



Department for  
Communities and  
Local Government

Our Ref: APP/T2350/W/16/3147854

Mr Graham Donnachie  
Green Cat Renewables  
Stobo House  
Midlothian Innovation Centre  
Roslin  
EH25 9RE

22 December 2016

Dear Mr Donnachie

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY MULBRICK CLEAN ENERGY  
LAND AT LITTLE SNODWORTH FARM, SNODWORTH ROAD, LANGHO,  
LANCASHIRE BB6 8DS  
APPLICATION REF: 3/2015/0605**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Richard McCoy BSc MSc DipTP MRTPI IHBC, who undertook a site visit on 17 August 2016 into your client's appeal against the decision of Ribble Valley Borough Council to refuse planning permission for your client's application for planning permission for the erection of a ground mounted solar photo-voltaic array and associated infrastructure, in accordance with application ref: 3/2015/0605, dated 15 July 2015.
2. On 9 August 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the proposal involves significant development in the Green Belt.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be dismissed and planning permission refused.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

## **Policy and statutory considerations**

5. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case the development plan consists of the Core Strategy, '2008-2028 A Local Plan for Ribble Valley' (adopted 2014). The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR 9-10.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').

## **Main issues**

8. The Secretary of State agrees with the Inspector that the main issues are those set out at IR 86.

### *Green Belt*

9. The Secretary of State agrees with the Inspector that the type of development proposed is not listed in the Framework as a type of development deemed to be not inappropriate in the Green Belt (IR 87). He also agrees with the Inspector's assessment at IR88, that the proposal would introduce a development with a very distinctive industrial appearance into an agricultural landscape; that the solar arrays would be alien to this countryside location; that the scale and amount of development would result in a significant amount of built form being created; and this would lead to a major reduction in the openness of the Green Belt and would fail to assist with safeguarding it from encroachment.
10. The Secretary of State agrees with the Inspectors conclusion that this would result in harm to the Green Belt in conflict with CS Key Statement EN1 and that the harm to the Green Belt should be given substantial weight in accordance with the Framework (IR89).

### *Landscape Character and Visual Impact*

11. The Secretary of State has considered carefully the Inspector's assessment at IR 90-91. He agrees with the Inspector that, given the undulating character of the appeal site and its immediate environs the solar panels, as engineered products with an industrial appearance, would not readily assimilate into the open countryside context. Added to which, the perimeter fencing, CCTV towers, inverter housing and substation buildings would increase the industrial character of the proposal in this rural location (IR 92). He also agrees, for the reasons set out at IR93 that the appeal proposal when seen from local vantage points would be a striking stand out feature and the overall scale of the proposal would create a dominant feature in the landscape, changing the character from agricultural to industrial. The Secretary of State agrees with the Inspector that this harmful change to the local landscape character would be moderate.
12. With regard to the visual impact the Secretary of State agrees with the Inspector that this would be restricted by the undulating nature of the landscape to the local roads and footpaths. He further agrees that from nearby vantage points, the proposal would appear as a highly prominent and alien feature that would be visually intrusive and that the scale of the proposal, spread over the three fields, would make it a stand out feature within this

area of undulating countryside with the effect that it would have an overbearing presence. As the effect would be localised, he agrees with the Inspectors consideration that this would result in moderate visual impact harm (IR 94). The Secretary of State also agrees that, even with the imposition of planning conditions, that the proposal would remain a stark addition to the local landscape when the solar arrays and associated infrastructure are seen for the local road network and PRow networks (IR 95).

13. Overall, and like the Inspector, the Secretary of State agrees with the Inspector's conclusion that the proposal would result in moderate landscape character and visual impact harm when seen from local vantage points, in conflict with CS Policy DMG1 (IR 96).

#### *Other matters*

14. The Secretary of State notes the Council have considered the effect on ecology, highway safety, living conditions and agricultural land at application stage following advice from the County Highways Surveyor and the Councils Countryside Officer. The Secretary of State agrees with the Inspector that, subject to conditions, there would be no negative effects arising from the proposal in respect of these matters (IR97).
15. The Secretary of State agrees with the Inspectors consideration (IR98) that the proposal would not harm the setting of any heritage assets, and his conclusion that there would be no conflict with the desirability of preserving the settings of these listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. The Secretary of State agrees with the Inspector that the previous appeal decisions referred to by the appellant are not directly comparable (IR99).

#### *Benefits*

17. The Secretary of State agrees with the Inspector that this proposal would help meet the renewable energy target for the Borough, and this is a benefit that weighs significantly in favour of this proposal (IR100). He also acknowledges that the proposal would provide economic benefits, including employment opportunities in the area, and agrees with the Inspector that this consideration should be given significant weight in favour of the proposal (IR101).
18. The Secretary of State notes the temporary nature of this proposal but he agrees with the Inspector that the identified harm would pertain for around 25 years which is a considerable time period. He gives this consideration limited weight in favour of the proposal (IR102).
19. The Secretary of State agrees with the Inspector that as there are other renewable energy developments in the area, the educational opportunities stated by the appellant would not be unique to this renewable energy development. This consideration is given limited weight (IR103).
20. The Secretary of State agrees with the Inspectors conclusion that, whilst there might be biodiversity benefits such as the creation of a wild flower habitat and a field margin suitable for bees, nesting birds, reptiles and small mammals well as improvements to the local PRowS, it has not been demonstrated that the proposed use of the site is the only means by which such enhancements might be achieved and that the weight attached to these considerations should be limited (IR104).

21. The Secretary of State notes that the appellant claims that some renewable energy installations would need to be located in the Green Belt for installed capacity to reach desired levels. However he agrees with the Inspector that it has not been fully demonstrated that alternative sites are not available in the wider area, and this therefore limits the weight attached to this consideration (IR105).

### **Planning conditions**

22. The Secretary of State has given consideration to the Inspector's analysis at IR108-110, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing the appeal.

### **Planning balance and overall conclusion**

23. The Secretary of State has given careful consideration to the Inspector's assessment at IR 106-107. He agrees with the Inspector that the proposal would represent inappropriate development in the Green Belt, contrary to CS Key Statement EN1. In addition, he agrees that the proposal would reduce openness, and would fail to safeguard the countryside from encroachment. In line with the Framework, the Secretary of State attaches substantial weight to this harm. He also agrees that the proposal would result in moderate landscape character and visual impact harm, in conflict with CS Policy DMG1. The Secretary of State also agrees with the Inspector with his analysis at IR 107, and agrees that the other considerations in favour of the proposal would not clearly outweigh the substantial harm to the Green Belt and concludes that the very special circumstances necessary to justify the proposal do not exist.

### **Formal decision**

24. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the erection of a ground mounted solar photo-voltaic array and associated infrastructure, in accordance with application ref: 3/2015/0605, dated 15 July 2015.

### **Right to challenge the decision**

25. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

26. A copy of this letter has been sent to Ribble Valley Borough Council, and notification has been sent to others who asked to be informed of the decision.

