
Appeal Decisions

Site visit made on 12 May 2015

by Jessica Graham BA(Hons) PgDipL

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

Decision date: 09 September 2015

APPEAL A Ref: APP/Z2830/W/14/3001218
Handley Park Farm, Handley Park, Towcester NN12 8PA

- 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 Mr H Shepherd-Cross against the decision of South Northants District Council.
 - The application Ref S/2014/0492/MAF, dated 28 March 2014, was refused by notice dated 4 July 2014.
 - The development proposed is the construction of a Solar Park, to include the installation of solar panels to generate electricity with transformer housings, substation, security fencing and cameras, landscaping and other associated works.
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APPEAL B Ref: APP/Z2830/W/14/3001219
Handley Park Farm, Handley Park, Towcester NN12 8PA

- 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 Mr H Shepherd-Cross against the decision of South Northants District Council.
 - The application Ref S/2014/0822/FUL, dated 6 June 2014, was refused by notice dated 23 July 2014.
 - The development proposed is an access track.
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APPEAL C Ref: APP/Z2830/W/14/3001220
Handley Park Farm, Handley Park, Towcester NN12 8PA

- 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 Mr H Shepherd-Cross against the decision of South Northants District Council.
 - The application Ref S/2014/1522/MAF, dated 11 August 2014, was refused by notice dated 27 October 2014.
 - The development proposed is the construction of a Solar Farm, to include the installation of solar panels to generate electricity with transformer housings, substation, security fencing and cameras, landscaping and other associated works.
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Decisions

1. APPEAL A is dismissed.
2. APPEAL B is dismissed.
3. APPEAL C is allowed and planning permission is granted for the construction of a Solar Farm, to include the installation of solar panels to generate electricity with transformer housings, substation, security fencing and cameras,

landscaping and other associated works, at Handley Park Farm, Handley Park, Towcester NN12 8PA in accordance with the terms of the application, Ref S/2014/1522/MAF, dated 11 August 2014, subject to the 19 conditions set out in the Schedule attached to this Decision Letter.

The local and national planning policy context

4. The Development Plan for the area comprises the West Northamptonshire Joint Core Strategy ("the JCS"), adopted in 2014, and the saved policies of the South Northamptonshire Local Plan ("the Local Plan"), adopted in 1997. Of particular relevance to these appeals, Policy S1 of the JCS provides that new development in rural areas will be limited, with particular emphasis on maintaining the distinctive character and vitality of rural communities, and Policy S11 of the JCS addresses low carbon and renewable energy, stating that proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity and historic assets. Saved Policy G3(A) of the Local Plan seeks to ensure that development is compatible with the existing character of the locality in terms of type, scale, siting, design and materials, while saved Policy EV1 states that proposals will be expected to pay particular attention to elements of design such as existing landscape features, and the relationship with adjoining land.
5. The Overarching National Policy Statement for Energy (EN-1) was published by the Government in 2011, and sets out the national policy for energy infrastructure. Paragraph 3.4.1 makes reference to the UK commitment to sourcing 15% of energy from renewable sources by 2020. To reach this target, and to largely decarbonise the power sector by 2030, EN-1 states that "It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy generation is therefore urgent".
6. The National Planning Policy Framework (NPPF), published in March 2012, sets out the Government's view that the planning system plays a key role in supporting the delivery of renewable and low carbon energy, and that this is central to the economic, social and environmental dimensions of sustainable development.
7. In March 2014 the Government published Planning Practice Guidance (PPG), containing a chapter which identifies the planning considerations relevant to a range of specific renewable energy technologies. The PPG 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.
8. More recently, on 25 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." Since this clarification was issued after the dates by which the appellant and the Council were required to submit their Statements of Case for these appeals, I provided them with the opportunity to comment on the implications for their respective cases. I have taken their responses into account in my determination of these appeals.

