

Date of Committee: 17 December 2015

Planning Application No: 15/0668 **Date Received:** 23 July 2015

OS Grid Ref: 360900 521007 **Expiry Date:** 16 November 2015

Parish: Morland **Ward:** Morland

Application Type: Full

Proposal: Proposed ground mounted solar site with associated infrastructure

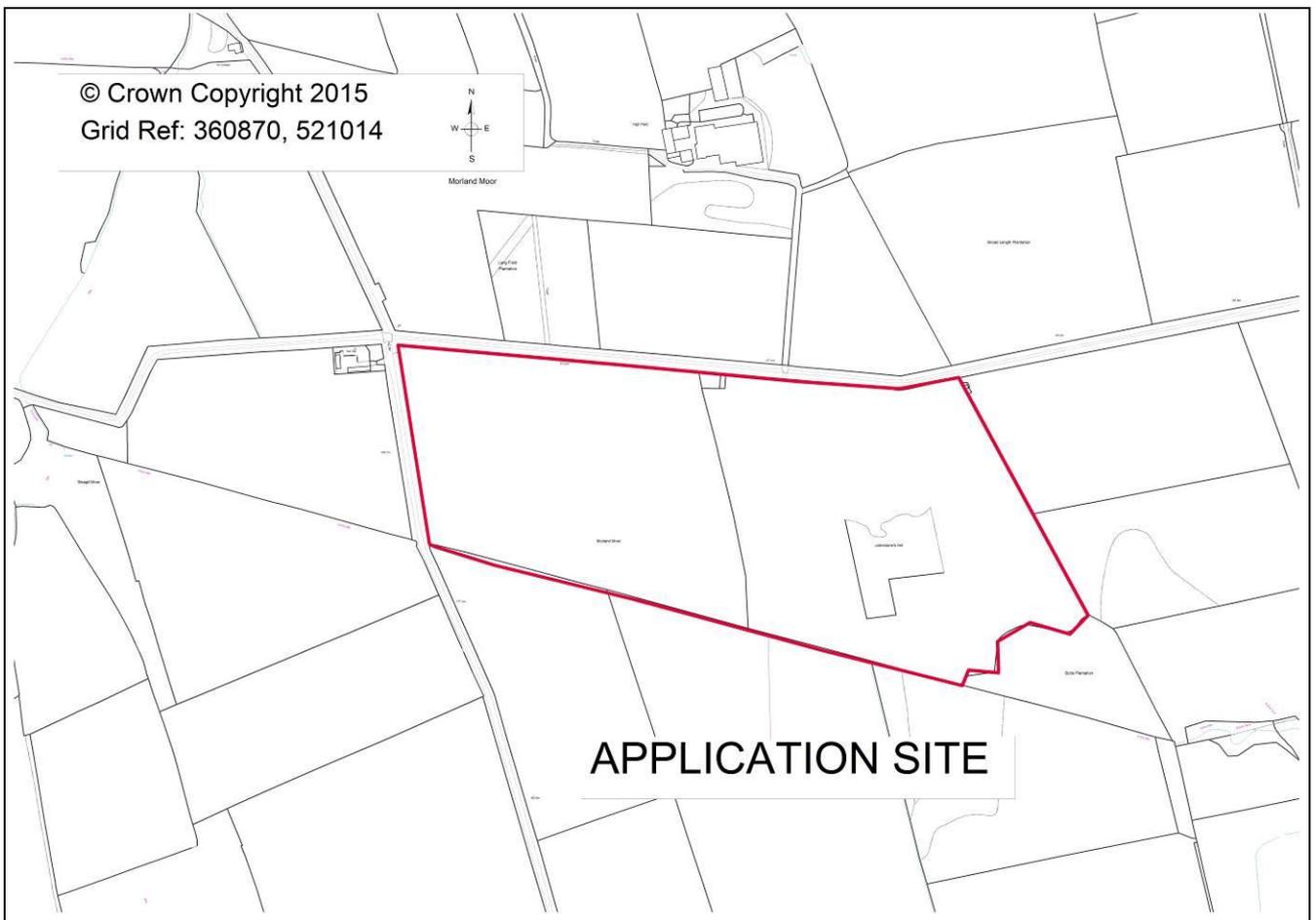
Location: Land to the south of Welltree Brow, near Morland

Applicant: Livos Energy

Agent: Livos Energy

Case Officer: Mr J Sykes

Reason for Referral: The application has been referred to planning committee by the local councillor and there have been requests from objectors to address the committee



1. Recommendation

It is recommended that planning permission be granted subject to the following conditions:

- 1) The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2) The development hereby granted shall be carried out solely in accordance with the following details and plans hereby approved:

- i. Site layout v002 received on 2 September 2015
- ii. Site location received on 2 September 2015
- iii. Application Boundary plan on 2 September 2015
- iv. Solar panel elevation and detail Figure 4 received on 2 September 2015.
- v. Inverter housing Figure 5
- vi. DNO & EPC switchgear housing Figure 6 received on 2 September 2015.
- vii. Fencing, gate and camera Figure 7 received on 2 September 2015.
- viii. Landscape Masterplan LA.08A received on 2 September 2015.

Reason: To specify the permission and to avoid any ambiguity as to what constitutes the permission.

- 3) The permission hereby granted shall expire 25 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

- 4) Within 6 months of the cessation of energy generation from the site, or a period of 25 years and 6 months following from the date when electrical power is first exported, whichever is the sooner, all infrastructure associated with the solar farm will be removed from the site and the site restored to its original condition in accordance with a scheme for decommissioning that has been first submitted to and approved in writing by the Local Planning Authority.

Reason for 3 & 4: To ensure the landscape impact of the development only exists for the operational lifetime of the development.

- 5) There shall be no fixed lighting installed on the site without the prior approval by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to minimise the landscape impacts of the development.

- 6) The approved landscaping scheme shall, indicated on drawing LA.08A, be implemented in the first planting season following completion of the

development or first exporting of power, whichever is the soonest, and shall be maintained thereafter for the lifetime of the solar farm to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

Reason: In the interests of the amenity of the area.

- 7) Prior to the erection of the substation/control room building full details of the external appearance of the structure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: For the avoidance of doubt and to ensure an appropriate visual appearance of the development.

- 8) A detailed traffic management (Construction and Operation) Plan detailing routes and sizes and types of vehicles and including comments on “known” or “possible” route issues with mitigating measures (as necessary) is prepared and submitted to the Local Planning Authority. The development shall be carried out in accordance with the traffic management plan.

Reason: To ensure the proposed development does not have an adverse effect on highway safety.

