
Appeal Decision

Site visit made on 14 July 2015

by Neil Pope BA (Hons) MRTPI

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

Decision date: 08/09/2015

Appeal Ref: APP/D0840/W/15/3002512

Nancrossa Farm, Rame Cross, Penryn, Cornwall, TR10 9EA.

- 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 Second Solar Project Ltd against the decision of Cornwall Council (the LPA).
 - The application Ref. PA14/04493, dated 13/5/14, was refused by notice dated 30/9/14.
 - The development proposed is a solar farm, associated equipment and works.
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Decision

1. The appeal is allowed and planning permission is granted for a solar farm, associated equipment and works at Nancrossa Farm, Rame Cross, Penryn, Cornwall, TR10 9EA. The permission is granted in accordance with the terms of the application Ref. PA14/04493, dated 13/5/14, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The LPA's decision lists the relevant plans. These include a revised layout plan which, amongst other things, shows the alignment of the public footpath (No.98 Wendron Parish) that crosses the site and proposed hedgerow planting alongside sections of this public right of way. As part of the appeal the appellant has submitted additional landscape details in the form of plan IM.1. The LPA and interested parties have been given the opportunity of commenting upon plan IM.1. Having regard to the Wheatcroft principles¹, no party is likely to be prejudiced if I were to take IM.1 into account in determining this appeal.
3. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

4. Whether the benefits of the scheme, including the production of electricity from a renewable resource, outweigh any adverse impacts having particular regard to the effects upon: the character and appearance of the area, including any cumulative impact with other solar farms; the setting of two Scheduled Ancient Monuments (bowl barrows) and; the setting of the Grade II listed Halfway House Farm.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

Reasons

Planning Policy

5. My attention has not been drawn to any relevant development plan policies.
6. I note the provisions of the Cornwall Local Plan Strategic Policies – Proposed Submissions Document 2010-2030 (emerging LP). The most relevant policies to the determination of this appeal are policies 1 (presumption in favour of sustainable development) and 15 (renewable and low carbon energy). These policies are broadly consistent with the provisions of the Framework. As the emerging LP has yet to complete its Examination these policies can only be given limited weight. The LPA has not identified any conflict with them.
7. Whilst not planning policy, I have taken into account the contents of the Written Ministerial Statement (WMS) dated March 2015 relating to solar energy, the April 2013 speech to the solar PV industry by the Minister of Energy and Climate Change and the advice in the Government's Planning Practice (PPG) relating to renewable and low carbon energy.
8. My attention has also been drawn to the provisions² of the document 'An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development' (ALS) prepared for the LPA in 2011. This is being used to inform the emerging LP. Amongst other things, it describes solar farms of between 5 ha – 10 ha as 'Medium' scale and assesses the 'Carnmenellis' landscape character type³ (LCT) as having a 'moderate-high' sensitivity to solar PV developments. The ALS can be given limited weight.
9. Although the LPA has drawn attention to its Consultation Draft Renewable Energy Supplementary Planning Document (SPD) I have not been provided with any further details / extracts and no conflict has been identified with this emerging SPD. It is not determinative to the outcome of this appeal.

Other Documents

10. I have taken into account the provisions of various Acts⁴, Directives⁵, and Strategies⁶ relating to renewable energy, including the 2007 energy white paper⁷. Amongst other things, these set out and identify progress towards achieving the legally binding target of reducing UK emissions by at least 34% by 2020 and 80% by 2050, as well as achieving the UK's obligation of 15% of energy consumption from renewable energy resources by 2020. They reflect the Government's commitment to renewable energy. However, amongst other things, the PPG advises that the need for renewable energy does not automatically override environmental protection.

Benefits

11. The proposed development would have a maximum installed capacity of 5.81MW and a capacity factor of 14.5%. On behalf of the appellant, it has been calculated that this would generate sufficient electricity to meet the needs of about 1,203 Cornish households.

² This does not comprise planning policy but it is a material consideration.

³ As defined in the Cornwall and Isles of Scilly Landscape Character Study 2007.

⁴ The Climate Change Act 2008.

⁵ Renewable Energy Directive 2009/28/EC.

⁶ Including the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap and its updates.

⁷ 'Meeting the Energy Challenge' DTI (May 2007).