The three appeal proposals

9. The application which is now the subject of APPEAL A was for a solar array which would occupy the majority of the appeal site, with access taken from an existing field access opposite Hill Farm, on the road linking Abthorpe with Towcester ("the first scheme"). The application which is now the subject of APPEAL B proposed a revised access route to the site, which would utilise the existing access from the highway to Handley Park Farm; beyond the farm, the existing partially-made rural track would be replaced with a crushed stone track. The application which is now the subject of APPEAL C was for a smaller solar array, covering slightly less than half of the appeal site ("the second scheme"), and using the access route detailed in APPEAL B.
10. In determining to refuse planning permission for the first scheme, the Council cited four reasons, which included (2) failure to provide an adequate assessment of potential noise impacts and (4) failure to demonstrate that crime prevention measures had been considered and employed. When submitting the application for the second scheme, the appellant provided additional information in respect of these matters, such that the Council did not consider them reasons to refuse that proposal.
11. When submitting the application for the second scheme, the appellant also submitted further details concerning the access route. These were assessed by the Highway Authority, and the access was found to be suitable, subject to the imposition of various conditions. As noted above, this access route is the same as that which is the subject of APPEAL B. Were I minded to grant permission for the second scheme, this is the access route that would be incorporated. Were I minded to grant permission for the first scheme, it would be possible to impose conditions requiring the implementation of this access, rather than that originally proposed. This means that in either case, an acceptable access route could be secured.

Main issue

12. Taking all of this into account, I consider that the main issue in these linked appeals is the effect that the development proposals (that is, both the first scheme and the second scheme) would have on the character and appearance of the area. It is also necessary to take into account the other "particular planning considerations that relate to large scale ground-mounted solar farms" identified in the Renewable and Low Carbon Energy section of the PPG.

Reasons

Main issue: the effect on the character and appearance of the area

13. The appeal site consists of a single irregular-shaped arable field, of around 26 ha, which lies to the west of the A43 some 1km north of Silverstone and 1.8km south-west of Towcester. The site slopes gently down from north to south, with a fall of about 20m, towards the Silverstone Brook, which runs close to the southern boundary. The closest public footpaths are SB14, which runs roughly parallel to the north-west boundary of the appeal site, and RA15, which passes to the south-west of the appeal site, towards the A413 and Pitts Farm. An existing solar array at Shacks Barn Farm, on the eastern side of the A43, lies to the south-east of (and is visible from) the appeal site.

14. The appeal site does not lie within any statutory or non-statutory landscape designations. It forms part of an area of countryside that is characterised by a gently undulating topography, and contains blocks of woodland and a mix of medium- and large-scale fields, reducing in size closer to the village of Silverstone.

The first scheme

15. The proposed solar array would occupy nearly all of the 26ha field. It would consist of some 48,000 solar panels, mounted on metal racks set in rows some 4.6m apart. The panels would be angled to face southwards, and each would be 2.4m above ground level at its highest point. There would also be a sub-station, ten inverter buildings, and a site control room. The site would be enclosed by galvanised mesh deer fencing, with CCTV cameras and light sensors mounted on steel poles. A new 1.2m hedge would be planted across the centre of the appeal site, sub-dividing the field into two, and a new 1.2m hedge would be planted along the southern boundary. A taller, 2.5m hedge would be planted along the section of the north-west boundary that is currently open to the adjoining footpath.
16. The proposed solar array would have little effect on the local landform and topography; the low height profile of the panels, at a maximum of 2.4m above ground level, would follow the existing contours of the land, and the vertical scale of the landscape would still derive from existing features such as trees and hedgerows. The fact that the existing boundary hedgerows would be retained and enhanced would help to assimilate the new development within the existing pattern of fields and enclosures. However, the proposed 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, inverters, and other buildings to house equipment, would add visual clutter and exacerbate the incongruity of the development, as would the extensive access tracks, running around the perimeter of the top section of the appeal site and also across the centre.
17. I saw at my site visit that the effects of the proposed development would be most marked from the section of Footpath SB14 that runs along the ridge to the north of the appeal site. The existing views over the undulating landscape to the south and east are facilitated by the openness of the existing boundary along the northern edge of the appeal site. The proposed development would include planting a 2.5m hedge along this section of the boundary, which would effectively screen views toward the solar array, but would also preclude the existing panoramic views, and in so doing would fundamentally and harmfully alter the open character of the footpath.
18. The slope of the land means that the proposed solar array would be visible from sections of the A413 to the east and, in rising up the slope to approach the ridge, would be prominent in such views. From Footpath RA15, past Pits Farm heading north-west, the proposed solar array would be seen as a major, and incongruous, element of the visible landscape.
19. Further, in views from the road between Whittlebury and Silverstone, the proposed development would also occupy a considerable extent of the visible ridge slope and would be seen in the context of the existing solar array at Shacks Barn Farm. I share the CPRE's concern about the adverse cumulative