- 9) The development hereby approved shall be carried out wholly in accordance with the construction specification outlined in the document titled “Construction, Traffic Management Plan” received on 2 September 2015.

Reason: To ensure the development does not have an adverse impact on the amenities of neighbouring residents and is carried out in an appropriate fashion.

- 10) Prior to its first installation on site full details of the proposed security fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not have an adverse impact on the character and appearance of the surrounding area.

- 11) Prior to the commencement of development on site full details of the internal track designs, ground protection measures and supervision scheme by an arboriculturist shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out wholly in accordance with these approved details.

Reason: In order to ensure the proposed development does not have any significant adverse harm on trees or vegetation within the vicinity.

- 12) No development shall commence until full details of surface water management has been submitted and agreed in writing with the Local Planning Authority. The details shall include:

- An assessment of the impermeable areas of the site including any buildings and the access road and measures proposed to ensure runoff from these areas

are discharged as greenfield runoff rates.

- Additional details to the management plan detailing how compaction and the formation of rivulets on the site will be dealt with during the proposed use and measures that will be used to ensure that the site is maintained to ensure that runoff from solar panels will not increase flood risk outside the site. This should include details of routine works to reduce compaction of the soil.
- Appropriate percolation test information shall be provided for any infiltration structures required (standard procedures such as Digest BRE365 or equivalent shall be used).
- Information demonstrating that the runoff volume does not exceed the greenfield runoff volume for a 1 in 100 year 6 hour rainfall event and that 50% of attenuation storage to drain down in less than 24 hours.
- Information on how surface water will be prevented from accessing and travelling along cable ducts.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure flood risk outside the development is not increased.

- 13) No development shall commence until a construction surface water management plan has been agreed in writing with the Local Planning Authority.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses.

- 14) The proposed development shall be carried out wholly in accordance with the proposed mitigation, habitat creation and enhancement and monitoring outlined in the Biodiversity Management Plan by Energised Environments received by the Local Planning Authority on 2 September 2015.

Reason: To ensure the proposed development does not have an adverse impact on biodiversity within the vicinity and takes opportunities to enhance biodiversity within the locale.

Informative: In order to minimise disturbances to residential properties construction hours should be restricted to:

Monday - Friday 08:00-18:00

Saturday - 09:00-13:00

Sunday/Bank holidays - no activity

2. Proposal and Site Description

2.1 Proposal

2.1.1 Planning permission is sought for the erection of a solar farm with associated infrastructure. This includes:

- Approximately 23,650 solar panels and associated cabling. The solar panels would be set out in rows, between 5m and 8m apart, with a maximum height of 2.9m.

- Approximately 7 inverter kiosks. These inverters would be housed in a metal container 8.9m long, 2.7m high and 3.2m wide.
- A sub-station/control room building. This building would have a pitched roof and brick construction with a footprint of 14m long and 7.7m wide and 4.5m to the ridge.
- Security fencing- this will have a height of 1.9m and be coloured to blend into the background.
- Pole mounted cameras and associated cabling. These installations would be on galvanised steel poles with a maximum height of 4m.
- A temporary construction compound and laydown area.

2.2 Site Description

2.2.1 The application site an area of agricultural land (grade 3b) of approximately 12 hectares. The site is located approximately 0.8km to the west of Kings Meaburn, 1.2km to the east of Newby and 1.3km to the south of Morland. The site presently has access from the road between Newby and Morland to the north. The road boundary to the north has a number of large trees along the road side with the road boundary to the west of mature hedgerows. The site slopes up from the west before flattening and descending to the east.

Land subject to a National Park variation order for inclusion in the Yorkshire Dales National Park lies approximately 2.5km to the south east.

3. Statutory Consultees

Consultee	Response
Cumbria County Council	<p>CCC have made the following comments on this and other sites in the area:</p> <ul style="list-style-type: none"> • In regard to landscape and visual issues the site are relatively well screened. • The maintenance and enhancement of existing planting/field boundaries would be supported. • It is not considered that any fundamental issues are raised in regard to the application of guidance contained in the Cumbria Landscape Character Guidance and Toolkit. • The potential cumulative impacts of the solar farm developments in the area should be taken into account within their assessment.
Environment Agency	The EA have made no comment and consider the development to fall outside of the proposals that they should be consulted upon.
Highways Authority	The HA have raised no concerns but have suggested a condition requiring the provision of a detailed Traffic Management Plan detailing routes, sizes and types of vehicles and including comments on “known” or “possible” route issues with mitigating measures (as necessary) is prepared and agreed by the Highway Authority before any work commences.

Natural England	<p>Having reviewed the application NE do not wish to make detailed comments on the application. However make the following comments:</p> <p>The site would be located 5.5km from the Lake District national park and 2.9km from the boundary of the Yorkshire Dales National park Variation Order.</p> <p>NE are aware that there are currently several solar farm applications within the area including one 750m from the site. The cumulative impacts of such developments should be assessed.</p> <p>The area is subject to a variation order (now confirmed) to be part of the Yorkshire Dales National Park should be treated as a material planning consideration by the LPA.</p> <p>The application has not been assessed for its impacts on protected species and NE have directed the Council to their standing advice in this respect.</p>
Historic England	<p>Do not wish to comment in detail however make the following comments:</p> <p>Development has the potential for an impact on the setting of heritage assets within Kings Meaburn Conservation Area including medieval village remains whose significance is reflected in their scheduling as ancient monuments.</p> <p>The ZTV indicates that the site would be visible from Kings Meaburn however HE suggest that any negative impact on the heritage assets in the conservation area could be reduced to an acceptable level by reinforcing the eastern hedged boundary of the development site using a mixed hedge including evergreen species such as holly.</p>
Environmental Health	<p>Environmental Health initially raised some concerns regarding the noise produced by the development. Additional information has been submitted by the applicant and the EHO has subsequently confirmed that they have no concerns in this respect.</p>
Council's Tree Officer	<p>Initial concerns were raised regarding this development and the proximity to trees and hedgerows along the boundary of the site that contributed to the character of the area and the screening. An additional Arboricultural Impact Statement has been submitted and the tree officer has made the following comments upon this document:</p> <ol style="list-style-type: none"> 1. The Method Statement is contradictory in relation to the access track within the RPA of the adjacent trees, a no dig construction means no excavation so there will be no roots severed rather than only those below 20mm diameter. However, see note below re ploughing.