Yours sincerely

*Richard Watson*

Richard Watson

**Authorised by Secretary of State to sign in that behalf**

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# Report to the Secretary of State for Communities and Local Government

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Date: 29 September 2016

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TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY

MULBRICK CLEAN ENERGY LLP

against a decision of

RIBBLE VALLEY BOROUGH COUNCIL

Site visit made on 17 August 2016

Little Snodworth Farm, Snodworth Road, Langho

File Ref(s): APP/T2350/W/16/3147854

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**File Ref: APP/T2350/W/16/3147854**

**Little Snodworth Farm, Snodworth Road, Langho, Lancashire BB6 8DS**

- 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 Mulbrick Clean Energy LLP against the decision of Ribble Valley Borough Council.
- The application Ref 3/2015/0605, dated 15 July 2015, was refused by notice dated 16 October 2015.
- The development proposed is the erection of a ground mounted solar photo-voltaic array and associated infrastructure.

**Summary of Recommendation: That the appeal be dismissed.**

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**Procedural Matters**

1. The appeal was recovered for decision by the Secretary of State on 9 August 2016. The reason for the recovery was that the appeal involves proposals for significant development in the Green Belt.
2. Planning permission was refused for the following reasons:
  - 1) The proposed development is located entirely within the Green Belt. It is considered to represent inappropriate development in the Green Belt as defined in the National Planning Policy Framework (NPPF) and the Council does not consider there to be special circumstances that would outweigh the harm that will be caused to the Green Belt by reason of inappropriateness, and to the character and openness of the Green Belt as a result of the development. As such, the proposal would be contrary to the requirements of the NPPF and Key Statement EN1 of the Ribble Valley Core Strategy (Adopted Version).
  - 2) The proposed development would be harmful to the visual amenities and character of the locality by reason of the size, scale, incongruous appearance and inappropriate nature of the proposals; particularly with regards to the proximity of the development to adopted highways and the lack of any proposed natural screen planting/landscaping to mitigate the detrimental effects upon visual amenity. As such, the proposal is contrary to the requirements of Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).
  - 3) The proposed development would have a detrimental impact on the appearance and character of the locality as experienced by users of the local footpath network contrary to Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).
3. This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies and the gist of the submissions made in writing, followed by my conclusions and recommendation. A list of suggested conditions is appended.

**The Site and Surroundings**

4. The appeal site comprises 3 no. fields and extends to around 10 hectares. It is located within the Green Belt, on land belonging to Little Snodworth Farm, an established Lancashire livery and farming business. It stands in an area of open,

undulating countryside, around 500m to the south of the village of Langho and around 1.7km to the south west of Wilpshire.

5. Two of the appeal site fields stand on either side of Snodworth Road at its junction with York Road. The third field is located further to the north-west in a location that does not immediately adjoin any adopted highway. Public footpaths cross 2 of the fields and there are other public footpaths immediately adjoining the appeal site. Three 50kW wind turbines (around 46m tall) are located nearby at Carr Hall.

## **Planning Policy**

6. The NPPF states a presumption in favour of sustainable development at paragraph 14 while paragraph 93 makes clear that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development. Paragraph 98 states that an application for a renewable energy project should be approved if its impacts are or can be made acceptable and if material considerations do not indicate otherwise.
7. This is reflected in the Government's on-line Planning Practice Guidance (PPG) which states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. It goes on to state that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
8. The PPG makes clear that there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology, and critically, the potential impacts on the local environment, including from cumulative impacts. The PPG confirms that the views of local communities likely to be affected should be listened to, and that while all communities have a responsibility to help increase the use and supply of green energy, this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. The PPG makes it clear that local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape along with recognising that the impact can be as great in predominately flat landscapes as in hilly areas.
9. Key Statement DS2 of the adopted *Core Strategy 2008 – 2028 A Local Plan for Ribble Valley* (CS) sets out a presumption in favour of sustainable development while Key Statement EN1 states that the overall extent of the Green Belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment. The development of new buildings will be limited to, inter alia, uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of the designation. Key Statement EN2 expects development to be in keeping with the character of the landscape.
10. Key Statement EN3 states that renewable energy proposals require the consideration of factors such as reducing the area's carbon footprint whilst recognising its exceptional environmental and landscape context. In addition, CS Policy DMG1 seeks to help deliver the vision for the area and gives an

overarching series of considerations that the Council will have regard to in achieving quality development including design, access, amenity, environment and infrastructure; while Policy DME5 supports renewable energy schemes where there would be no unacceptable harm to the local environment or amenity having regard to landscape and cumulative impact, and potential benefits.

### **The Proposal**

11. Proposed is the installation of a 5MW solar photovoltaic (PV) array across 3 no. fields, classified as Grade 4 agricultural land. The array would comprise of 17,842 solar panels, mounted on structures capable of holding 48 panels and tilted at a fixed angle of 30°. The panels would reach a maximum height of 2.9m above ground level. The proposal also includes 4 no. inverter housing units (each measuring around 6m x 2.4m x 2.5m high with a flat roof), 1 no. electrical substation (measuring around 3.1m x 3.6m x 3m high with a flat roof), internal site access tracks, a site entrance point, a temporary construction compound, a wire perimeter fence (around 2m tall) and 6 no. CCTV towers (around 5m tall).

### **The Case for Mulbrick Clean Energy LLP**

12. The appeal site is one of the most suitable within the Ribble Valley area for a development of this type. It is compliant with national and local policy and would:
- provide clean, sustainable energy for the equivalent of 1,000 homes, which exceeds the equivalent electricity demand for the nearest town of Langho,
  - represent a significant investment in the rural economy, creating jobs (prioritising local contractors) at the construction, operation and decommissioning phases,
  - enable the landowner to create 3 sources of income where currently only 1 exists, significantly boosting the rural economy which is a key focus of the NPPF,
  - create a dual purpose for what currently exists as poor quality, Grade 4 agricultural land, fully optimising the potential for the land,
  - be temporary, the effects of which are reversible, contributing a long-term biodiversity benefit, and
  - deliver overwhelming benefits that would outweigh the perceived minor visual impacts.
13. The appellant contends that:
- neither the officer's report nor the Council's refusal reasons have justified why this development would constitute 'inappropriate development' in the Green Belt,
  - the Council failed to provide due opportunity for liaison, consultation and comment whilst the application was being developed, in order to identify and address any potential concerns - the appellant was first made aware of the Council's concerns on the publication of Committee Report,



