

The application is for full planning permission for the installation of Ground Mounted Solar PV Panels.

The site is within open countryside in areas of both Green Belt and Landscape Enhancement as defined on the Local Development Framework Proposals Map.

RECOMMENDATION

PERMIT subject to conditions relating to:

- (i) Commencement of development.
- (ii) Approved plans.
- (iii) Prior approval of any additional external ancillary equipment.
- (iv) Removal of installation at the end of its working life

The statutory 8 week determination period expired on 10th June 2014.

Reason for Recommendation

In assessing its siting and design it is considered that the installation would not materially harm the visual amenity of the area due to its acceptable height, design and location within the landscape. The proposal would therefore meet the guidance and requirements of the NPPF and it would also comply with policies. Furthermore, whilst the proposal is not considered to accord with the Development Plan insofar as it constitutes inappropriate development within the Green Belt it is considered that the proposal would meet sustainable development objectives and national policy guidance in terms of promoting sources of renewable energy in new development proposals. These benefits would outweigh the negligible harm to the openness of the Green Belt caused by the array of solar panels and would amount to the very special circumstances required to justify the development in this instance. There are no other material considerations of such weight as to justify refusal of this proposal. The development therefore complies with Policy N20 of the Newcastle under Lyme Local Plan 2011, Policies CSP1, CSP2 and CSP3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, and the Aims and Objectives of the National Planning Policy Framework 2012.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026 adopted 2009

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy N17: Landscape character – general considerations
Policy N20: Area of Landscape Maintenance

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (2012)
Planning Practice Guidance for Renewable and low Carbon Energy (July 2013)
Department Energy and Climate Change: Photo-voltaic Roadmap (2013)
Department Energy and Climate Change: Solar Energy Strategy (2014)

Relevant Planning History

05/00743/FUL PERMIT	29.03.2006	Conversion of farm buildings into residential unit and bed and breakfast accommodation
05/00743/RED PERMIT	14.03.2006	Removal of Permitted Development Rights
10/00364/FUL PERMIT	26.08.2010	Erection of a 18.4 metre, 6Kw wind turbine
13/00630/EIA OPING	14.03.2006	Request for screening opinion regarding planning for the installation of a 50kW wind turbine application

Views of Consultees

Audley Parish Council

Support.

Environmental Health Division

Consultation was made but no reply has been made by the due date, it is taken there is no objection.

Representations

None.

Applicant/Agent's Submission

A design and access statement has been submitted to support the planning application. A brief summary of the documents is as follows:-

- The Proposal is to install a 250 Kw ground mounted solar PV system.
- The installation will be unconcreted C-section piles, mounting frames and 1,000 solar panels.
- The installation would occupy no more than 2,900 square metres along the hedge line, minimizing the impact, with the majority of the field continuing in its present use.
- At the end of the installations life it can be removed by simply pulling the piles out of the ground without any excavation.
- The applicant has reviewed alternative installation sites, such as on the farm building roofs but they were deemed unsuitable due to insufficient size, and roof orientation.

The documents are available to view online or at the Guildhall using the "Track an application" facility on www.newcastle-staffs.gov.uk

Key Issues

The application seeks planning permission for the installation of Ground Mounted Solar PV Panels. It does not include any means of enclosure or security measures. The site is located within the Green Belt, and a Landscape Maintenance Area as defined by the Local Development Framework Proposals Map.

The main issues are considered to be:-

- the appropriateness or otherwise of the development in the Green Belt;
- the impact of the proposal on the landscape quality;
- Other Issues, and

- should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

The appropriateness or otherwise of the development in the Green Belt

The National Planning Policy Framework outlines the general presumption against development in the Green Belt and restricts development within the Green Belt with only some types of development being considered “appropriate”. Development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

Paragraph 91 states: ‘when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the Green Belt’. The proposed development consists of the installation of 1,000 ground based photovoltaic solar panels covering a ground area of approximately 2,900 square metres in a single strip along a hedge line. The development falls within the category of an engineering operation on the land. The extensive ground covered, and general design of the development is considered to represent inappropriate development within the Green Belt, that would not maintain openness. Therefore, there is a requirement to demonstrate that there are very special circumstances that would outweigh the harm to the openness of the Green Belt.

The impact of the proposal on the landscape quality

The location of the proposed solar panels is near the side of an established field. There is a mature hedge including trees along the side of the field, and the landscape is undulating with the installation well away from the top of the slope and skyline. The installation would only be visible to the public from three locations: Nantwich Road near the Wagon & Horses public house, the public pathway across the field between the wagon and horses and the installation and the drive into the farm. From the viewing distance the panels would form only a very small proportion of the landscape and would not materially detract from it. It is considered that the formation and the siting of the solar panels will not harm the character and appearance of the landscape.

The site lies within an Area of Landscape Enhancement which is covered by policy N20 of the local plan. The proposal would only have a limited impact on the landscape for the same reasons outlined above.

Other Issues

National Policy around photo-voltaic installations is currently undergoing a period of change culminating in the recent issue of the Solar Energy Strategy on 4th April 2014. The focus of this is the opening up of deployment of solar installations on the roofs of commercial, industrial and large public buildings. The current application obviously does not fall into any of these categories of site, the applicant does though state that installation on farm roofs had been considered but found unsuitable. In a recent Appeal Case (SCS200-002-170 Pl.p20 20.6.2014) the Inspector found that such a cursory search was inadequate and a realistic search and to be made for alternative sites. However the present application is not caught by these developments because:

- The application was received by the Council only 8 days after the publication of the strategy, the applicant has to be permitted reasonable time to prepare an application; and
- Much of the energy produced is to be used within the farm itself, location of the panels on the farm is therefore materially valid.

The application does not include any means of enclosure or security measures, groundworks or concrete foundations so the impact of the development will not go beyond the panels. These will be mounted on poles that can be pulled out of the ground when the installation ceases to be used. The installation will accordingly have a low impact compared to others of a similar nature.

Do the required very special circumstances exist?

The decision maker is required, in the case of inappropriate development, to consider whether there are material considerations which clearly outweigh any harm both to the Green Belt and any other interests to be acknowledged. Inappropriate development is by definition harmful to the interests of the Green Belt.

The NPPF Paragraph 7 sets out the environmental dimension of sustainable development including minimising pollution, mitigating and adapting to the effects of climate change, including moving to a low carbon economy. The wider environmental and economic benefits of all renewable energy projects, whatever their scale, are material considerations should accordingly be given significant weight. In terms of a Green Belt location Paragraph 91 recognises that many renewable energy schemes in Green Belts will comprise inappropriate development so developers need to demonstrate that very special circumstances. Such very Special Circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

In this case it is considered that the comparatively appropriate design of the proposal, the limited views from any main vantage points, and in particular the extensive renewable energy benefits the proposal would generate, would amount to the very special circumstances required which outweigh the negligible harm to the openness of the Green Belt in accordance with NPPF.

Background Papers
Planning File
Planning Documents referred to
Date Report Prepared
30 June 2014