	<ol style="list-style-type: none"> 2. Topsoil should not be stripped, all that should be removed is the turf layer if one is present. However, I don't recall if this field has been ploughed at all but if it has been recently then tree roots are unlikely to be present down to normal ploughing depth and it shouldn't be an issue. 3. The depth of the geoweb panels at 100mm are only likely to be suitable for pedestrian loadings, in my view it should be a minimum of 200mm depth. I suggest we will need something from the manufacturer to confirm the proposed size is fit for purpose and the intended loadings. 4. There is no information regarding edge supports, any excavation for kerbs etc is also damaging and therefore more detail will be needed for this aspect. 5. The use of ground protection is welcome but will need to be more detailed to ensure it is acceptable, there are numerous ground protection systems available as a solution. <p>Although some concerns were raised as to the development the officer considered that the impact assessment is acceptable in setting out the principles of protection measures required for trees but a condition should be attached requiring full details of the track design, ground protection and a scheme of supervision by an Arboriculturist.</p>
Yorkshire Dales and Lake District National Parks	Consulted but no response received.
Lead Local Flood Authority	<p>The LLFA has made the following comments:</p> <ul style="list-style-type: none"> • Applicant has adequately addressed the flood risk to the site but has not considered how development would impact on the surrounding area. • The solar development of 12.78 ha may have a significant impact on flood risk if not handled correctly. • The LLFA are aware that new information is becoming available to suggest that the assumption that rain water falling onto each panel will drain evenly and freely onto the ground beneath the panel is not accurate. Rain water falling onto the panels is often directed to a specific part of the solar panel which in turn generally falls to the ground forming rivulets which do not utilise the whole area including the rain shadow for infiltration. The applicant has not demonstrated how the infiltration of the site will be affected by

	<p>point runoff from the panels and the effect this will have on the permeability of the site. The applicant has not provided any infiltration rates for this site and desktop information accessed by the LLFA suggests soils are of a low permeability rate. Although the applicant has made some effort to reduce the risk of flooding by creating filter drains it is not clear from the information provided that the measures will be successful. This includes the location and levels associated with the filter drains which the applicant is proposing at various positions on the site as the applicant has not provided sufficient detail (long sections etc) to demonstrate that these will work effectively. There is also a lack of information on percolation tests.</p> <ul style="list-style-type: none"> • The LLFA also has concerns that the installation of cabling ducts could also cause a flood risk as if insufficient precautions are taken then surface water could enter and flow along ducts causing flooding outside the site. • The applicant has not submitted a construction method statement to demonstrate how surface water will be managed during the construction phase. • Notwithstanding these concerns the LLFA recommend that their concerns could be adequately addressed via appropriate conditions.
CCC Historic Environment Officer	The officer agrees with the results of the desk-based assessment that there is a low chance of archaeological assets being disturbed and as such has no objections or comments to make.

4. Parish Council/Meeting Response

	Please Tick as Appropriate			
Parish Council/Meeting	Object	Support	No Response	No View Expressed
Morland Parish Council	X			
Newby Parish Council	X			

4.1 **Morland Parish Council** have made the following comments regarding the proposed development on 22 September 2015:

Morland Parish Council wishes to object to the above proposal on the following grounds:

On the Welltree Brow site the developers are relying heavily on screening by trees and shrubs outside their control, they could be cut back at any time. As a matter of principle it is inappropriate to rely on any visual assessment carried out when the hedges and

trees are in full leaf. This example alone testifies to the flawed nature of the Visual Impact Assessment. Additionally when not in leaf, the site will be wholly exposed no matter what additional planting takes place within the site, in particular the full extent of the industrial development will be highly visible from the road running from Morland to Maulds Meaburn, bearing in mind that the road rises alongside the site. Furthermore the site is on a hillside and will interrupt the breathtaking views over rolling countryside towards Maulds Meaburn and the area likely to be incorporated as part of the Yorkshire National Park.

In addition to the devastating spectre of up to three metre high solar panels, fencing and cameras, there will be infrastructure on the road side not unlike the current electrical sub station in size and impact, creating an industrial gateway to the village of Morland.

At its inception the consultation process was at best flawed, with reference made repeatedly to Kings Meaburn and not Morland, in fact even the public consultation event was held inappropriately in Kings Meaburn Village Hall thereby misleading local residents. The developer has stated that it felt the choice of event venue was the most appropriate without taking any responsibility for mis information. The Company was made aware of its error prior to the consultation event but did not make any adjustment.

Transportation of goods to supply this site is a major issue. Traffic arriving from Shap direction will be using inappropriate single track roads, some of which are designated as unsuitable for HGVs by the Highways Agency who have placed prohibitive signage indicating this. Should this site, and site planning reference 15/0665 go ahead, the cumulative impact of therefore double the number of vehicles will render the roads unusable.

In relation to rural businesses there are at present five flourishing camp sites in the area. To allow such dramatic alteration to the character of the area and allowing it to be industrialised, we despoil its essence and undermine the reason why so many people come here to enjoy the Eden Valley and support our rural economy. Additionally this site is adjacent to two roads popular with walkers, cyclists and cycling clubs, they form part of a popular route linking to a public footpath which runs along the river Lyvennet back into Morland. Other businesses such as Morland Café, the public house, bed and breakfast accommodation and the award winning wedding venue Morland Hall all rely on repeat business and strong recommendation, this cannot be jeopardised.

This land has been used very successfully year on year for the production of winter feed stuffs for local farms, the loss of this amenity means that farmers will have to access feed from elsewhere. Furthermore the agricultural land may for the purpose of this exercise be given a grade 3b, but it is potentially very productive land that is capable of growing cereal crops like barley, often associated with grade 3a land and does grow very good crops of silage each year. To lose the use of this land for 25 years or more is an appalling waste of a natural and well managed resource.

Several residential properties in the lower end of Newby will have direct sight of this wholly inappropriate development ruining their outlook. From another perspective, when walking on the Pennines this entire area is clearly seen and currently offers a stunning unspoilt vast landscape.

In summation Morland Parish Council unequivocally rejects this planning application number 15/0668. It objects on all the grounds listed but especially wishes to reiterate to Eden District Council that the visual impact of this solar park will be devastating to the

Eden Valley and this Parish in particular. The price the residents would pay, for at least 25 years of industrialised landscape on its doorstep is therefore wholly unacceptable. The potential damage to the local economy would be incalculable Morland Parish Council implores Eden District Council to properly reflect the key principles set out in the Core Strategy which are to preserve and enhance Eden for the economic and environmental health of this rural community. It is hoped that planning officers and planning committee members appreciate the importance of preserving for future generations our greatest asset, the Eden Valley.

