

PLANNING APPLICATION REPORT



Application Number 15/01377/FUL

Date Valid 22/07/2015

Item 01

Ward Honicknowle

Site Address

SITE TO THE WEST OF ERNESETTLE LANE, PLYMOUTH

Proposal

Solar Photo Voltaic farm development, capable of generating 4.1MW electricity including perimeter fencing, PV array and racking system, inverter houses, sub-stations, access track, CCTV and infra-red lighting, cabling, temporary construction compound and associated landscape and ecological mitigation and enhancement measures.

Applicant

PEC Renewables Ltd

Application Type

Full Application

Target Date

21/10/2015

Committee Date

Planning Committee: 24 September 2015

Decision Category

Recommendation is contrary to a Development Plan Proposal and the officer recommendation is to grant

Case Officer

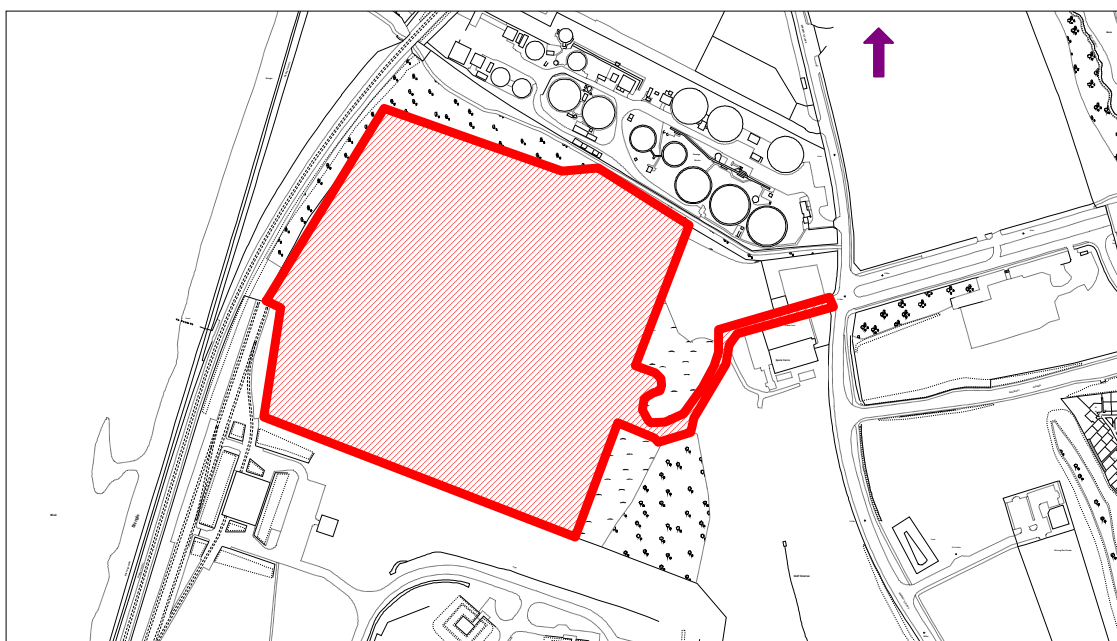
Robert McMillan

Recommendation

Grant Conditionally

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1. Description of site

The application site is in the west side of Ernesettle Lane between the South West Water (SWW) treatment works site to the north and the Ministry of Defence (MOD) Defence Storage and Distribution Agency (DSDA) armaments depot to the south. There is a motor cross circuit former sports hall to the east and the Plymouth to Gunnislake railway line on the western boundary beyond which is the River Tamar. There is commercial development further to the north and north east north east.

The site is 7.35 ha and was used for playing fields many years ago and there is an old goal post and fencing tall posts on the western part of the site. The vegetation is a mixture of rough grass, scrub and brambles. The Royal Albert Bridge grade I listed building and Tamar Bridge are visible to the south west as is the vegetation around Ernesettle Battery scheduled ancient monument to the south east.

The nearest dwellings lie 380m to the east in Chivenor Avenue and Gravesend Walk and 700m to the south east in Ernesettle Crescent.

In terms of ecological interest, there are no designated sites present within the site. The Plymouth Sound and Estuaries Special Area of Conservation (SAC), the Tamar Estuary Special Protection Area (SPA), the Tamar/Tavy Estuary Site of Special Scientific Interest (SSSI), and the Tamar Estuaries Marine Conservation Zone lie within 50m west of the Site. The Tamar Valley Area of Outstanding Natural Beauty (AONB) is approximately 300m to the north east. The site has been identified by PCC as a biodiversity network site as it acts as a buffer to the adjacent Ernesettle Complex County Wildlife Site grasslands.