impact of the two schemes: in these views, the combined visual effect would create the impression of one enormous solar array, running along the ridge. I saw that there are other public views from which both the Shacks Barn Farm solar array and the current proposal would be visible – such as parts of Footpath SB14 north and south of the area that passes the north-west boundary of the appeal site – but in each of these other instances, the topography of the area and the context of the surrounding fields would allow sufficient visual separation to prevent any significant adverse cumulative impact.

20. I conclude that this proposal would cause considerable harm to the existing rural character and appearance of the appeal site and its surroundings. It would therefore conflict with the aims of Policies S1 and S11 of the JCS, and Policies G3(A) and EV1 of the Local Plan.

The second scheme

21. The proposed solar array would be located in the southernmost section of the appeal site, where it would occupy some 11.6ha. It would consist of around 27,764 solar panels, mounted on metal racks set in rows some 4.6m apart. The panels would be angled to face southwards, and each would be 2.4m above ground level at its highest point. There would also be a sub-station, six inverter buildings, and a site control room. The site would be enclosed by galvanised mesh deer fencing, with CCTV cameras and light sensors located at the access and along the eastern boundary, mounted on steel poles. A new 1.2m hedge would be planted across the centre of the appeal site, sub-dividing the field into two, and a new 1.2m hedge would be planted along the southern boundary. In addition, two 10m wide belts of native woodland trees would be planted, alongside the new hedge through the centre of the site, and alongside the eastern boundary of the solar array.
22. As with the first scheme, the proposed solar array would have little effect on the local landform and topography; the low height profile of the panels would follow the existing contours of the land, and the vertical scale of the landscape would still derive from other existing natural features such as trees and hedgerows. The fact that the existing boundary hedgerows would be retained and enhanced would help to assimilate the new development within the existing pattern of fields and enclosures, and while the sub-division created by the new hedge and woodland belt across the centre of the field would be emphasised by the presence of solar panels below but not above this line, the shape and size of the two resulting distinct areas would not be out of keeping with the scale of adjoining fields to the south.
23. However, the proposed installation of the solar panels and their associated infrastructure would clearly alter the nature of the southern area of the appeal site, introducing precision-engineered structures at odds with its current rural character and appearance. The access track, sub-station, inverters, and other buildings to house equipment would add visual clutter and exacerbate the incongruity of the development, although their location close to the eastern boundary of the appeal site would help to limit the extent of their impact.
24. Siting the solar panels on the lower half of the sloping appeal site, and retaining the open character of the boundary adjoining Footpath SB14 that runs along the ridge to the north of the appeal site, would mean that the development would not interrupt the existing panoramic views south and east

that are available from this footpath. There may be some glimpses of the panels on the lower slope, but these would be largely precluded by the intervening belt of woodland, and the open, rural character of the footpath would be largely retained.

25. The slope of the land means that the proposed solar array would be visible from sections of the A413 to the east. The uncharacteristic colour and uniformity of the glass panels would draw the eye, but since their presence would be restricted to the lower section of the ridge slope, with an open green field remaining visible above, this would limit their prominence within the landscape. From Footpath RA15, past Pits Farm heading north-west, the proposed solar array would appear as a substantial, and incongruous, element of the visible landscape.
26. In views from the road between Whittlebury and Silverstone, the proposal would be seen in the context of the existing solar array at Shacks Barn Farm. The proposed development would occupy only the lower half of the ridge slope, but would nevertheless be clearly visible, and in these views, the combined effect would create the impression of one continuous solar array, running along the ridge. I saw that there are other public views from which both the Shacks Barn Farm array and the current proposal would be visible – such as parts of Footpath SB14 north and south of the area that passes the north-west boundary of the appeal site – but in each of these other instances, the topography of the area would allow sufficient visual separation to prevent any significant adverse cumulative impact.
27. I conclude that this proposal would harm the existing rural character and appearance of the appeal site and its surroundings. It would therefore conflict with the aims of Policies S1 and S11 of the JCS, and Policies G3(A) and EV1 of the Local Plan.
28. I now turn to the other “particular planning considerations” identified by the PPG.