In response to additional information provided by the applicant **Morland Parish Council** made the following comments on 16 November:

Morland Parish Council take issue with a lot of the inconsistent and inaccurate points in this application and the response from Livos Energy of 30th October 2015 which you kindly forwarded; it must reiterate its strong opposition to this audacious application.

Visual impact and its consequential effects are paramount and Morland Parish Council disagree with the visual assessment submitted by the applicant. Most of the view points are taken from places where it cannot be seen, a much more accurate assessment would have been to use locations from where it can be seen, which are numerous. Some photographs are enclosed illustrating the points made in the Parish Council's letter of objection showing the site when some of the leaves have fallen. Also enclosed are views of the site taken from the C3056 just south of the site, and from Newby and Newby End. Others available if required.

The negative impact of this oppressive industrial infrastructure with CCTV cameras around it will be hugely detrimental to the many rural businesses dependant on the visitors who come to see and walk in the beautiful countryside. The road to and from Jackdaw Scar is part of national cycle route 71 and also part of the round walk along Jackdaw Scar from Morland, both of which are in frequent use. This development will greatly impact on the local amenity this route provides as the road runs immediately alongside its length.

The developers by their own admission agree there will be varying degrees, including adverse of visual impact during the life of the project. Any amount is too much.

Two of the boundaries of this proposed industrial development are on road sides, is this a first? This site can also be seen from varying distances and any additional screening will not mitigate this.

Morland Parish Council maintains its position that it was misleading to identify the location of the site as Kings Meaburn and particularly for the consultation event, as laid out in the Parish Council's letter to Livos Energy of 27th August 2015, copy enclosed. Kings Meaburn was used when the site is actually in Morland Parish, the nearest Morland resident lives 100 meters away, the next nearest 150 meters away and Kings Meaburn is a kilometer away. There was no letter drop to the residents living 150 meters away. Morland Parish Council is the statutory consultee. All of this renders any event statistics irrelevant because those most affected were not informed.

Irrespective of Livos Energy's drop-in statistics, the recorded response from the local communities made after they had chance to evaluate the proposal and make their own individual and considered decision was to unanimously reject the application. Some 102 villagers attended a meeting arranged by Morland Parish Council to hear their views before making a response to Eden District Council Planning Department on their behalf. There is also a remit from the over 500 people who signed a petition objecting

to these applications. The Parish Council, as yourselves, is obliged to act on behalf of those it represents.

Please take note of the objections made by Morland Parish Council and Newby Parish Meeting, whilst not a comprehensive report that expresses all its concerns it believes the points made are strong enough to have this application refused.

Morland Parish Council believes the application does not fit in with the Eden Core Strategies CS3, CS16, CS18 and CS20, the National Planning Policy Framework and planning guidance for renewable and low carbon energy paragraphs 8, 15, and 27, not to mention Government guidelines that recommend empathy with local opinion as expressed by the Minister of State in his letter to all Local Authority's dated 22 April 2014 relating to Solar PV Strategy.

Thank you for the opportunity to respond to Livos Energy's letter of 30th October 2015. Morland Parish Council stand by every word in its letter of objection and it defends its position, may we respectfully ask that this application is refused.

Newby Parish Council made the following comments on 18 September 2015:

Newby Parish Meeting objects most strongly to the above planning application and the solar farm it proposes. The proposal contravenes several of the policies of Eden District Council as set out in the Core Strategy Development Plan 2010 and the Local Plan Preferred Options as follows:

1) Landscape and Visual Impact

There is considerable visual impact and effect on the landscape of this proposed development. The Visual Impact Assessment was carried out in June/July when all of the trees and hedgerows were in full leaf whereas in the winter time when the leaves have gone the visual impact will be far greater. A winter visual impact assessment should be carried out during winter months to ascertain the true impact. The visual impact will have a far greater impact than some of the other sites because it is on rising land and it is highly visible from a number of properties in Newby. It is immediately adjacent to the Maulds Meaburn road, the C3056, and the road to Kings Meaburn from the C3056, and when the foliage has fallen from the deciduous trees and hedges along the road side and it will be clearly visible at close proximity. The solar farm will be alongside the road from King Meaburn and which is part of a recognised circular footpath walk along the Lyvennet River and Jackdaw Scar starting from Morland Square and is walked very frequently by both local people and visitors. The footpaths in the area have recently been enhanced with a considerable investment from Cumbria County Council's Permissive Paths Initiative.

2) Tourism and the Local Economy

Newby has 20 holiday homes, Morland and Kings Meaburn also have many holiday homes. There are accommodation providers and caravan parks in all three villages, there are 3 public houses in the area and Morland has a very busy café. Many visitors come to the area to enjoy the many walks and the picturesque scenery and they contribute considerably to the rural economy of the area. The beautiful scenery will be destroyed by this proposal and will inevitably result in less visitors who will be deterred by the industrial landscape of a solar farm and, consequentially, a drop in income for the rural economy.

3) Industrialisation of Farmland

This site, along with others, have had a land classification carried out which fortuitously classified it as 3b (3a would have precluded any development) however this an area of productive farmland, not subsistence farming, and the site is capable of growing good grass crops and can and has been regularly ploughed for arable crops (used mainly on farm). This area is mainly livestock with some substantial dairy units which often rely on neighbouring land/farms to provide crop, grass or grain, for their use. This comment applies to the 4 applications for solar farms (15/0665, 15/0668, 15/0663 and 15/0666), although classified as 3b (low grade) they are productive, improved, drained farmland and to industrialise good farmland is objectionable.

Newby Parish Meeting objects to the industrialisation of the farmland, particularly with the cumulative effect of this and other proposals in the area contributing to an unacceptable industrialisation of productive farmland. This constitutes a change of use of the land completely changing the quality of the built environment.

4) Traffic Impact

The Construction Traffic Management Plan provided states that there will be a total number of 187 vehicle movements. Bearing in mind the size of the hardcore compound and the length of access trackways the amount of stone to be delivered will be considerable. The plan refers to 50 deliveries in the first 2 weeks which will include the stone for the compound and trackways and this number will have a huge impact on Newby village.

Even with a traffic control system vehicles will have to stack up, probably within Newby village. If you add in the traffic which will be generated by the East of Newby site (15/0665) application (if it gains permission) which also has to come through the village of Newby, and if it also has a traffic control system, these vehicles will have to stack up in Newby also. The road from Newby past Newby End Farm to the site on the C3056 is completely unsuitable for HGVs, it is very narrow single track road with no passing places on most of it. Also unless the Highways Agency changes its policy the road is not gritted in the winter and will result in a serious traffic hazard. The inevitable traffic chaos is totally unacceptable.