- the Localism Act places a duty on Councils to co-operate in relation to the planning of a sustainable development, encouraging greater liaison between planning officers and applicants - the Council failed to provide the proper opportunity to discuss the application, particularly as the proposed development neither conflicts with nor compromises the fundamental purposes of the Green Belt designation and, therefore, is not an inappropriate development,
  - the implications on the visual amenities of the local area are considered to be overstated within the Committee Report and equally the potential benefits of the development have been overlooked,
  - notwithstanding this, any potential harm to the Green Belt would be greatly offset by the development's contribution to renewable energy targets at the regional and local level, in addition to all of the other positive benefits associated with renewable energy developments which contribute to 'very special circumstances' as set out in NPPF, and
  - the scheme satisfies all of the other environmental constraints considered in terms of ecology, landscape and visual impacts, glint and glare, cultural heritage impacts, hydrology, residential amenity and traffic safety.
14. The landowner is currently reliant on the livery business for income. The proposal would provide an alternative income source while maintaining an area for grazing smaller livestock, allowing the livery business to be scaled back sustainably.
15. It was understood that the application would be assessed against the Green Belt. There was no prior communication that there was concern regarding the landscape and visual impact, impact on local roads or the potential to impact on the experience of the local footpath network. As set out in NPPF, to have an effective and positive planning system, a pro-active and open approach is required from all parties, with advice to be provided in a timely manner. It is considered that due process was not fully observed. Indeed, many concerns raised within the Committee Report could have been resolved prior to them becoming an issue had these been communicated effectively.
16. Additionally, no consultation response from a Landscape Architect was received in respect of landscape and visual impact. It appears that the Planning Officer alone drew the conclusions in respect of these issues. By contrast, suitably qualified personnel undertook a balanced and comprehensive Landscape and Visual Impact Assessment on behalf of the appellant. The Council should also have consulted relevant experts for their professional opinion as opposed to drawing on personal opinions.
17. While 85 letters of objection were received from 80 local households, it is considered that no insurmountable objections were raised that had not already been addressed within the appellant's submitted assessments.
18. The proposed development represents around 0.0126% of the 79,440 hectares of Lancashire currently designated Green Belt. The Council's opinion is that the project would be inappropriate development in the Green Belt, and harm caused by the impact upon the character and openness of the Green Belt are not counterbalanced by the benefits of the scheme. Thus 'very special circumstances' do not exist to justify the scheme.

19. Para 5.10.10 of the National Policy Statement (NPS) for Energy Infrastructure (EN-1) states (in relation to inappropriate development) that *"Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy"*.
20. Paragraph 5.10.12 continues, *"It may also be possible for an applicant to show that the physical characteristics of a proposed overhead line development or wind farm are such that it has no adverse effects which conflict with the fundamental purposes of Green Belt designation"*. Although not directly referring to a solar development, the NPS is applicable to energy infrastructure development and would seem to suggest that inappropriate developments are those that conflict with the fundamental purposes of the Green Belt designation.
21. With this in mind, Paragraph 79 of NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 sets out the 5 purposes of Green Belt. Quite clearly, the designation of the Green Belt was established without the prospect of renewable energy in mind, but with the main purpose of preventing urban sprawl into the countryside. The appellant strongly contends that the proposal would not contribute to urban sprawl or encroachment upon the countryside.
22. The proposal maintains large areas of green space, given that the rows are spaced between 6m to 10m apart. Indeed, the presence of a solar field limits the potential for further urban encroachment and merging of settlements. It also maintains a buffer of at least 0.5km between it and any settlement. The standard lifetime of developments of this nature is generally considered to be 25 years, during which grazing will continue. Following the operational lifetime of the development, all elements and structures will be removed, leaving no visible trace when the site is returned to its original condition. The site would not become Brownfield, and would therefore protect against settlement encroachment for its duration.
23. This was verified in the appeal decision for a solar farm at Rowles Farm, Bletchington (APP/C3102/A/13/2207532), where the appeal was allowed, *"The proposal is promulgated on a temporary basis and so the harm in the Green Belt and landscape terms would be both temporary and reversible."*
24. This proposal neither conflicts with nor compromises the fundamental purposes of the Green Belt and it is questionable whether it would constitute inappropriate development within the Green Belt. It should also be highlighted that in areas not designated as Green Belt, the agricultural land is largely classified as Grade 3, which is of better quality and more versatile land than the Grade 4 land at Little Snodworth.
25. The perception of the loss of openness as the result of a development comes from the loss of a view – either where the solar panels block a valued line of sight, or contribute to a sense of clutter or enclosure within a view. A loss of openness could also result from a severance or restriction of access to Green Belt land. The proposal would appear as a different land covering from mid to long-range views, appearing as a dark blue colour similar to that of a body of water. The modest height of the panels (2.9m) means that the development would not interrupt views, block views or cause enclosure. It would be seen as part of the

- landscape and would have a negligible impact on the perceived openness of the Green Belt.
26. As demonstrated by the viewpoint assessment, once outside of the immediate proximity of the site, the visual impact lessens significantly, as do the chances of the development interrupting or being overbearing on views. Therefore, the impact on the openness of the Green Belt is localised and not significant or adverse.
  27. The proposal is located within the Lancashire Valleys landscape character area as set out in the Natural England Landscape Character Assessment. This is considered to have a strong sense of character, which is identified by agricultural land fragmented by towns, villages, and hamlets separated by a rural landscape of farmed land comprised of grazing fields, scattered small woodlands, dry stonewalls and farm buildings. The proposal would have a very limited impact on these key features.
  28. It would occupy and directly affect a small section of this character area with negligible loss of rough grassland. It would be visible from parts of the wider character area as seen on the side of the hill. However, the rolling nature restricts views and coupled with a strong woodland presence throughout, visibility of the proposal would be limited over the character area. The area is well developed with man-made elements such as wind turbines, overhead pylons, and large farm steadings. Therefore, the presence of solar panels would not appear out of character with the current pattern of man-made development within the area.
  29. The limited vertical extent of a solar development ensures a negligible impact upon the setting and special character of any towns or villages, particularly Langho or Wilpshire. Furthermore, the agricultural character of the area would be retained and enhanced, as the fields would be used for grazing small livestock. The proposal would therefore not conflict with the character of the Green Belt.
  30. While the appellant does not consider the proposal to represent 'inappropriate development', it is contended that 'very special circumstances' exist which outweigh any perceived 'harm'. NPPF Paragraph 91 indicates that "such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."
  31. In 2014, the Government published its Solar PV Strategy<sup>2</sup> setting out a wide range of solar energy benefits including economic growth, energy security and action on climate change. Moreover, it indicates that a reduction in carbon emissions is a key benefit of deploying solar energy, and therefore should be considered as a benefit of the proposal that represents 'very special circumstances'.
  32. The proposal would reduce the annual carbon emissions of the local area by approximately 1,100 tonnes of CO<sup>2</sup>, constituting approximately 12% of the CO<sup>2</sup> emissions from the Ribble Valley. This from a project occupying just 1.7% of the Ribble Valley's land area. These figures are highly suggestive of 'very special circumstances'.
  33. The CS sets out renewable energy targets for the Borough. It outlines a target of 20MW renewable generation capacity to be installed each year. As of December

2015 the total installed renewable generation capacity for the entire Borough stands at 5MW. Given that areas of the Ribble Valley area which are not Green Belt are predominantly urban or located within an Area of Outstanding Natural Beauty, the appellant would suggest that some renewable energy installations would need to be located in the Green Belt for installed capacity to reach desired levels.