12. The proposal, in combination with other renewable and low carbon energy schemes, would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas emissions. Whilst I am aware of the large number of renewable energy schemes that have been permitted within Cornwall there is no ceiling / upper limit on renewable energy production within the county. There is general support within the Framework for renewable energy schemes and as I have already noted, no conflict has been identified with the development plan or emerging LP policies. The proposal would assist in increasing the security of electricity supply and would contribute towards replacing the UK's dated fossil-fuel based energy infrastructure. It would also aid farm diversification and strengthen the local economy.
13. In addition to the above, the proposals would significantly increase hedgerow and other planting within the site. This new planting and the intended management regime for the site would be likely to considerably enhance nature conservation interests. This Grade 4 agricultural land does not comprise best and most versatile agricultural land and it has not been argued that there is other more suitable or brownfield land available. (It is reasonable to expect the LPA to know of the availability of brownfield land within the county.)
14. The environmental and economic benefits of the appeal scheme can be given considerable weight in the overall planning balance.

Character and Appearance

15. The appeal site comprises four fields (9.82 ha) of pastoral improved grassland bounded by Cornish hedges on a small plateau. Whilst it does not form part of a designated landscape, the Framework requires the intrinsic character and beauty of the countryside to be recognised when assessing proposals.
16. This part of the countryside forms part of the Carnmenellis LCT. The key landscape characteristics include: gently undulating open and exposed elevated granite plateau; permanent pasture and rough grazing; Cornish hedges and some hedgerows enclosing small to medium scale fields; pylons, masts and poles prominent in places and; long views from elevated areas.
17. As I noted during my visit, parts of the appeal site are traversed by overhead lines with an electricity transformer station (Rame BSP) immediately alongside. The ribbon of development at Rame Cross, including Halfway House Farm, lies to the north and west along the main A394. The two Scheduled bowl barrows are on a local high point to the south. The sizeable farm complex at Lower Nancrossa Farm with the 12.7 ha solar farm at Little Trevease beyond are situated to the south west. The wider surroundings include some quarries.
18. From footpath No. 98 the experience is not that of an especially attractive or tranquil area of countryside. Infrastructure / utilities are prominent features and road traffic noise is audible throughout the site. The dense patches of nettles and brambles at both ends of this unsigned section of footpath indicate that this is not a very popular public right of way.
19. The substantial number of proposed solar panels and associated equipment and works would markedly change the character and appearance of the site. The long arrays of solar panels, gravel tracks, various structures, fencing and cctv would have a rather utilitarian form and appearance and would detract from the unspoilt open qualities of the site. Instead of walking across open fields,

for the duration of the development, users of footpath No. 98 would pass through an electricity generating facility.

20. Notwithstanding the limited height of the PV panels (approximately 1.94m high) and the proposed new and strengthened planting alongside this footpath, the development would have a considerable adverse impact upon the enjoyment of this public right of way. I concur with the Ramblers Association (Cornwall) on this matter. This harm weighs against an approval. Given the existing infrastructure that traverses the site, the very close proximity and prominence of Rame BSP and my findings above regarding the likely popularity of this footpath, I afford this moderate weight in the overall planning balance. The development would also be reversible and limited to a temporary period.
21. The existing intervening boundary hedges, new landscape planting and undulating topography would largely screen the proposed development from Lestraynes Lane to the east, much of the public right of way to the south west and from the main A394. The proposal would also be set back from the main road with a sizeable field separating the edge of the site from the A394.
22. The limited views of the proposed development from the surrounding public highways would diminish the countryside qualities of the site but would not harm any key landscape characteristics. The site could continue to be used for grazing by small animals such as sheep and there would be no significant change in the sizes of the fields. Given the context of the existing infrastructure / utilities the proposal would not have a serious adverse effect upon the character or appearance of the local landscape. There is no preclusion on this type of development within rural areas and some adverse landscape and visual impacts are an almost inevitable consequence of accommodating renewable energy schemes in the countryside.
23. From the wider surroundings, including the public footpath to the north east where it passes alongside the trigonometric point at Higher Trolvis Quarry, views of limited parts of the development would not comprise unduly conspicuous elements in a landscape that already contains numerous 'urban influences' and much taller, skyline structures / apparatus. The development would not mar any key or important long views from elevated areas. The new landscape planting would reinforce the pattern of Cornish hedges.
24. Applicants for renewable energy schemes are also required to consider any cumulative landscape and visual impacts. Such an assessment was undertaken as part of the appellant's Landscape and Visual Assessment (LVA) that was submitted in support of the application. This included the likely 'in combination' effects with the existing solar farm at Little Trevease (approximately 400m away) and the proposed 'extension' at Butteriss Farm⁸ (approx. 500m away).
25. Given the topography / landform the LVA states that there is no inter-visibility between the proposed development at Nancrossa Farm and the other schemes at Little Trevease and Butteriss Farm. From sections of the public right of way to Lower Nancrossa Farm the development before me would be viewed in succession with these existing and proposed solar farms to the south west. However, this would not be experienced in the same field of view and users of this right of way would have to turn their heads to achieve this.