Newby Parish Meeting strongly objects to this proposal. Newby Parish Meeting also strongly objects to the cumulative effect caused by this and the 4 other proposed solar farm sites (planning applications 15/0644, 15/0665, 15/0663 and 15/0666) all within a mile radius of Newby which will cumulatively impact on all of the above objections.

Newby Parish Council made the following comments in response to additional information on 16 November:

Thank you for forwarding the letter from Livos in response to the letter of objection from Newby Parish Meeting of 18th September 2015 regarding the above application.

Landscape and Visual Impact.

Newby Parish Meeting stands by the original comments in its letter. When the Planning Committee made their site visit we stood in the middle of the site, from which point a large amount of Newby village and its properties were visible, even on a day of poor visibility. It was also possible to see a number of other properties including those of Kings Meaburn. It is also possible to see properties in Sleagill especially Sleagill Head. In reverse therefore, the solar farm will be clearly visible from these properties

especially those in Newby, this is substantiated in the applicants response by picture Appendix 2.

It is important to note that these views would not be obliterated by screening hedges or trees because the line of sight is well above the perimeter fence and the proposed plantings. A view point taken by the applicant from Newby Head (view point 5 of the ZTV LA04.1) is taken from below the line of sight, further up the road at Appletree Cottage and neighbouring properties a good view is to be had from these properties and their gardens which face directly towards the site.

*Please note that the applicant's assessment is based upon analysis of a ZTV (Zone of **THEORETICAL** Visibility). Newby's assessments have been done by practical, on the ground viewing by parishioners from numerous points in and around Newby.*

The C3056

The C3056 road runs from Morland to Maulds Meaburn and does pass immediately adjacent to the site. Traffic driving on it from Maulds Meaburn to Morland will clearly be able to see the site. The Planning Committee walked on this road to view the site from the south western corner from which almost the whole site is clearly visible, applicants Site Record Photographs LA06.3, location 6. The applicants letter says that views from this road are considered in the assessment of viewpoint 7, a point some distance away, where it is 'visible extending to the northern boundary' in the baseline view descriptions. It can be seen much more as you get closer along the road towards Morland.

The members of the Planning Committee were also able to get the spectacular view of solar farm site application 15/0665, as from this road you look straight at the hillside on which this site is proposed. Being able to see 2 sites from any point is cumulative effect!

Road U3188, Kings Meaburn to C3056

Although the applicant states that 'The Landscape and Visual Appraisal does not monitor footpath (or road) usage' it should be a consideration when used by locals and visitors for recreational purposes and it forms part of a popular circular walk from Morland along the river and by Jackdaw Scar returning to Morland along this road. The views from this road will be considerable for the whole length of the site. The applicant's letter does not consider this very well used walk.

Traffic Impact

Newby Parish Meeting considers traffic impact to be a problem during construction, particularly in Newby village. When on the site visit you and the Planning Committee travelled from the site along one of the routes passing through Sleagill. Not a good road for two articulated wagons to pass on, the bus found it difficult to find a place to pass a car. The route chosen is the only route possible but this does not make it suitable.

In conclusion Newby Parish Meeting reiterates everything contained in its letter of 18th September 2015 and reinforces it in this letter.

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours, a press notice was issued and a site notice was posted on 28 August.

Please add in numbers and comments below:

No of Neighbours Consulted	1	No of letters of support	0
No of Representations Received	64	No of neutral representations	0
No of objection letters	64		

- 5.2 Letters of objection raised the following concerns which are material considerations to the application:

Development would be against the expressed interests of many in the local community.

The construction of the solar farms would have a deep and long term negative impact on the economy of Cumbria.

When the solar farm reaches the end of its life it is classified as a brownfield site rather than reverting to agricultural land.

The development would be clearly visible from the surrounding area and visible from the Pennines.

Industrialisation will change the character and feel of the area.

There will be a cumulative impact in conjunction with other proposed sites in the area.

The site is close to two national parks.

The impact of the site on the footpath along Morland Beck.

Development would cause sparkling and dazzling reflections.

The development would diminish the agricultural production of the land.

The use of land quality greater than 3a should not be considered.

Developments such as this should only be allowed in areas where they cannot be seen from road or footpath or local housing.

There are no benefits to the local community.

Construction traffic would cause a major disruption within the local area.

The visual impact assessment has not included certain houses or developments and has focused on the impact during the summer months. The roads adjacent to the site are well used by walkers, tourists and visitors.

At ground level the development site may be partially screened by natural vegetation during the summer months but for at least 7 months of the year the full extent of the development would be highly visible.

The development would have a detrimental impact on businesses in the area.

Concerns that the site would be artificially illuminated to the detriment of visual amenity and outlook for residents.

The benefits of renewable energy production are not considered to outweigh the harm to the setting of nearby heritage assets.

Development would lead to increased runoff and the potential for increased flooding.

Solar power can contribute very little to UK energy needs.

Development would have an overbearing impact on the surrounding area.

Birds may die from hitting the panels thinking they are water.

The roads in the area are part of the National Cycle Network.

The site produces above its grade 3b status and would deteriorate under the canopy of solar panels.

Development will affect wildlife such as deer which are present in the area.

There is the possibility of environmental damage to the land as the panels reach the end of their lives.

5.3 Letters of objection raised the following concerns which are non-material considerations:

Acceptance of one solar farm would encourage subsequent applications and lower the threshold for acceptance.

The private gain would not outweigh the public interest in the development.

Concern is raised about the unpaid time and effort that objectors have to put in to defend developments against well paid professionals.

Hydro electricity is being installed in a number of places and this should be the way to produce clean energy.

There is a site at Aspatria with a solar park which is in a disgraceful state and not maintained and kept in a tidy condition.

6. Relevant Planning History

There is no relevant planning history.

7. Policy Context

7.1 Development Plan

Eden Local Plan 1996: Saved Policies

NE1 Development in the Countryside

Core Strategy DPD Policy:

- CS1 Sustainable Development Principles
- CS4 Flood Risk
- CS16 Principles for the Natural Environment
- CS18 Design of New Development
- CS20 Renewable Energy

National Planning Policy Framework (NPPF):

Building a strong, competitive economy

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

7.2 The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Principle

8.1.1 The Planning Practice Guidance (Renewable and low carbon energy para 13) suggests that LPAs should encourage the effective use of land by focusing large scale solar farms on previously developed and non agricultural land provided it is not of a high environmental value. Where a proposal uses greenfield land it should be considered whether the proposed use of any agricultural land has shown to be necessary and poorer quality land has been used in preference to higher quality land and that the proposal allows for continued agricultural use and/or encourages biodiversity improvements. The PPG also states that LPAs should consider the energy generating potential of a development. The NPPF states the planning should encourage the development of renewable energy (para 17). The NPPF also states that LPAs should have a positive strategy to promote energy from renewable and low carbon sources (para 97) and not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy recognising that even small scale developments can contribute to reducing greenhouse emissions (para98) Applications should be approved for renewable energy developments, unless material considerations indicate otherwise, if its impacts are or can be made acceptable (para98).