34. Alongside the creation of renewable energy and sustainable development, the NPPF identifies farm diversification as a priority of rural land use planning. The proposed development would enable the landowner to generate 3 incomes (lease the land for solar generation, graze small livestock and continue the livery on a reduced scale).
35. In addition to the continued agricultural use of the site whilst providing additional revenue to the farming and livery business, there would also be the creation of employment opportunities in the local area during construction, ongoing maintenance and decommissioning, further contributing to the rural economy. Paragraph 28 of NPPF states that *"to promote a strong rural economy, local and neighbourhood plans should promote the development and diversification of agricultural and other land-based rural businesses"*.
36. The proposal is likely to provide employment opportunities during the operation of the project. Operation and Maintenance Contracts of a development of this scale generally have a value of £50,000 per annum, equivalent to approximately 2 full time jobs for the duration of the project. Other contracts, such as security, will also provide employment opportunities throughout the project lifetime.
37. As stated within the appellant's Ecology Assessment, it is proposed that a Biodiversity Management Plan (BMP) would be implemented as a planning condition. The BMP would secure a long term benefit to local habitats and encourage species diversity in low quality Grade 4 agricultural land. The overall effect of improving the local biodiversity would lead to an improvement of the soils, potentially improving the quality grade of the land during the lifetime of the development. The BMP would implement particular measures within the appeal site including:
  - implementation of additional hedgerow native to the area,
  - enhancement of field margins by planting varieties of grass, nettle or pollen and nectar strips all of which would be suitable for bees, butterflies, nesting birds, reptiles and small mammals, and
  - improvement of grassland habitat with wild flower, wild bird seed mixes and clover which create greater biodiversity.
38. Additionally, impact on the environment as a result of climate change is unquestionably positive in reducing a community's reliance on fossil fuels to generate electricity. The proposal also presents unique educational benefits, through the implementation of a local education strategy.
39. The landscape is generally of a medium scale and characterised by rough or improved grassland, scattered shrubs, dry stone walling, clusters of trees, occasional farm steadings and houses, and small scale infrastructure associated with these, such as wooden pole electricity pylons. The locality lacks the special landscape features of the nearby areas of landscape designated as AONBs and

- SLAs. In this context, it is contended that the impact of this medium scale solar development would be contained to within the immediate vicinity of the site and would not be “harmful to the visual amenities and character of the locality”.
40. Refusal reason 2 pays particular attention to the proximity of the proposal to adopted highways. Only the lightly used York Road, which passes along the south and eastern edges of the development, has the potential to be noticeably affected. York Road/Parsonage Road connects Langho with Wilpshire and the stretch between these two settlements is 4.6km long. 1.3km has theoretical visibility, excluding any potential screening by vegetation, walls or buildings. Approximately 0.5km of the route would have clear views of the proposal as the road runs alongside. Only 1 side of the route would be affected, with views to the east of the road remaining unchanged.
41. It should be highlighted that, whilst there would be visibility along York Road, the road exists as a country road where traffic is light and there is a low number of road users. It is acknowledged that there would be visibility in close proximity of the proposal, as is the nature of any development. However, the proposal is largely not visible from the nearest towns and settlements such as Langho, or more frequently used roads such as Whalley Road (A666).
42. It has been demonstrated that by using the latest solar panel technology, the development would not cause unacceptable glint or glare impacts on users of the road. In relation to the “lack of any natural screen planting/landscaping”, it was not considered appropriate to propose uniform hedgerow planting as this would jar with the pattern of vegetation in the area. Neither consultees nor the planning officer had ever suggested that additional hedgerow planting should be proposed. However, the appellant would be prepared to implement hedgerow planting subject to agreement with the Council.
43. Furthermore, there does not appear to be any consideration or attempt by the Council to reduce the potential visual impact via the implementation of some very simple and enforceable planning conditions. For example:
- site boundary landscaping, such as hedgerows or trees native to the area and its character,
  - relocate electrical container units to a more hidden area and paint in a colour that would blend into the surroundings,
  - provide alternative security proposals to avoid the use of CCTV cameras such as infrared motion sensors, and
  - undertake site-levelling works to reduce the prominence of some of the higher elevated panels.
44. All of these examples are enforceable by planning condition and would reduce the perceived visibility of the proposal from such areas as York Road. Had this been known to be of concern, the appellant would have been able to undertake proactive engagement with the Council and consultees to ensure their satisfaction.
45. Figure 4.2 of the submitted Design and Access Statement illustrates the current network of footpaths in and around the area, demonstrating the proposed diversions. The affected routes would be FP15/FP12, FP13, FP16 and FP15a. Of

these routes, FP16 and FP15a require minor diversions. As FP15 is situated lower in the landscape than the majority of the proposal, the views over the Ribble Valley and the sense of openness remain intact. Despite the path travelling between the 2 areas of the site, there is no part where the development sits on either side of the path. As such there is always one open side to the path.

46. Much of FP13 is either screened by intervening woodland or within woodland itself, limiting any potential views of the proposal. FP15a, which joins FP15/FP12 at Little Snodworth Farm, would need to be diverted marginally to the west, along the boundary of the development. The full length of this short route (approximately 200m) would have views of the proposal. The views remain open to the north, north-west, west and south. Currently the unaffected views to the north-west are the most open and draw the eye.
47. FP16 would also need to be re-routed. Rather than cutting through the field, in which there are horses, it follows the edge of the field parallel to Snodworth Road and York Road. The appellant's viewpoints 1 and 2 illustrate the potential impact on this footpath. Along the Snodworth Road section the open views to the north and across the Ribble Valley remain intact and unaffected and, although the proposal is in close proximity, it does not significantly alter the character of the walking experience. There would be no noise or moving parts and the site would still be used for grazing, which helps retain the agricultural character currently present.
48. It should be noted that the perimeter fencing proposed is wooden post and wire deer fencing, which is commonplace in the countryside and not the industrial security fencing portrayed in the Committee Report. Although these 4 routes would have views of the proposal, on the whole the experience is brief. In the majority of cases the open views over the Ribble Valley would be retained. Whilst the solar panels would be new features alongside sections of the paths, they would not be dominant and would only occasionally interrupt views for short sections of the path.
49. Additionally, whilst these short sections of the footpath network would experience an element of change, this presents a unique educational opportunity and benefit. Again, with the enforcement of appropriate planning conditions, the appellant would like to implement and adopt a local educational strategy which could include such long term benefits such as:
  - the deployment of educational display boards displaying information on solar technology as well as wider renewable energy technologies, and the history of the area - this would present a very unique opportunity to view solar alongside existing wind turbines, creating an opportunity to greater inform users of the footpaths about the benefits of renewable energy technologies, and
  - encourage local school visits - it is known that renewable energy projects are now built into the education curriculum and this project represents an opportunity for local schools to go and visit, and be shown around, a renewable energy project where wind turbines and solar operate adjacently (equally, there may be an opportunity for electrical apprentices to visit the site and see first-hand the mechanics of a solar development).