⁸ This is the subject of a separate appeal (Ref. APP/D0840/A/14/2229290).

26. Whilst many people who access the countryside for leisure and relaxation pause to admire views, it would be surprising if they chose to do this alongside the complex of modern livestock buildings and the electricity transformer station that dominate the public right of way between the A394 and Lower Nancrossa Farm. Further south there would be intermittent sequential views of these proposed and existing solar farms. However, this would be experienced in the context of a wide panorama that includes other more prominent man-made elements. I concur with the assessment undertaken on behalf of the appellant that the proposal would have a low magnitude of visual change along this public right of way and a very limited cumulative visual impact. There is no evidence to demonstrate that the proposal would have a harmful cumulative impact from any other parts of the public domain, including the A394.
27. The proposal before me, in combination with these other renewable energy schemes would not convey the impression of a solar farm landscape. Those making use of this public right of way and others routes across the surrounding area would be very unlikely to have their perceptions or enjoyment of this area of countryside altered by this proposed 9.82 ha solar farm.
28. The development would accord with the landscape strategy of the ALS for occasional small to medium sized solar PV developments in this LCT and would not offend any of the siting guidance in the ALS. I note that after careful consideration of the application the LPA's officers advised that the limited visual / landscape impacts would not be of overriding significance. There is no cogent evidence before me to demonstrate that I should find differently.

Settings of Designated Heritage Assets

29. At its nearest the appeal site is about 115m from the Scheduled bowl barrows. These low circular mounds surrounded by buried quarry ditches are barely perceptible to the untrained eye. Nevertheless, they are important assets and the appeal site forms part of the surroundings in which they are experienced.
30. The significance of these bowl barrows lies primarily in their archaeological value as funerary monuments and as a record of the beliefs and social organisation amongst early prehistoric communities. Situated on a local high point, they are also representative of territorial significance. The appeal site and the surrounding countryside comprise part of the lower lying surrounds and form part of the landscape context of these Scheduled Ancient Monuments. The largely unspoilt open qualities of the site make a small but positive contribution to the setting of these designated heritage assets.
31. If the proposed development was permitted, the marked change in the character and appearance of the site that I have noted above would alter the historic landscape setting of these bowl barrows. Lengthy arrays of PV panels would be readily apparent in close proximity to these assets. This would comprise a modern and intrusive element that would erode the unspoilt open qualities of the immediate setting of these funerary monuments and to a small extent diminish an appreciation of their significance within the landscape.
32. The height of the PV panels and the setting-back of the arrays from the southern edge of the site together with the proposed mitigation planting would limit the impact of the development and there would be no interruption of any important views to other historic features in the wider landscape. As I have noted above, the development would also be temporary and reversible. In the

context of the Framework the proposal would comprise less than substantial harm to the setting of these Scheduled Ancient Monuments. I attach considerable weight and importance to this harm.

33. There is no public access to these bowl barrows and, in all likelihood, most people walking or spending time in this area of the countryside are probably oblivious to these Monuments. The appellant is agreeable to the suggestion made by English Heritage (now Historic England) of erecting some informative and accessible interpretative boards in the vicinity of these Monuments. This would assist in alerting the public to the existence and value of these assets. I concur with Historic England that this would weigh heavily for the public benefit of the proposals.
34. Halfway House Farm is a circa 18th / early 19th century two storey dwelling with painted rubble walls with granite dressings and a scantle slate hipped roof. It is situated on the opposite side of the A394 to the appeal site and there is an intervening field between the edge of the site and the main road. The significance of this designated heritage asset lies primarily in its inherent architectural qualities and historic fabric. I also note that this building may have been a former account house.
35. Having special regard to the desirability of preserving the setting of this listed building, there is nothing before me to demonstrate that the appeal site has any historic or other association with this asset. Whilst the site forms part of the wider surroundings in which this listed building is experienced it does not affect the ability to appreciate its significance. In the main this is confined to the immediate surroundings, including the section of the A394 alongside.
36. The proposed development would be set back a considerable distance from the A394 and would largely be screened from Halfway House Farm by intervening Cornish hedges. Whilst the arrays of PV panels would be visible from the facing first floor windows in this designated heritage asset the proposal would not harm the value of this listed building. Its setting would be preserved.

Other Matters

37. The information and other reports submitted with the application demonstrate that the proposal would be unlikely to result in harmful noise disturbance, glint or glare and would not increase the risk of flooding. At application stage there were about 8 letters of objection, including the Parish Council, and 3 letters of support. At appeal stage 1 letter of objection has been received. Whilst I do not set aside lightly these concerns, the response from the local community is somewhat limited. Moreover, many of the concerns raised, such as highway safety, precedent, flooding, blight, the effects on health and tourism were not shared by the LPA. There is no technical or other convincing evidence before me to justify taking a contrary stance to the LPA on these matters.