Policy CS1 of the Core Strategy suggests that developments should contribute to reducing the causes of climate change and help create a strong, stable and more diverse economy. Policy CS20 also states that renewable energy developments will be supported unless there are no significant unacceptable effects that cannot be mitigated or are not outweighed by the need for renewable energy development or the wider environmental, social or economic benefits that the scheme may bring. (Officer's note: CS20 refers to targets set out in the RSS which is a document that has been revoked. There are no targets presently applicable to the district for a level of renewable energy provision).

The application site has been identified as agricultural land grade 3b. This is classified as moderate quality agricultural land (the NPPF p50 defines the best and most versatile agricultural land as that in grades 1, 2 and 3a of the Agricultural Land Classification) with quality limitations that affect the range of crops and yields possible. It is understood that the land has been used for some cropping however it is considered that the use of this farmland would be broadly acceptable under the requirements of the PPG for brownfield sites to be considered first then poorer quality agricultural land. The land will still be available for grazing of livestock to some extent and the solar farm development is considered acceptable under the requirement of the NPPF which only offers extra protection to high quality agricultural land.

It is noted that reference has been made in representations to correspondence between a Dorset MP and the then Minister of State on the subject of Solar Farms. The minister stated that guidance had been forwarded to local authorities regarding the determination of future planning applications. It is noted that this correspondence was dated 1 November 2013 and followed up with correspondence on 22 April 2014. The

Planning Department consider that this information has been superseded by the contents of the Planning Practice Guidance (27/03/15) and also a written ministerial statement dated 25 March 2015 and as such are basing recommendations on the most up-to-date information.

National and Local policies, as outlined above, are broadly supportive of renewable energy developments in principle provided that they do not have significant detrimental impacts. As such the proposed solar farm is considered to be acceptable in principle under the NPPF and policies of the Local Development Plan.

8.2 Landscape and Visual Impacts

8.2.1 The Planning Practice Guidance (Renewable and low carbon energy para 13) identifies that large-scale solar farms can have a negative impact on the rural environment particularly within undulating landscapes. However a well-planned and well-screened solar farm could sit within a landscape if planned sensitively.

In terms of visual impact the PPG notes that solar farms are usually temporary structures and that installations should be conditioned to be removed when no longer in use and the land returned to its previous use. Where appropriate landscape and visual impacts may be mitigated with appropriate screening.

The NPPF states that great weight should be given to conserving landscape and scenic beauty in National parks which have the highest status of protection in relation to landscape and scenic beauty.

Policy CS1 of the Core Strategy requires that developments reflect and enhance landscape character having regard to the sensitivity of the Eden Valley, the North Pennines AONB, the Lake District National Park and their settings. Policy CS18 states that development should protect and where possible enhance the District's distinctive rural landscape, natural environment and biodiversity. CS20 also notes that Eden should consider the impact on landscape character particularly the land around the AONB and the LDNP).

In order to help assess the visual impact of the development the Council employed Eden Environment to assess the Landscape and Visual Impact Assessments provided with the application (Appendix A). Eden Environment are an environmental consultancy and landscape design practice with experience of assessing landscape and visual impact assessments. Eden Environment were recommended to the Council by another local authority in the vicinity and were chosen by the authority from 3 consultant options. In respect of this application the Council's independent assessment made the following comments:

- *Generally we agree with the applicant's assessment judgements (and supporting reasoning) for changes to landscape character and people's views. In general terms we think that the applicant has overstated adverse effects more times than they have understated them.*
- *Typically, effects are overstated where they involve very short durations of exposure to an impact.*
- *The applicant has understated the effect on the pasture within the site, which (for the purposes of this study) should be considered as a landscape resource and not, as the applicant has done, as an agriculturally productive resource. However, effects on the landscape features within a construction site are, almost by definition, usually large, and this issue is not particularly helpful in determining the planning application.*

- *The applicant has stated that there would be no view of the proposed scheme from Kings Meaburn. Our survey showed that people in several properties on the west side of the village, with west-facing windows, are likely to be able to see the site.*

The key issues identified were:

- *The shape of the landscape and the extensive woodland, tree and hedgerow cover would help to contain views of the proposed solar farm, particularly from the north.*
- *Designated landscapes, and views from them towards the site, would, at worst, be affected in a very minor way. There would be no physical effect on the proposed extension to the Yorkshire Dales National Park.*
- *Most people living in the area would have, at worst, a negligible change in views. However, there are likely to be minor adverse effects on people's views from several properties on the west side of Kings Meaburn.*
- *The mitigation proposed by the applicant is appropriate and would reduce adverse effects. It is assumed that this would be enforced by condition.*

Cumbria County Council have also made a landscape assessment of the development and consider that the site is relatively well screened and that the development does not raise any fundamental issues with regard to guidance contained in the Cumbria Landscape Character Guidance and Toolkit.

The application site is set within an undulating landscape between Kings Meaburn and Newby. The landscape is predominantly characterised by pasture land with some arable farming in the vicinity. To the north and west the application site would be bounded by the road with the northern boundary subject to mature vegetation and the western boundary by a hedge. Within the site is small plantation known as Johnstones's Hill.

The site falls within Landscape Character Type 6 - Intermediate Farmland of the Cumbria Landscape Character Guidance and Toolkit (March 2011). This land is identified as being transitional farmland between the lowland and upland landscape.

Two zones of theoretical visibility have been submitted showing the potential views of the site based on purely topographical data and secondly with screening features. Due to the presence of mature planting to the immediate north of the site along the roadside there would be limited views of the site available from this direction. The development would not be visible from Morland to the north east but may be, in a small part, visible from the fields around the village. Views of part of the site would be possible from Kings Meaburn to the east however there would be some screening in between. The planting to the eastern boundary would also be enhanced as part of the submitted landscaping scheme. The majority of properties within the nucleus of Newby would be unlikely to view the property however there may be some views from dwellings to the periphery of the village however these would be at distances of between 1 and 2km and would be unlikely to be to the significant detriment of the properties' living conditions.

To assess the visual impact further 7 viewpoints have been assessed. The majority of these (6) have been taken from areas where the ZTV indicates that the site would be visible. A solitary viewpoint from the north near Morland, where there is limited visibility, is shown to have limited views of the solar farm site.