50. Furthermore, the proposal presents an opportunity to have the existing footpaths upgraded to a high quality. They are presently in a fairly poor condition with limitations of access due to poor maintenance and therefore the development would create improved accessibility and increase the volume of footpath users.
51. It should be noted that the permissions required to divert these footpaths would be subject to a separate planning application to Lancashire County Council and will be submitted upon receiving consent. Any planning permission received is expected to be conditional on the agreement of the footpath diversions.
52. In summary, the Council did not give sufficient weight to the benefits and advantages of the proposal that represent 'very special circumstances' that permit development within the Green Belt. The proposal should not be considered as inappropriate development within the Green Belt as it does not contribute to the coalescence of settlements, does not signify encroachment into the countryside, and retains the agricultural usage.
53. Notwithstanding the above, the development presents advantages and benefits that clearly represent 'very special circumstances', notably the provision of clean, sustainable electricity to the nearest town of Langho. Very special circumstances were considered to have existed for the Carr Hall Wind Turbines, which have a maximum generating capacity of 150kW. The proposed solar development would have the capacity to generate 33 times more energy than the Carr Hall Wind Turbines.
54. Finally, the proposal satisfies all of the other environmental constraints considered in terms of ecology, landscape and visual impacts, glint and glare, cultural heritage impacts, hydrology, residential amenity and traffic safety.

### **The Case for Ribble Valley Borough Council**

55. The PPG for *Renewable and Low Carbon Energy* states that the development of large scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. Nonetheless, it is stated that the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively. Specifically, in relation to solar farm development the PPG states that a local planning authority will need to consider the following:
- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value,*
  - *where a proposal involves greenfield land, whether (i) 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; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays,*
  - *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use,*
  - *the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety,*

- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun,*
  - *the need for, and impact of, security measures such as lights and fencing,*
  - *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset,*
  - *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, and*
  - *the energy generating potential, which can vary for a number of reasons including, latitude and aspect. The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.*
56. The application site is located wholly within the designated Green Belt which is characterised by its openness and permanence. Any harm to the Green Belt is given substantial weight in the decision making process as stated in paragraph 88 of the NPPF. Paragraph 91 of the NPPF states, '*when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*'.
57. Paragraph 80 of the NPPF states that the Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The proposal would be visually intrusive and would undermine open views across the site resulting in a significant loss of openness and a sense of clutter. In addition to the impacts that the arrays themselves would have on the openness and character of the Green Belt, the proposal also comprises a number of other elements such as the fencing, access tracks, inverter housing and substation building. As there are a number of inverters (6) within the site and the fencing not only surrounds the site, but subdivides it: the cumulative impact of all these elements is considered to magnify the impact of the proposals on the Green Belt. When viewed in its entirety, the proposal would be an industrial feature in a rural environment and would appear wholly incongruous and inappropriate.
58. The area containing and surrounding the proposal is rural in nature and is characterised by the sporadic arrangement of individual farmsteads. Solar panels are engineered products that have an industrial appearance. They are not, inherently, products that fit into a countryside environment. On the scale



- proposed the solar panels, together with the fence and associated buildings, would result in significant encroachment into the countryside.
59. The appellant contends that following the operational lifetime of the development, all elements and structures would be removed, leaving no visible trace of the development and the site would be returned to its original condition. It would not therefore result in permanent development of Green Belt land. However, 25 years is a significant time period and there is no guarantee that planning permission would not be granted for a further period.
60. The Council considers the proposal to be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Section 9 of the NPPF is supplemented at a local level by CS Key Statement EN1.
61. The appellant claims that, unlike wind turbines, solar developments are not inappropriate development within the Green Belt and that they do not dominate or encroach on the sky-line, have little impact on the openness of the Green Belt and do not contribute to urban sprawl or encroachment upon the countryside. At an appeal in Chorley Borough relating to a solar farm covering approximately 18 hectares in a Green Belt location (APP/D2320/A/14/2222025) the Inspector found that the proposal was inappropriate development within the Green Belt. The Inspector opined that the main issues for consideration in assessing that appeal were (i) whether the proposed solar farm would cause any harm other than by reason of inappropriateness; (ii) other considerations to be weighed in the planning balance; (iii) and whether the harm caused would be clearly outweighed by other considerations.
62. The Inspector concluded that the proposed solar farm would result in a significant loss of openness of the Green Belt, significant encroachment in the countryside thereby undermining of the purposes of including land within the Green Belt, a minor adverse effect on the character of the landscape, a significant adverse effect on the visual amenity of the area and an adverse effect on the visual amenities of specified nearby residents.
63. Other considerations made by the Inspector related to the contribution of the proposal to energy security, reduction of greenhouse emissions and enhancement of biodiversity in the area. The Inspector concluded that the harm caused by reason of inappropriateness, by a significant loss of openness of the Green Belt, and by significant encroachment into the countryside; in addition to the harm that would be caused to the character of the landscape, to the visual amenity of the countryside and to the visual amenities of nearby residents, were not outweighed by the environmental and biodiversity benefits of the proposed renewable energy scheme. In the Inspector's opinion, therefore, the proposal was not sustainable development and the appeal was accordingly dismissed. In the Council's opinion, this appeal strongly supports the Council's claim that the proposed solar development is inappropriate development in the Green Belt.
64. Given that the proposed development is inappropriate development in the Green Belt by virtue of a significant loss of openness and encroachment into the countryside, it is necessary for the appellant to demonstrate very special

circumstances as to why the proposed development should be permitted. The appellant puts forward a number of claimed benefits.

65. The Council accepts that the reduction of around 1,100 tonnes of CO<sup>2</sup> per annum would be a benefit to be weighed in the planning balance. As for farm diversification, the appellant states that the proposed development would enable the landowner to generate 3 incomes. Whilst this would benefit the landowner financially it is not clear how it would benefit the wider community. The Council considers that farm diversification should be for alternative uses that maintain the rural/agricultural appearance and character of the locality, and also offer benefits to the local economy. Any benefits to the site owner would weigh very little in the balance against the harm caused to the visual amenities of the Green Belt.
66. In terms of economic benefits, the proposal would create employment opportunities during the construction period, ongoing maintenance and decommissioning of the site thus contributing to the rural economy. The appellant claims that employment opportunities would not be limited to the beginning and end of the proposed development and that 2 full-time jobs would be created for its duration. This would attract limited weight in favour of the scheme.
67. In respect of an educational benefit, the appellant claims that the solar array would be used in an educational capacity with display boards for passing walkers and school trips. The introduction of display boards would result in further clutter and any educational benefits would weigh very little in the balance against the harm caused to the visual amenities of the Green Belt locality.
68. As for ecology, the appellant claims that the proposal would have a positive benefit to biodiversity by providing shelter for habitats and wildlife allowing them to flourish in areas that would otherwise be exposed. Over the project lifetime this would result in significant benefits to the fields in which the panels are situated as the land and soils are given a break from intense farming allowing the soil to rejuvenate and replenish.
69. The Council considers that any improvements to the land and biodiversity over the proposal's lifetime could equally be achieved over the same period by the continued farming of the land using good agricultural practices. Improvements brought about by the implementation of good agricultural practices would also be a benefit without any visual harm. On the other hand, any benefits to the land and biodiversity that might result from the solar farm would not outweigh the duration of the harm to the visual amenity/character of the locality.
70. The appellant considers that the claimed benefits significantly outweigh the impact of the proposal on the Green Belt by reason of inappropriateness and refers to a development in this area granted approval on appeal for 3 no. 46m high wind turbines at the now closed Carr Hall Garden Centre (APP/T2350/A/13/2193882). That application was refused by the Council as inappropriate development within the Green Belt as the turbines would be harmful to its openness and permanence, and as no special circumstances had been demonstrated that would outweigh the harm caused.
71. The Inspector acknowledged that the turbines would constitute inappropriate development within the Green Belt. However, it was the opinion of the Inspector