Encouraging the effective use of land, by focusing on previously-developed and non-agricultural land

29. The appeal site is agricultural land that has not previously been developed. The appellant contends, in respect of both the first and the second schemes, that “development of this scale” must reasonably be located on agricultural land, given the size of the area required. The appellant also contends that it is reasonable to assume that any large areas of previously developed land, particularly within or adjacent to existing settlements, will be brought forward for other types of development; in particular, residential development.
30. I do not consider those arguments persuasive. It is not necessarily the case that large-scale ground-mounted solar farms must be located on undeveloped agricultural land: many existing developments of this type have been constructed on non-agricultural land and previously developed sites, such as former quarries and disused airfields. Nor is it reasonable to assume, without any evidential basis, that any existing large areas of previously developed land will be brought forward for other types of development. For example, a previously developed site in an isolated location, lying a considerable distance from shops and services, may well prove better suited to development for renewable energy generation than for the provision of residential

accommodation, particularly if the Council has already identified sufficient deliverable sites to meet its housing needs for the next five years.

31. However, the appellant's arguments on this point are not restricted to generalised contentions. It commissioned a Sequential Analysis Study, which assesses the potential for the installation of large-scale solar development on previously-developed and non-agricultural land within the District, having regard to relevant constraints such as the need for a suitable point of connection to the electricity distribution network and sufficient grid capacity.
32. The Study concluded that no suitable areas of previously-developed land were identified within the District, and that the development of solar panels on agricultural land was unavoidable. Some of the potential alternatives have perhaps been discarded a little too readily; for example, the Study identified roof space at Grange Park which could potentially be used to generate 1MW of electricity, but noted that negotiations with landlord and tenants "could be complicated" and no structural surveys had been completed, before going on to conclude that these and other barriers meant that "the option for development on roof space is not achievable at this time".
33. However, 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. 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 detailed sequential analysis of every potential alternative site within the District. I also note that the Council has not disputed the appellant's evidence in this regard.
34. Taking all of this into account, I accept the appellant's evidence that the proposed solar arrays could not be accommodated elsewhere in the District on previously-developed or non-agricultural land.

If the proposed use of agricultural land has been shown to be necessary, whether poorer quality land has been used in preference to higher quality land

35. The Agricultural Land Classification maps indicate that the appeal site consists of land classified as Grade 3. The maps do not distinguish between Grade 3a land, which falls within the NPPF definition of "best and most versatile" (BMV) land, and Grade 3b land, which does not. The appellant commissioned an Agricultural Land Classification Survey, supported by soil sampling, from Kernon Countryside Consultants. Its findings, which are not disputed by the Council, are that about 20% of the field in question is of Grade 3a BMV quality, consisting of some 5ha in the northernmost part, while the remaining 20ha are of Grade 3b quality, and so do not constitute BMV agricultural land.
36. The layout proposed for the second scheme is such that development would only take place on the area of Grade 3b land, avoiding entirely the area of BMV land within the appeal site. The area developed under the proposals in the first scheme would involve a larger land take, 20% of which would be BMV land.
37. The Sequential Analysis Study undertaken by the appellant considers potential alternative sites within the District, having a similar level of deliverability to the

appeal site but involving poorer quality agricultural land, and concludes that none could provide a better option for solar development. Again, while noting the limitations of the study, I also note that the Council has not disputed the appellants' evidence in this regard, or provided any alternative evidence.