2. Proposal description

The application is for a solar photo voltaic (PV) farm which is capable of generating approximately 4.1 MW of electricity per annum. Over the course of a year the proposal would generate approximately 4,260,000 kWh of renewable electricity, equivalent to the average annual demand from 1,014 homes. The carbon dioxide (CO₂) savings over 25 years would be 17,120 tonnes.

The PV panels will be sited in rows running west to east so that they face south. They will be in two blocks either side of the public sewer that crosses the site. They will be mounted on metal frames. Each panel will measure 1.36 by 1.16m with a maximum height of 2.9m above ground level including a ground clearance of 0.5m. There would be in the region of 16,000 panels. Other plant and equipment will include:

Four Inverter houses that convert the Direct Current (DC) generated by the solar panels to Alternating Current (AC) so that it can be exported to the local electricity network. Each unit will be up to 9m long by 3m wide by 3 m high;

A transformer building up to 6m long by 2.5m wide and 2.8m high. It will be located on the eastern edge of the site within the area identified for the temporary construction compound;

A district network operator (DNO) substation up to 6m long by 6m wide and 4m high in the eastern part of the site as close as possible to the connection point

but where it will be relatively visually contained;

Up to 15 CCTV camera with infra-red cameras mounted on poles 3.5 high around the perimeter of the site; and

Cabling.

The site will be bounded by a 2m high metal weld fence.

Access will be from the existing track off Ernesettle Lane.

3. Pre-application enquiry

There were pre-application discussions and correspondence in April and May 2015, reference 15/00574/MAJ. Officers alerted the applicant to the comments from consultees and the appraisals, surveys and reports required for the application. The main issues related to: the MOD safeguarding; the impact on the nature conservation designated sites and local ecology, the effect on the landscape and the impact on the historic environment. At this time the main controversial issue related to the loss of the playing pitches. Officers advised the applicant that if these issues could be resolved officers could be likely to make a favourable recommendation.

4. Relevant planning history

15/01135/ESR10 – Application for a screening opinion if the proposal is Environmental Impact Assessment (EIA) development – NOT EIA development.

In the past the land was reclaimed marshland, then used for landfill. More recently it was used as sports pitches for Plymouth University. This used ceased in 2002 and since then it has been unused and has returned to rough grassland, scrub and brambles.

5. Consultation responses

Ministry of Defence (MOD) Defence Infrastructure Organisation (DIO)

No objection.

The proposed site occupies the inner explosive safeguarding zone surrounding Defence Munitions Ernesettle. If permission is granted a condition should be attached to ensure that the applicant provides the schedule of works to the DIO to meet MOD explosives licensing requirements.

Natural England (NE)

Internationally and nationally designated sites

No objection

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special

Protection Area (SPA) which are European sites. The Tamar Estuaries Complex SPA is also notified at a national level as the Tamar-Tavy Estuary Site of Special Scientific Interest (SSSI).

In advising the authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site; and
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

Protected species

No objection

Natural England advises that the mitigation proposed in the Ecological Mitigation and Enhancement Strategy, updated August 2015 and submitted with this application, should be made a condition of any permission given for the development of this site.

Protected landscapes

No comment and the Authority should seek advice from the Tamar Valley AONB management team.

Other matters

The application should include measures to enhance the biodiversity of the site.

NE would expect the Authority to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Historic England (HE)

HE stated that there is limited information in the heritage assessment on the impact on the important heritage assets of the Royal Albert Bridge and Ernesettle Battery. It would have been extremely useful to have had a commentary provided on lines of sight from the battery, in terms of the defensive context of its setting. It is not clear how the screening vegetation between Ernesettle Battery and the application site is controlled and would be managed. The Authority should address these matters. It is not necessary to contact HE again.

Environment Agency

No objection subject to conditions on ground contamination

Marine Management Organisation

No comments received.

Network Rail (NR)

No objection in principle. NR would not want there to be risk of reflection distracting train drivers or affecting signalling. The safety of the railway is paramount and any potential risk from adjacent development should be minimised as far as possible.

Network Rail would expect the applicant to demonstrate that the panels are either not reflective or that appropriate fencing/mitigation or other screening is erected between the railway and the solar panels to avoid this happening.

Post-construction creation of vegetation piles, rubble piles and invertebrate habitats within 200m of Network Rail property may create future ecological issues, with regards to the presence of protected species etc.

Fencing at least 1.8m high should be provided on the boundary with the railway land to prevent trespass.

Drainage should not affect railway land. NR provides further standard points on layout, piling, excavations/earthworks, landscaping and plant scaffolding and cranes.

Cornwall County Council

No comments received.