that very special circumstances had been demonstrated stating: *"I heard that the existing electricity connection at Carr Hall Garden Centre is of insufficient capacity to serve all the equipment required to run the business. Further, that reliance on diesel generators has had an adverse impact on the business due to the seemingly ever increasing cost of fuel and the ability to offer potential franchises a reliable supply of electricity. The proposal would facilitate a three phase connection and, in addition to providing some renewable energy to the grid, would help secure and create local employment. I consider that these matters amount to the very special circumstances necessary to justify the development in the Green Belt. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed."*

72. The Council considers that the special circumstances referred to by the Inspector were exactly that. They were circumstances that related specifically to that application as the electricity would be provided to a local business helping to keep it viable and thereby securing and creating local employment and those special/specific circumstances applicable to the wind turbine case do not appertain to this application.
73. Whilst the environmental benefits of the proposal are considerable and acknowledged, on balance, it is not considered that this provides sufficient very special circumstances to outweigh the substantial harm that would be caused to the character and openness of the Green Belt by reason of the inappropriate nature of the development. The proposal is clearly contrary to the purposes of the Green Belt as set out in the NPPF and CS Policy EN1, and would result in harm to the Green Belt by virtue of a significant loss of openness and encroachment into the countryside.
74. CS Policies EN2 and DME2 aim to protect, conserve and enhance the quality of the landscape in the Borough. The Borough comprises extensive areas of open countryside much of which has an intrinsic value that contributes to its landscape value. CS Policy DMG1 also seeks to ensure that design of development and impact on amenity and the environment are considered in all proposals. In relation to renewable energy schemes, CS Key Statement EN3 requires the local authority to have particular regards to 'the immediate and wider impact of the proposed development on the landscape, including its visual impact and the cumulative impacts of development.' As no special circumstances have been demonstrated to justify this development in the Green Belt, the Council considers that the effects of this renewable energy development on the local environment should be considered on the same basis as any other type of development.
75. The local landscape is characterised by rolling hills, on top of which the site is situated, irregular field patterns and the long distance views over the Ribble Valley. A Landscape and Visual Impact Assessment (LVIA) has been carried out that the Council's Countryside Officer confirms as being in compliance with LVIA Practice for Impact Assessment. The Assessment concludes that, overall, the impact of the development on the landscape and visual resource would be low to medium.
76. However, when looking at specific viewpoints, the Assessment concludes that the effects on York Road would be high; on Snodworth Road would be medium; and on footpath 16 would be medium. Furthermore, intermittent views of the development site would be afforded from the A59 east of Copster Green although

the presence of shelterbelts provides some screening. The appellant states that York Road is a lightly used country road and that only approximately 0.5km of York Road would have clear views of the proposal as the road runs alongside it. Conversely, York Road is a well-used link between the settlements of Langho and Wilpshire and the town of Blackburn further south. When travelling north along York Road at its junction with Wilpshire Road the appeal site is clearly visible from a distance of around 800m on the approach. The boundaries to York Road and Snodworth Road are low dry stone walls and immediately inside these walls would be the 2m high security fencing, through which the 2.9m tall panels would be visible. Added to this would be 5m tall CCTV towers, 2 of which would immediately adjoin the boundary to York Road; and the 4 no. inverter cabins that have the appearance of storage containers.

77. The PPG for *Renewable and Low Carbon Energy* guides local authorities to assess the cumulative impact of renewable energy development. Cumulative visual impacts may arise where 2 or more renewable energy developments would be visible from the same point, or will be visible shortly after each other along the same journey. This is relevant to the appeal site as the proposed solar farm would be located on land adjacent to 3 wind turbines. When viewed collectively from York Road, Snodworth Road and the network of public footpaths in the immediate vicinity the renewable energy developments would be seen together as noticeable industrial features and this 'creeping industrialisation' of the open land surrounding Little Snodworth Farm would be completely inappropriate.
78. Whilst the appellant states that effective screening of the site could be ensured by imposition of landscaping conditions, any planting would itself be visually intrusive by undermining open views across the site. Furthermore, vegetation, even if standard plants are used, would take some years to become effective. Whilst the Council endeavours to work with developers to find solutions where possible, in this case it was considered that the principle of development was unacceptable, contrary to Green Belt policy and there was no reason to engage further with the developer.
79. It is clear that some significant effects on the landscape and visual amenity, as a result of the proposed solar farm, are inevitable. Moreover, the proposal not only comprises the installation of arrays but also introduces a number of other, incongruous, elements into the rural environment – such as the inverters, access tracks, substation and fencing. It is considered that these will have a particularly detrimental visual impact when viewed locally.
80. The Council does not consider this to be a development that is acceptable or appropriate with respect to its impact on the immediate locality. Whilst the LVIA might have concluded that the effects on the wider landscape are not significant, the Council considers that these effects are still nonetheless negative effects that, in the absence of special circumstances, strengthen the reasons to refuse this application.
81. The proposal would also adversely affect nearby Public Rights of Way (PRoW). The proposal would be highly visible in the immediate area particularly given the extensive PRoW network in the vicinity which would offer close and uninterrupted views of the development. The proposal, by virtue of its design, scale and close proximity to the adjacent PRoW network, would adversely impact on the enjoyment of users. This would be contrary to CS Policies DMG1 and DMB5 which

seek to ensure the protection of the PRow network in situations where they will inevitably become less attractive, particularly where they provide a link between towns/villages and attractive open land, and are heavily used. Based on the level of public objection and a formal objection from the Ramblers Association, it is clear that the PRow network in the surrounding area is well-used by local residents and visitors. The fact that the longest path through the site only takes a few minutes to walk does not alter the conclusion that those using the footpath, and the other footpaths through the site, would incur serious harm to their visual amenities whilst traversing the site, and their enjoyment of the countryside would be undermined.