Viewpoint 1 is from Welltree Brow approaching the site from the east. The applicant has stated that they consider the development would have a medium magnitude of change during construction and operation for users (cyclists and vehicles) on this route. The Council's

independent assessor considers that the impact from this route would have a minor adverse effect - less than the applicants state. This is due to the level of impact and the fleeting views available to road users.

Viewpoint 2 taken from crossroads south of the site is assessed by the applicants as having a small magnitude of change. Again the Council's independent assessors consider that this impact has been overstated and consider it to have a negligible impact as there would be a small scale and reversible change with fleeting duration to users of the road.

Viewpoint 7 is taken from Sleagill Moor to the south of the site where the assessment indicates a medium level of impact diminishing as proposed screening establishes. The Council's independent assessment agrees with the assessment but considers this would be a worst case analysis.

In terms of public viewpoints officers are satisfied that there would be no significant detrimental impacts from rights of way and roads in the surrounding area.

A range of features would be installed within the site including the solar panels and ancillary buildings. These are all of a low overall height and would be viewed as a single element in the open countryside.

Landscaping

The application has also been submitted with a detailed planting scheme to help mitigate landscape impact. Hedgerows would be planted or enhanced along the site boundaries with areas within the site planted with wild flower meadows. The proposed hedgerow planting would be of an appropriate mix and specification and would be of benefit to biodiversity and screening of the site. This additional screening would compliment the existing planting around the site and would enhance some of the existing hedgerows. The planting would soften the appearance of the solar panels in the landscape and would be ensured via condition.

Cumulative Impact

When considering features such as solar farms regard needs to be given to the potential cumulative impact of developments in the area. One other solar farm is proposed at Land to the north east of Newby(15/0665) 700m west. This application is presently undetermined. There has been a further three other solar farm applications within the local vicinity, two at Dallen Bank Farm and one east of Towcett Farm. All three of these other applications have been refused by committee in November though the applicants have 6 months from the date of the decision to appeal the decision to the planning inspectorate.

8.2.2 Eden's independent landscape advisors have undertaken a study on the cumulative effects of the solar farms proposed within the Morland/Newby area (Appendix C). The study concluded that that there would be no significant cumulative affects with any of the three applications previously refused. Given the close relationship of the application to the other live application at land to the north east of Newby a detailed cumulative assessment has been conducted.

8.2.3 The application site and the scheme near Newby would be about 700m apart, and both schemes would be visible simultaneously to people travelling north on the minor road from Sleagill Moor to Welltree Brow. It is just possible that both schemes may also be visible from the house at Sleagill Moor. The Welltree Brow scheme almost certainly would be visible, but the site visit suggested that the house may have no windows facing towards this application site. No other houses have been identified from which both schemes may be seen. There are no public rights of way from which sequential views may be possible.

8.2.4 It was therefore concluded that although there would be additional landscape effects caused by the two schemes acting together, the cumulative effect would be slight

adverse because of the small number of places from which perceptual changes to the landscape would be experienced.

8.2.5 In respect of the visual impacts it was concluded that the effects would remain slight adverse, both for simultaneous views from the Sleagill Moor road, and sequential views from the Welltree Brow to Newby roads, because of the filtered and short-duration views of the schemes.

8.2.6 It is therefore considered that the proposed development would not have an unacceptable cumulative impact with other recent proposals within the vicinity.

8.3 Residential Amenity

8.3.1 The Planning Practice Guidance (Renewable and low carbon energy para 13) notes that LPAs should consider the effect of solar farm developments on neighbouring land uses. Similar guidance is found within the NPPF which states that developments should always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Policy CS18 of the Core Strategy states that new development should protect the amenity of existing residents and provide an acceptable amenity for future occupiers. Similarly CS20 states that renewable energy schemes should consider the impact on neighbouring amenities.

The nearest neighbouring property to the development would be High Field at approximately 200m to the north. Given the separation between the application site and neighbouring properties plus the presence of strong boundary vegetation to the north of the site it is not considered that the proposal would result in any unacceptable overshadowing or obstruction of windows.

Some views of the site are considered to be possible from Kings Meaburn by the Council's independent assessor however and are shown to be possible within the ZTV. However it is considered that any views from this site would have a small impact and this would be reduced by screening as it develops.

Since the original submission additional information has been submitted by the applicant in respect of potential noise impacts. The Council's Environmental Health Department have raised no objections in this respect and are satisfied that the development could be carried out not to the detriment of neighbouring residents in this respect.

It is therefore considered that the development would not be to the substantive detriment of the amenities of neighbouring residents meeting this requirement of the NPPF and CS18 of the Core Strategy.

8.4 Flood Risk

8.4.1 The NPPF states that inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk but where the development is necessary making it safe without increasing flood risk elsewhere.

The application site is not located in any area of designated flood risk and no adverse comments have been raised in this respect by Cumbria County Council in this respect. Some concerns have been raised as to the dealing with runoff from the solar panels and surface runoff during construction. The Lead Local Flood Authority however are satisfied that these issues could be adequately dealt with via condition. It is therefore considered that the proposed development would be acceptable in respect of flood risk meeting this requirement of the NPPF.

8.5 Natural Environment

- 8.5.1 The NPPF identifies that if significant harm to biodiversity cannot be avoided, adequately mitigated against or as a last resort compensated for then planning permission should be refused.

Policy CS16 of the Core Strategy states that development within the district should accord with the principles of protection and enhancement of the natural environment of the district.

The application has been submitted with an extended phase 1 habitat survey and biodiversity management plan. Natural England have declined to comment on the potential impact on protected species and have referred the LPA towards their standing advice.

In accordance with NE's advice the submitted information includes an appropriate survey method utilising field study and desk top research and considers the impact on a number of species. The proposed development would predominantly affect a field used for agriculture which would have limited capacity to accommodate wildlife. Hedgerows and the surrounding land would however be able to accommodate a range of species. The ecological survey has identified that the proposal would have a limited impact on any protected species however has provided a number of different measures of mitigation to help mitigate any losses and provide biodiversity enhancements within the vicinity. It is considered that the proposed mitigation is appropriate and the proposal would therefore meet this requirement of the NPPF and CS16.

8.6 Built Environment

- 8.6.1 The Planning Practice Guidance (Renewable and low carbon energy para 13) identifies that care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance including the impact on views important to their setting. A large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of that asset. The NPPF states that (para 132) when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the assets conservation.

In support of the application an archaeological desk based assessment and setting assessment has been submitted.