38. However, it is material to note that the study was limited to sites consisting of Grade 4 quality, or lower. This constitutes evidence, for the second scheme sited wholly on non-BMV Grade 3b land, that no alternative sites of poorer quality were available. However, the same cannot be said of the first scheme, since it is not possible to rule out the existence of alternative mixed Grade 3 sites with a lower overall proportion of Grade 3a BMV land; for example, sites of 10% Grade 3a and 90% Grade 3b (non-BMV) agricultural land. That being the case, I consider that the evidence provided in connection with the first scheme does not meet the very high bar set out in the WMS, to the effect 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."

Whether the proposal allows for continued agricultural use and/or encourages biodiversity improvements around the arrays

39. In both the first and second schemes, sheep would be grazed on the land between and around the panels, which would be planted with a grassland and wildflower mix. This would enable the continued agricultural use of the appeal site, and would promote a richer mix of species than the current arable use of the appeal site. In addition, the proposed planting of new hedgerows would provide ecological benefits in terms of increased habitat and foraging opportunities.

The temporary nature of the development

40. The PPG points out that solar farms are normally temporary structures. That is the case here, with planning permission sought, for both schemes, for a period of 25 years. Planning conditions could be used to ensure that the solar arrays, and their associated infrastructure, would be removed at the end of the permitted period and the land restored to its previous agricultural use.
41. In the context of the human lifespan, 25 years is such a substantial length of time that the removal of the proposed development after 25 years is not a consideration which would reduce the significance of any adverse visual impact experienced, or that of any harm caused to residential amenity. But in terms of impacts on the character of the landscape, the timespan against which the duration of the development should be measured is the length of time for which the host landscape itself has subsisted, and will endure. In that context, the time-limited period for which each solar array would subsist is not a consideration that reduces the magnitude of the harm caused to the character of the landscape during their operational lives, but it does reduce the significance of that harm.

Visual impacts, including glint and glare, the effect on neighbouring uses, and aircraft safety

42. Solar panels are specifically designed to absorb rather than to reflect light, and there is no indication that the location and angle of the panels here proposed would give rise to any significant adverse impacts from glint or glare.

43. Pits Farm, to the south of the appeal site, would have views toward the development proposals. However I saw at my site visit that the orientation of the farmhouse is such that its front elevation faces out over its garden towards the north-east, rather than towards the appeal site; the northern garden boundary, which adjoins the public footpath, is lined with mature vegetation. Consequently, any views of the development proposals from the windows or grounds of this residential property would be oblique, and largely screened. Similarly, the orientation of the mobile home at Pits Farm is such that the main windows do not face directly toward the appeal site, and any views of the development proposals would be oblique. Neither of the two proposed schemes would, in my judgment, have such an adverse visual impact in views from these properties as to cause any significant harm to their living conditions.
44. The proposed solar arrays would emit no smells, and would be unlit. The only noise would be generated by the associated electrical plant, but on the evidence provided in the Noise Assessment commissioned by the appellant, this would be low-level, and at a sufficient distance from the nearest dwellings not to adversely affect their residential amenities.
45. The appeal site does not lie within any safeguarding zone such that the proposed development would require consultation with the relevant aviation authorities and operators, and no objections in this regard to either of the proposed schemes were received. There is no reason to suppose that the proposals would have any adverse impact on aircraft safety.

Additional impacts of following the sun

46. The PPG draws attention to the possibility that additional impacts may arise if solar arrays are programmed to track the sun, but in both the first and second schemes the solar panels would be fixed in place, and would not move.

Security measures

47. Both schemes would incorporate a variety of security measures, including a 2.4m high deer fence and pole-mounted CCTV cameras. In each case there would be only one vehicular access, and all buildings would be fitted with secure locking systems. The CCTV cameras would use infrared light providing up to 300m diameter viewing, and would be monitored by a private security contractor, via a broadband line connection providing visual information from the CCTV cameras and data from the perimeter sensors, ground sensors, and panels themselves. I am satisfied that these would constitute reasonable and proportionate crime prevention measures, in accordance with advice set out in the Council's Supplementary Planning Guidance "Planning Out Crime in Northamptonshire".