82. The proposal would require the diversion of at least 2 public footpaths. This in itself is not a reason to refuse consent but were planning permission to be granted, all necessary Diversion Orders would need to be obtained prior to the commencement of development. However, the proposed diversions would still leave the footpaths very close to the proposal, thereby resulting in a significant change to the experience of walkers using these particular footpaths. The Council considers that the nature and appearance of the development is such that the change to the experience of walkers would be a negative one. In the absence of any proven 'special circumstances' the Council considers this to represent a sustainable reason for refusal of the application.
83. The Council considers that the proposal does not represent sustainable development as defined in the NPPF and would be contrary to the relevant CS Key Statements and Policies. The Council accepts that the scheme would provide environmental benefits based on the proposal seeking to contribute towards tackling climate change. However, this must be balanced against harm to the Green Belt as a result of inappropriate development, the harm the development would have on the visual appearance of the landscape and the adverse impacts of the development upon nearby PRow. There are clearly a number of specific benefits for the appellant if this scheme was to be approved. Nevertheless, the wider social and economic benefits beyond this are not clearly quantifiable. In the Council's view, the development is contrary to national and local Green Belt policy, would not protect, conserve nor enhance the landscape and character of the area and any environmental, social and economic benefits associated with the scheme would be clearly outweighed by the demonstrable harm caused. In addition, the development would adversely impact on the enjoyment of users of the surrounding PRow network by virtue of its size and proximity. It is for these reasons that the appeal should be dismissed.

### **Written Representations**

84. At the application stage objections were received from Billington and Langho Parish Council, Wilpshire Parish Council and The Ramblers Association. In addition, 85 letters were received from 80 local households. Further representations objecting to the proposal have been received in respect of this appeal. In summary, the concerns raised related to: the effect on the Green Belt, highway safety, biodiversity and wildlife, landscape character and footpaths.

## Inspector's Appraisal

*(Numbers in square brackets denote source paragraphs)*

### *Main considerations*

85. The Council's reasons for refusal [2] relate to the Green Belt and the effect of the proposal in respect of landscape character and visual impact.

86. In which case, I consider the main issues to be:

the effect of the proposal on the openness of the Green Belt and the purposes of including land within the Green Belt, in respect of any encroachment into the countryside,

the effect of the proposal on landscape character and its visual impact, and

whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### *Green Belt*

87. The NPPF states in paragraph 91, that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. While the appellant questions whether or not this proposal would be inappropriate development [24, 30], in my judgement it is not listed in the NPPF as a type of development deemed to be not inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. The NPPF also makes clear that the essential characteristics of Green Belts are their openness and permanence so any reduction in these characteristics would also be harmful. The proposal would introduce a development with a very distinctive industrial appearance into an agricultural landscape. As engineered products, the solar arrays would be alien to this countryside location and this would serve to emphasise their intrusive and incongruous appearance. The scale and amount of development, which includes the solar arrays, several associated buildings and security fencing, would result in a significant amount of built form being created. This would lead to a major reduction in the openness of the Green Belt and would fail to assist with safeguarding the countryside from encroachment, which is 1 of the 5 purposes served by the Green Belt.

89. This would result in harm to the Green Belt in conflict with CS Key Statement EN1. The NPPF states that substantial weight should be given to any harm to the Green Belt.

### *Landscape character and Visual impact*

90. The appellant submitted a Landscape and Visual Impact Assessment (LVIA) which includes 7 viewpoints, claimed to be representative of a range of views of the proposal, and a Zone of Theoretical Visibility with a radius of 5km [75]. The appeal site is located within the Natural England Landscape Character Assessment area; *Lancashire Valleys*. This is described as *broadly consisting of the wide vale of the rivers Calder and Ribble and their tributaries, running north-east to south-west between Pendle Hill, the Bowland Fells and the Southern*

*Pennines. Although similar in nature conservation terms to the Lancashire and Amounderness Plain and the Morecambe Coast and Lune Estuary NCAs, the landscape here has a contrasting, intensely urban character. I agree with the assessment of the parties as to the character of the local landscape [27, 39, 58 and 75] and the location of nearby settlements, roads and footpaths [5 and 40].*

91. The LVIA concludes that the overall impact of the proposal on the landscape and visual resource would be low to medium claiming that the impact would be fairly well contained to the footpaths adjacent to the site. In addition, when seen from further afield the LVIA concludes that the proposal would not constitute a dominant feature in any views. The LVIA notes that the landscape is of a medium scale quality and is characterised by farmsteads and wind turbines, into which the solar farm would fit with little contrast.
92. While I agree with the LVIA conclusion that over longer distances, views of the proposal would either be unobtainable (such as from Langho and the A666) or intermittent (such as from the A59 east of Copster Green), I nevertheless consider that the topography of the appeal site would result in the arrays being a very prominent feature in views from the nearby road and footpath networks. The proposal would be extant for what would be a considerable time period in the lives of local residents. In my judgement, given the undulating character of the appeal site and its immediate environs, which is typical of the wider landscape, the solar panels, as engineered products with an industrial appearance, would not readily assimilate into this open countryside context. Added to which, the perimeter fencing, CCTV towers, inverter housing and substation buildings would increase the industrial character of the proposal in this rural location.
93. Notwithstanding the presence of other man-made features in the area [28], the proposal when seen from local vantage points such as York Road, Snodworth Road and the nearby footpaths [5, 45], would be a striking, stand out feature. The overall scale, density and distribution of modules and associated infrastructure would create a dominant feature in the landscape, changing its character from agricultural to industrial. Given the localised nature of the effect of the proposal, I consider that the harmful change to local landscape character would be moderate.
94. With regard to visual impact, I consider that this would be restricted by the undulating nature of the landscape to the local roads and footpaths identified above. However, from these nearby vantage points, the proposal would appear as a highly prominent and alien feature that would be visually intrusive. The scale of the proposal, spread over the three fields, would make it a stand out feature within this area of undulating countryside with the effect that it would have an overbearing presence. As the effect would be localised, I consider that this would result in moderate visual impact harm.
95. I note the appellant's claim that the impact could be mitigated through the use of planning conditions [43] attached to any grant of planning permission. However, I consider that the mitigation measures would either take a considerable time period to become effective or would be limited in ameliorating the harmful impact of the proposal. Consequently, the proposal would remain a stark addition to the local landscape when the solar arrays and associated infrastructure are seen from the local road and PRow networks.

96. In summary, although over longer range views the effect of the proposal would be negligible, when seen from the adjacent roads and footpaths it would dominate the scene in terms of its visual impact and would define landscape character. Accordingly, the proposal would result in moderate landscape character and visual impact harm when seen from local vantage points, in conflict with CS Policy DMG1.

*Other matters*

97. The effect of the proposal on ecology, highway safety, living conditions and agricultural land was considered by the Council at the application stage taking advice from bodies such as the County Highways Surveyor and the Council's Countryside Officer. I note from the officer report that the conclusion is drawn that subject to conditions, there would be no negative effects arising from the proposal in respect of these matters. From my assessment of the submitted evidence, I have no reason to disagree.
98. I further note the officer's conclusion that the proposal would not harm the setting of any heritage assets as a development within their settings. From my assessment of the submitted evidence, I have no reason to disagree and consider that there would be no conflict with the desirability of preserving the settings of these listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
99. The appellant referred to a previous appeal decisions [23 and 53] claimed to be similar. However, I am not aware of the detailed considerations taken into account by those Inspectors. Furthermore, given the site specific circumstances in this instance, taking this appeal on its planning merits, I do not consider the cited appeal decisions to be directly comparable.