Historic England have identified that the site would be visible from Kings Meaburn however suggest that any negative impact could be reduced to an acceptable impact by reinforcing the eastern hedged boundary of the site using a mixed hedge including evergreen species. The proposed landscaping scheme to the site would include such a hedge which the applicants state is intended to be managed to a 3 metre height.

The nearest heritage assets to the site include buildings within Morland, Newby and Kings Meaburn as well as the Conservation Area of Kings Meaburn.

The submitted heritage asset assessment considers that there would be no or negligible harm to any designated heritage asset. Correspondence from historic England and the Council's independent landscape assessment indicates that the site may be visible from properties within the Conservation Area of Kings Meaburn. However with the additional screening proposed along the eastern boundary of the site it is considered that any impact on the setting of the heritage assets at Kings Meaburn would be at a negligible level.

It is therefore considered that the proposed development would have a negligible impact on any heritage asset or their setting. As such the proposal is considered to accord with this requirement of the PPG and the NPPF (para 132).

9. Implications

9.1 Legal Implications

9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

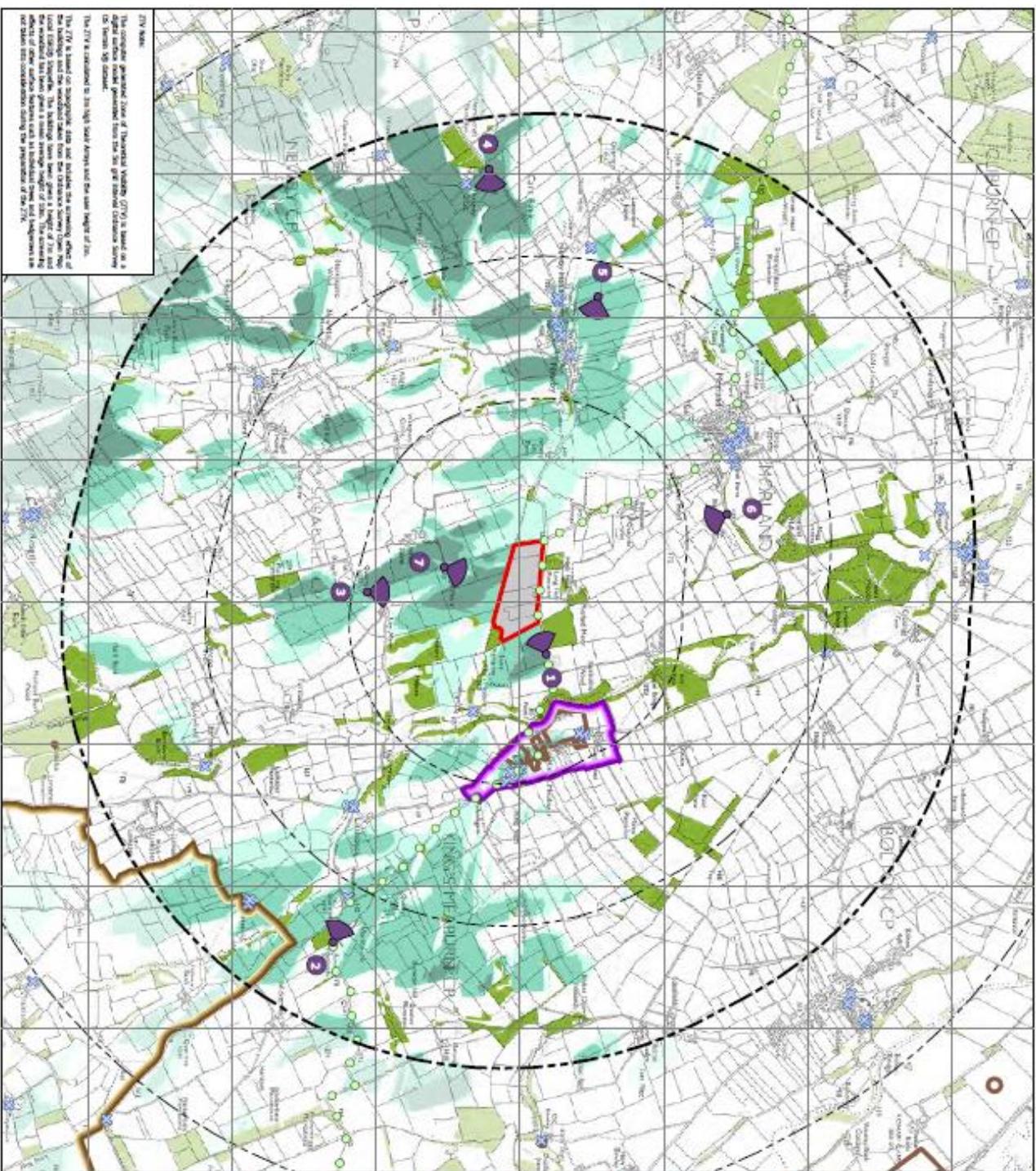
10.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:

The proposed development is considered to be acceptable in principle and would not cause significant harm to the character and appearance of the surrounding area, residential amenities, infrastructure or the natural environment. The proposed development would therefore meet these requirements of the NPPF, Planning Practice Guidance and Core Strategy policies CS1, CS18 and CS20.

Gwyn Clark
Head of Planning Services

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File



ZTV Note:
The computer generated Zone of Theoretical Visibility (ZTV) is based on a digital elevation model generated from the 1m grid derived Ordnance Survey OS Terrain 50 dataset.
The ZTV is contained to the high water mark and the mean height of tide.
The ZTV is based on topographic data and includes the screening effect of local features. However, the database does not give a height of 7m and the resulting ZTV may have been given a more realistic height of 7m and the resulting ZTV may have been given a more realistic height of 7m. The resulting ZTV is based on topographic data and includes the screening effect of local features. However, the database does not give a height of 7m and the resulting ZTV may have been given a more realistic height of 7m and the resulting ZTV may have been given a more realistic height of 7m.

Key

-  Site Boundary
-  1km Buffer from the site
-  3km Visual study area
-  Viewpoint photographs refer to drawing LA05 for photographs

Landscape & Heritage Designations

-  Lake District and Yorkshire Dales National Park (subject to confirmation)
-  National Cycle Route
-  'Kings Meaburn' Conservation Area
-  Listed Buildings
-  Scheduled Monuments

Zone of Theoretical Visibility - Screening Features

-  Majority of the site visible
-  Moderate part of the site visible
-  Small part of the site visible
-  Woodland included in analysis

0 200 400 600 800 1,000 m
Scale @ A1 - 1:25,000

North 

4087124 & LA04-2A ZTV final 17 August 2015

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