The conservation of heritage assets

48. 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. The NPPF explains that consideration needs to be given to the impact that proposed development would have on the significance of any heritage assets

- affected, pointing out that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
49. There are three designated heritage assets lying within 1km of the appeal site: Charlock Farmhouse, which is a Grade II Listed Building; Park Farmhouse, which is a Grade II* Listed Building; and the dovecote and attached outbuildings at Park Farm, which are Grade II Listed in their own right. Clearly, none of these listed buildings would be physically altered by the proposed development. Rather, it is the indirect effect of the proposal, in terms of its impact on their settings, that needs to be considered.
 50. Charlock Farmhouse lies around 1km south-west of the appeal site, and the intervening topography is such that there would be no intervisibility between this Listed Building and either of the two proposed schemes. The proposed development would not lie within the setting of this Listed Building, or affect its significance in any way.
 51. Park Farmhouse lies some 750m to the north of the appeal site, and the dovecote and attached outbuildings are located about 40m to the west of the farmhouse. The farmhouse was constructed in the early 17th Century, and is listed for its architectural and historic value. While its physical form and internal features are the main contributors to its significance, its setting also contributes. The most important aspects of the farmhouse's setting are the farmyard and outbuildings to the west, and garden to the north and east.
 52. There is a strong visual link between the farmhouse and the dovecote and outbuildings, which are constructed in a similar style and from similar materials. The development proposals would not affect this important relationship. The surrounding agricultural fields are also an aspect of the setting that contributes to the significance of these designated heritage assets, as they enable their origins as a farmstead to be understood. The construction of either of the proposed solar arrays would result in a noticeable change, through the introduction of built form, but would not fundamentally alter or obscure the contribution made by this part of the setting to the significance of the Listed Buildings at Park Farm.
 53. In terms of possible impacts upon non-designated heritage assets, I note that the appeal site is located at the southern end of a possible medieval deer park known as Handley Park. The recorded location and boundaries of the park are partly conjectural, but there may be archaeological potential for encountering the park pale or lodge, or material in the topsoil due to accidental losses of equipment associated with medieval hunting and forestry. The appellant undertook a geophysical survey of the site, which identified areas of archaeological interest in two concentrated areas of the site. This has been reviewed by the Archaeological Advisor to the County Council, who has raised no objection to either of the two schemes, subject to conditions requiring the prior agreement of a scheme of investigation, and also a detailed method statement for the installation of the proposals, to ensure that the impact on archaeological levels would be negligible.
 54. Taking all of this into account, I conclude that subject to conditions to preserve the underlying archaeology of the developed areas, neither the first nor the second scheme would harm the setting or significance of any heritage assets.

The energy-generating potential

55. The first scheme would have an installed electricity generating capacity of approximately 12MW. This equates to producing electricity sufficient to power 2,650 average homes, and saving approximately 4,970 tonnes of carbon dioxide emissions, per year.
56. The second scheme would have an installed electricity generating capacity of approximately 7.2MW. This equates to producing electricity sufficient to power 1,588 average homes, and saving approximately 2,983 tonnes of carbon dioxide emissions, per year.

Other matters

57. The access originally proposed as part of the first scheme was taken from an existing field access opposite Hill Farm, on the road linking Abthorpe with Towcester. This was subject to a number of objections, from local residents as well as the Highway Authority, in connection with the limited visibility it would provide and the consequent adverse implications for highway safety.
58. In response, the appellant submitted an application for revised access proposals (now the subject of APPEAL B), which would utilise the existing access from the highway to Handley Park Farm, and was intended to be considered alongside the first scheme. The Council refused permission for that application, for reasons that included the lack of sufficient information to assess the impact on the local highway network and the safety of its users.
59. The access proposed as part of the second scheme also used the existing Handley Park Farm route, as detailed in APPEAL B, but was accompanied by additional information including a swept-path analysis diagram, a speed survey, and details of a proposed passing bay. The Highway Authority reviewed this additional information and is now satisfied, as am I, that subject to conditions to secure the necessary visibility and the prior approval of a Construction and Traffic Management Plan, the proposed access route via Handley Park Farm would have no significant adverse impact on highway safety.

