Devon Local Plan.)
9. Notwithstanding the provisions of Class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no fencing or means of enclosure other than approved as part of this decision and detailed in the list of approved plans, shall be erected around the site, unless details of such means of enclosure have been previously submitted to and approved in writing by the Local Planning Authority. (Reason: To ensure ancillary development is not harmful to the rural character of the area and in accordance with policies D1 (Design and Local Distinctiveness) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan).
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no fixed plant or machinery , buildings, structures or private ways shall be erected, extended, replaced or altered at the site without prior planning permission from the Local Planning Authority. (Reason: To protect the landscape character of the area and in accordance with strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan.)
11. The landscaping scheme hereby approved shall be carried out in the first planting season after commencement of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of at least 5 years. Any trees or plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local

Planning Authority. (Reason - To protect and enhance the appearance of the site in the interests of visual amenity of the area in accordance with Strategy 7 (Development in the Countryside) and Policy D2 (Landscape Requirements) of the adopted East Devon Local Plan and the policy guidance in the National Planning Policy Framework.)

12. The development shall be carried out in accordance within the Landscape and Ecological Management Plan received 1st August 2016 and the amended Landscape Plan BRS.5295\_13-F (approved 22.11.16 as non-material minor amendment to permission 15/0645/MFUL).  
(Reason - To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities in accordance with Strategies 7 (Development in the Countryside), 47 (Nature Conservation and Geology) and Policies EN5 (Wildlife Habitats and Features) and D2 (Landscape requirements) of the adopted East Devon Local Plan and the policy guidance in the National Planning Policy Framework.)
13. No external artificial lighting or other security measures shall be installed on the site without the prior written approval of the Local Planning Authority. (Reason: To minimise the potential for pollution and disturbance to local amenity and wildlife in accordance with Strategies 7 (Development in the Countryside), 47 (Nature Conservation and Geology) and Policies EN5 (Wildlife Habitats and Features) and EN15 (Control of Pollution) of the adopted East Devon Local Plan and the policy guidance in the National Planning Policy Framework.)
14. Development shall be carried out in accordance with the submitted flood risk assessment prepared by Clive Onions Consulting Engineers and dated 15th March 2015 (V2), unless otherwise agreed in writing by the Local Planning Authority. (Reason - In the interests of the prevention of flooding in accordance with guidance within the National Planning Policy Framework).
15. Within 40 years of the date of the first electricity generation, or within six months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production. (Reason - To ensure the achievement of satisfactory site restoration in the interests of the character and appearance of the area and in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects) of the adopted East Devon Local Plan.)
16. Within three months of the date of the permission hereby granted, the developer/site operator shall secure the implementation of a timetabled programme of post-excavation archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at

all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031 and paragraph 199 of the National Planning Policy Framework (2019), that the results of the archaeological fieldwork already undertaken are appropriately analysed, reported and archived to create a publicly accessible record of the archaeological evidence affected by the development.)

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.