Conditions

38. For the avoidance of doubt and in the interests of proper planning a condition would be necessary specifying the approved plans. Having regard to the temporary nature of the development and to safeguard the character and appearance of the area a condition would be necessary limiting the duration of a permission and ensuring the site was restored in due course. To safeguard the character and appearance of the area it would also be necessary to control

the external finish / colour of the ancillary structures and the details of the proposed new planting.

39. To safeguard the living conditions of neighbouring residents a condition would be necessary requiring the development to be undertaken in accordance with the submitted Construction Method and Decommissioning Statement and the separate Noise Impact Assessment. In the interests of biodiversity a condition would be necessary requiring the development to be undertaken in accordance with the submitted Extended Phase 1 Habitat Survey Report. Conditions would also be necessary to secure an understanding / appreciation of heritage assets.
40. To avoid an increased risk of flooding it would be necessary to ensure the development was undertaken in accordance with the submitted Flood Risk Assessment. The circumstances of this case are not exceptional. It would therefore be unreasonable to remove permitted development rights. In the interests of precision and to reflect the provisions of paragraph 206 of the Framework I have modified some of the suggested conditions.

Planning Balance / Overall Conclusion

41. The limited harm that I have found to the character and appearance of the area and the harm to the setting of the Scheduled Ancient Monuments would be outweighed by the benefits of the scheme, including the public benefit of providing interpretative boards. The proposal would accord with the provisions of emerging LP policy 15. It would comprise sustainable development in accordance with emerging LP policy 1 and the overall thrust of the Framework. I therefore conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development shall take place in accordance with the following drawings:
i) site location plan ref. 20140626_nan1_r00_sal; ii) preliminary module layout plan ref. 20140625_nan1_mplan01- r05_sal; iii) pv module table design / 2 portrait ref. 20140324_uk_energisto_pv-table-design-2-portrait- r00_sal; iv) substation plan ref. 20140317_uk_energisto_substation-plan-r00_cde; v) fence design plan ref. 20140316_uk_energisto_deer-fence-r00_sal; vi) access road design plan ref. 20140316_uk_energisto_access-road-design- r00_sal; vii) transformer station design plan ref. 20140318_uk_energisto-transformer-station-design-r01_sal; viii) cctv perimeter security design plan ref. 20140316_uk_energisto_cctv-design -r00_sal; x) additional proposed mitigation planting plan ref. IM1.
3. Within 25 years following the development hereby permitted being brought into use or within twelve months of the cessation of electricity

generation by the solar PV facility hereby permitted whichever is the sooner, the solar PV panels, racking, transformers, substation, fencing and associated structures shall be dismantled and removed to a depth of 1 metre from the surface. The developer or site operator shall notify the Local Planning Authority (LPA) in writing no later than five working days of the development being brought into use and within five working days of the cessation of electricity generation. The site shall be decommissioned and restored in accordance with sections 4, 5, 6 and 7 of the Construction Method and Decommissioning Statement dated 14 April 2014.

4. The development shall be undertaken in accordance with sections 1, 2 and 3 of the Construction Method and Decommissioning Statement dated 14 April 2014.
5. No development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority: i) the colour / external finishes of the transformers, substation and security fencing; ii) the height and width of the new hedgerows to be planted within the site and details of the numbers and species to be planted on top of the new hedgerows along with a timetable for undertaking the mitigation planting shown on plan ref. IM.1; iii) the Traffic Management Plan referred to in paragraph 3.4.1 of the Construction Method and Decommissioning Statement dated 14 April 2014; iv) the seeding and future management regime of the site and the ecological monitoring programme referred to in the Extended Phase 1 Habitat Survey Report dated April 2014; v) a programme of archaeological work including a Written Scheme of Investigation; vi) details of interpretation boards to explain the significance of the two Scheduled Ancient Monuments (bowl barrows) to the south of the site, including the siting of the panels and a timetable for erecting the boards. The development shall be undertaken in accordance with the approved details.
6. The development shall be undertaken in accordance with section 3 (Conclusions) of the Flood Risk Assessment report dated April 2014 by Roger Casey Associates and section 5 (Conclusions and Recommendations) of the Extended Phase 1 Habitat Survey Report by Soltysbrewster Ecology dated April 2014.
7. Noise emanating from the solar farm shall not exceed the predicted sound pressure levels set out in Table 6 of the Noise Impact Assessment produced by 24 Acoustics Ltd and dated February 2014.