The planning balance

The first scheme

60. The proposed solar array would make a significant contribution toward meeting national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. It would also help to increase the security and diversity of the national 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.
61. However, the proposed development would cause considerable harm to the existing rural character and appearance of the appeal site and its surroundings. Further, the development would be partially sited on BMV land, and while the appellant has shown the use of agricultural land to be unavoidable, it has not provided "the most compelling evidence" (in the terms of the WMS) necessary to justify the use of BMV land.

62. Weighing all of the relevant material considerations in the balance, I find that the benefits of development here proposed would not be sufficient to overcome the conflict with the Development Plan policies and the harm that I have identified. I therefore conclude that planning permission should not be granted for this scheme.

The second scheme

63. The proposed solar array would make a lesser contribution toward meeting national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change than the solar array proposed in the first scheme, but this contribution would still be significant. It would also help to increase the security and diversity of the national electricity supply. These are benefits which carry substantial 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.

64. For the reasons set out above the proposed development would, albeit to a lesser degree than the development proposed in the first scheme, be harmful to the existing rural character and appearance of the appeal site and its surroundings. However, that is the extent of the adverse impacts that would arise in respect of this scheme: no other harm would occur.

65. Weighing all of the relevant material considerations in the balance, I find that in this case, the substantial weight of the benefits that would accrue from the proposed development would be sufficient to overcome the conflict with the Development Plan policies, and the extent of the harm that I have identified. I therefore conclude that planning permission should be granted for this scheme.

Conditions

66. The Council put forward a number of conditions that it suggested would be appropriate if I were to allow any of the appeals. I have considered these in the light of these in the light of Circular 11/95 *The Use of Conditions in Planning Permissions* (so far as that guidance remains extant) and the advice contained in the NPPF, and have made some amendments in the interests of clarity and precision. In addition to the standard conditions governing the timescale for commencement (1) and requiring compliance with the approved plans (2), it is necessary to attach conditions limiting the period for which permission is granted to 25 years (3), and securing the removal of the equipment and restoration of the site at the end of this period (4).

67. In order to secure the proposed ecological benefits, conditions are needed to detail the planting provisions (5), ensure their retention (6), prevent the removal of vegetation during the nesting season (7) and ensure the implementation of ongoing habitat management (8). As discussed above, conditions are necessary to protect the underlying archaeology of the site (9), (10), (11), and to secure the retention of visibility splays (12), approved details of the access gate arrangements (13), and a comprehensive Construction and Traffic Management Plan (14).

68. To limit the visual impact of the proposed development it is necessary to impose conditions preventing the installation of any external lighting on the appeal site (15), requiring the Council's prior approval of the colour and finish

of the various items of infrastructure (16), and preventing the addition of any further infrastructure under Permitted Development Rights (17). Conditions requiring the development to be carried out in accordance with the approved Flood Risk Assessment (18) and Noise Assessment (19) are needed, but I do not consider it necessary to impose the suggested condition requiring the removal of any solar panel that ceases to export electricity, since in my judgment the ensuing gap in an otherwise uniform row of panels would have more of an adverse visual impact than simply leaving the defective panel in place.

Conclusions

69. I have concluded that planning permission should not be granted for the first scheme; APPEAL A is therefore dismissed.
70. Since the access which forms its subject was intended to serve the first scheme, which is not to be permitted, APPEAL B is dismissed.
71. I have concluded that planning permission should be granted for the second scheme; APPEAL C is therefore allowed.

Jessica Graham

INSPECTOR

SCHEDULE OF 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: A.0229_03-C; A.0229_09-D; A.0229_14-A; A.0229_16-A; A.0229_17-A; A.0229_18-C; A.0229_22-A; A.0229_23-B; A.0229_28-A.
- 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, 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, within 3 months from the date of expiry of this permission.
- 5) No development shall take place until a detailed Landscaping Scheme has been submitted to and approved in writing by the local planning authority, which shall include:
 - (a) details of proposed tree and shrub planting, including species, number, sizes and positions, and details of grass-seeded / turfed areas, including written specifications of cultivation and other operations associated with plant and grass establishment, such as depth of topsoil and mulch, and the timing of such planting
 - (b) details of the existing trees and hedgerows to be retained, as well as any to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation
 - (c) details of all hard landscaping, including the access tracksDevelopment shall then be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and