*Other considerations*

100. The appellant has put forward several matters [32, 33, 37, 49, 50 and 52] claimed as other considerations in favour of the proposal. Firstly, it is claimed that with a power rating of around 5MW, the proposal would generate sufficient electricity for around 1,000 homes for 25 years, equating to a reduction of approximately 1,100 tonnes of CO<sup>2</sup> emissions per year. As such it would help to meet the renewable energy target for the Borough. This is a benefit that weighs significantly in favour of the proposal.
101. The appellant put forward economic benefits pointing out that the landowner is currently reliant on the livery business for income. The solar development would provide an alternative type of income source while maintaining an area for grazing smaller livestock, allowing the livery business to be scaled back sustainably. Thus, the project would enable 3 diverse income streams where previously 1 existed. In addition the proposal would provide employment opportunities in the area. I give this consideration significant weight in favour of the proposal.
102. The appellant pointed out that the temporary nature of the proposal would mean that any harm would be temporary and reversible. However, the identified harm would pertain for around 25 years which is a considerable time period and I give this consideration limited weight in favour of the proposal.



103. The appellant also cited educational benefits including the deployment of educational display boards and school visits. However, there are other renewable energy developments in the area thus educational opportunities would not be unique to this renewable energy development. In which case, I give this consideration limited weight in favour of the proposal.
104. The appellant claims biodiversity benefits citing the creation of a wildflower habitat and field margin suitable for bees, butterflies, nesting birds, reptiles and small mammals, as well improvements to the local PROWs. While that may be the case, it has not been demonstrated that the proposed use of the site is the only means by which such enhancements might be achieved. In which case, I give these considerations limited weight.
105. The appellant also claimed that areas of the Ribble Valley area which are not Green Belt are predominantly urban or located within an Area of Outstanding Natural Beauty and suggested that some renewable energy installations would need to be located in the Green Belt for installed capacity to reach desired levels. However, I consider that it has not been fully demonstrated that alternative sites are not available in the wider area and this limits the weight I attach to this consideration.

#### *Planning balance*

106. Although time limited to a period of around 25 years, the proposal would nevertheless represent inappropriate development in the Green Belt, contrary to CS Key Statement EN1. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is seen as an essential characteristic of Green Belts and the reduction in that quality arising from the proposal, along with the failure to safeguard the countryside from encroachment, would also be harmful. The NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The proposal would also result in moderate landscape character and visual impact harm when seen from local vantage points, in conflict with CS Policy DMG1.
107. While the proposal would not conflict with the policies of the NPPF in respect of the use of agricultural land and would not be harmful in terms of those matters set out above under *Other Matters*, these are neutral rather than positive considerations. Nevertheless, the aggregated benefits arising from the matters set out under *Other Considerations* above, lend substantial weight in favour of the proposal. However, the NPPF states that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt, landscape character and visual amenity. Therefore, very special circumstances necessary to justify the proposal do not exist.

#### **Conditions**

108. I have considered the conditions put forward in the Council's Statement in the light of the advice in the NPPF and PPG. In addition to the standard time condition and a condition specifying the approved plans (as agreed at the site visit) in the interest of providing certainty, various other matters need to be

submitted for approval. In the interests of securing the operational lifespan of the development, a condition is necessary to inform the local planning authority when the development is first commissioned, along with a condition requiring the approval and implementation of a decommissioning scheme, in the interests of limiting the landscape impact.

109. Conditions are also necessary in respect of the siting and appearance of fencing/gates, inverter stations, access tracks and CCTV towers; the provision of a temporary compound structure; the submission of landscaping scheme and the treatment of the public footpaths that cross the site in the interests of safeguarding the visual amenity of the area.

110. In addition, conditions are required to; provide wheel washing facilities; secure the submission of a Construction Management Plan, Traffic Management Plan and Deliveries Management Plan; set out the hours of operation during construction and ensure all cables are laid underground, in the interests of highway safety and residential and visual amenity. Finally, in the interest of visual amenity, a condition is necessary in respect of external lighting.

### **Recommendation**

111. Having taken account of all of the matters raised in the representations, including the appellant's frustration with the Council's handling of the application, I recommend for the reasons given above, that the appeal should be dismissed. However, in the event that the Secretary of State disagrees, I recommend that the conditions in the Annex below be applied.

*Richard McCoy*

INSPECTOR

## Annex

- 1) Unless explicitly required by condition within this consent, the development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The hereby permitted shall be carried out in accordance with the following approved plans: PV-222-01 (Site Layout Plan), PV-222-02 (Site Location Plan), PV-222-03 (Section Plan), PV-222-04 (Access Plan and PV Elevations), PV-222-04 (Inverter Station Sections), PV-222-06 (Sub-Station Sections) and PV-222-07 (Temporary Construction Compound).
- 3) The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commissioning of the development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event. ("Commissioning" is defined as the point at which the solar farm is put into active service or becomes "active", or is in use or useable condition)
- 4) Not less than 12 months prior to the expiry of this permission or if the solar farm hereby permitted ceases to operate for a continuous period of 6 months or more (whichever is sooner) the restoration details for the site shall be submitted for the written approval of the Local Planning Authority. This shall include a scheme of works for the decommissioning of the solar farm and associated equipment which shall include; a scheme detailing the removal of all surface elements and any foundations to a depth of 300mm below ground level, a scheme for restoration and aftercare, a timetable for the works and a decommissioning traffic management plan. The subsequent decommissioning of the site shall be carried out in accordance with the agreed details within 6 months of the date of its agreement by the Local Planning Authority.
- 5) Notwithstanding the submitted details, prior to the commencement of development, revised details of the siting and appearance of fencing/gates, inverter stations, access tracks and CCTV towers shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
- 6) Prior to the commencement of the development, full details of the provision of a temporary compound structure within the site shall be submitted to and approved by the Local Planning Authority. This shall include elevational details, details of the coating colours for all structures and all external surfacing materials of the development and a programme of works for the removal of the structure following completion of the construction phase of the development. The development shall be carried out in strict accordance with the approved details.
- 7) A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or

landform and proposed finished levels. The scheme should include a landscaping/habitat creation and management plan and landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 25 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.

- 8) Prior to the commencement of development full details of the means of the treatment of the public footpaths that cross the application site (FP13, 15a and 16) shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of the colour, form and texture of all ground surfacing materials. All works shall be undertaken strictly in accordance with the details as approved.
- 9) Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
- 10) Prior to construction, a Construction Management Plan, Traffic Management Plan and Deliveries Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include methods and details of construction including vehicle routing to the site, construction traffic parking, deliveries and the proposed temporary traffic regulation measures. The Construction, Traffic and Deliveries Management Plans shall be implemented and adhered to during the construction of the development.
- 11) In relation to the construction of the development hereby permitted; no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 08.00 – 18.00 Monday to Friday, nor outside the hours of 08.00 – 13.00 on Saturdays, nor at any time on Sundays or Bank Holidays unless approved in writing by the Local Planning Authority.
- 12) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.
- 13) All electricity and control cables shall be laid underground.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### **SECTION 2: ENFORCEMENT APPEALS**

#### **Challenges under Section 289 of the TCP Act**

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### **SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### **SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.