- species, unless the local planning authority gives written approval to any variation.
- 7) All site clearance, including the removal of any vegetation or works to hedgerows, should be timed so as to avoid the bird nesting season of March to August (inclusive), unless otherwise agreed in writing by the local planning authority.
 - 8) No development shall take place until a Habitat Creation and Management Plan, detailing the measures for biodiversity improvements within the site such as the provision of grassland woodland and hedgerow habitat, and provisions for their ongoing management, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Plan.
 - 9) No development shall take place until a programme of archaeological work, consisting of a written scheme of investigation and a timetable for that work, has been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the agreed programme.
 - 10) No development shall take place until the areas of archaeological preservation have been identified on the ground, and demarked by temporary fencing. In these areas, an above-ground method is to be used for securing the solar panels to the ground, and a method statement for this, and for the removal of the array and infrastructure at the end of its period of use, shall be submitted to and approved in writing by the local planning authority before any development takes place. Construction in the areas of archaeological preservation shall be carried out in accordance with the approved method statement.
 - 11) Within 6 months of the completion of the programme of archaeological work approved pursuant to condition no. 9 above, an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report, together with details of the store at which this is to be deposited, shall be submitted to and approved in writing by the local planning authority.
 - 12) Any vegetation within the visibility splays of 4.5m x 160m in both directions from the existing access, shown on drawing no. PFA H503/4, is to be removed and kept clear for the duration of the construction period.
 - 13) No development shall take place until a plan detailing the location of the site access gates (which shall be set a minimum of 20m from the back of the highway boundary) 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) No development shall take place until a Construction and Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The approved CTMP shall be adhered to throughout the construction period. The CTMP shall include:
 - i) details of the construction of all temporary and permanent surfacing of the access track arrangements within the site
 - ii) measures for the protection and retention of the Public Rights of Way (Public Footpaths SB14, SB27, SB33 and Public Bridleway SB26) during the construction period and the temporary closure

- required for Public Footpath SB14 with an alternative route separated from sharing the access track with HGVs and during the surfacing and construction period
- iii) provisions for pre- and post- construction condition surveys to identify any damage caused to the surface of Public Rights of Way (specifically Public Footpaths SB14 and SB27) during the construction period, and provision for the specifications for the repair of any damage to be approved in writing by the local planning authority
 - iv) a Traffic Management Plan with the routeing strategy for all construction traffic, and details of all traffic management measures including (a) the provision of a banksman at the access off Towcester Road (b) details of all proposed signage along Towcester Road (c) details of all passing bays along the access track, and (d) details and locations of construction traffic and pedestrian crossing warning signs along the access track, within the vicinity of all Public Rights of way crossing and connecting to it
 - v) measures to control the emission of dust and dirt during construction
 - vi) the provision of wheel washing facilities
 - vii) details of any temporary site compound for storage of materials, machinery and car parking
 - viii) details of temporary external lighting required for the construction period, and its hours of use
 - ix) details of hours of operation and hours of delivery.
- 15) Other than temporary lighting during the construction and decommissioning periods, there shall be no external lighting of any kind erected on the appeal site without the prior written approval of the local planning authority.
- 16) No development shall take place until details of the colour and finish of the fencing, main gate, CCTV poles, site control container, inverter buildings, substation, solar panel frames and the switchgear cabinet have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no CCTV cameras, fencing, outbuildings or other structures, aside from those shown on the approved plans, shall be erected without the specific grant of planning permission from the local planning authority.
- 18) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA), dated 8 August 2014, ref H503, compiled by PFA consulting, and the following mitigation measures detailed within the FRA: (1) provision of swales in the lower areas of the site, as detailed in paragraphs 3.46 to 3.48 and shown on drawing no. H503/02 Rev B in Appendix 4 of the FRA, and (2) maintenance of the swales for the lifetime of the development, as detailed in Table 3 of the FRA.

- 19) The inverters used for the lifespan of the development shall be those detailed in the Noise Assessment undertaken by AECOM Environment, Handley Park Solar Farm, Noise Assessment Rev 1 dated 03/07/2014, unless otherwise agreed in writing by the local planning authority.