Tamar Valley Area of Outstanding Natural Beauty Management Team

No comments received.

Local Highway Authority

No objection subject to a code of practice condition to include details of the expected number and times of daily construction vehicle movements to and from the application site.

Public Protection Service

No objection subject to the land quality condition.

Sport England (SE)

SE does not object. The land was last used as sports pitches. Although this ceased some time ago evidence on abandonment has not been fully considered.

The applicant has provided a response from the MOD DIO Safety Environment & Engineering on the MOD Explosives Safeguarding Zone. The MOD would object to the use of the land for designated sports pitches and associated facilities as it would put the public using such facilities at unnecessary increased risk of life.

The emerging Plymouth Plan for Pitches (Playing Pitch Strategy) notes a shortage of playing pitches but given the risks of the site within the MOD Safeguarding area it omits this site. SE sought the advice from the Football Association (FA). The FA concluded that given the constraints of the site it

is not a viable option to bring the playing pitches back into use and, even if it was there would be an objection from the MOD. SE concludes that the application meets one of its exceptions in its policy E3 as the development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch.

Economic Development Department

The Economic Development Department supports the application. This proposal provides economic activity whilst complying with the MOD's safeguarding restrictions. This development is a joint venture between two Plymouth based social enterprises where income is retained for community purposes across Plymouth including the neighbourhoods immediately adjacent to the site. This type of facility contributes to PCC's explicit goals of making Plymouth a 'green city.' There is opportunity for residents to share in the social project.

Police Architectural Liaison

No objections.

South West Water (SWW)

A public sewer crosses the site. No development should encroach within 4m of the sewer. If it does the sewer would need to be diverted at the developer's expense.

SWW would not allow surface water drainage to discharge to a combined or foul sewer so the development will need to include a sustainable urban drainage system (SUDS).

Wales and West Utilities (WWU)

There is a main gas pipe running along Ernesettle Lane. The applicant should consult with WWU before starting work.

Saltash Town Council

Noted.

6. Representations

There are two letters of representation making the following points:

1. Harm to the landscape especially when viewed from Saltash; and
2. The site is "teeming with wildlife" and would expect at the least that species surveys will be carried out.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004

Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). In the case of this application, it also comprises Waste Development Plan Document.

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft (January 2015) has been subject to a consultation process and representations received are currently being reviewed. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document;
- Development Guidelines Supplementary Planning Document; and

8. Analysis

1. The application is reported to committee because it is substantively contrary to a proposal in the Local Development Framework – Proposal W2 of the Waste DPD, 2008 - and the officers' recommendation is to grant.

2. The report explains that this proposal now has limited weight as a material consideration owing to substantial changes to waste management since the Waste DPD was published.

Introduction

3. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework, other policy documents as set out in Section 7 and other material considerations.

4. The main issues with this application are the principle of the development with regard to the site's allocation as a strategic waste site in the Waste DPD, the previous sports playing field use, MOD Defence Infrastructure Organisation (DIO) safeguarding policy and greenscape policy; impact on the international and national conservation designated sites and nature conservation; impact on the setting of historic assets; impact on the landscape; effect on the adjoining railway line; and effect on living conditions.

5. The policies applicable to this application are: Core Strategy policies CS01 Development of Sustainable Linked Communities, CS02 Design, CS03 Historic Environment, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS25 Provision of Waste Management, CS28 Local Transport Considerations, CS30 Sport, Recreation and Children's Play Facilities, CS33 Community Benefits/Planning Obligations and CS34 Planning Application Considerations; Waste Development Plan Document Proposal W2 Land West of Ernesettle Lane and Policy W9 Applications for development affecting existing, proposed or allocated waste management facilities; national Planning Policy Framework paragraphs 7,14, 17, 32, 56-58, 73-74, 93-94, 97-99, 103, 105, 109, 113, 115, 117-118, 120-121, 123, 126, 128-129 and 131-134; and Plymouth Plan policies 2 Delivering a city of sustainable linked neighbourhoods, 26 Enhancing Plymouth's sporting facilities, 27 Delivering Plymouth's natural network, 28 Reducing carbon emissions and adapting to climate change, 29 Dealing with flood risk, 31 Promoting Plymouth's heritage, 32 Place shaping and the equality of the built environment, 33 Safeguarding environmental quality, function and amenity, 39 Enhancing Plymouth's 'green city' credentials and 43 Principles for development in Plymouth's urban fringe.

Environmental Impact Assessment (EIA)

6. Officers screened the application as to whether the proposal is EIA development requiring an Environmental Assessment. This applies when schemes are:

- a. for major developments which are of more than local importance;
- b. for developments which are proposed for particularly environmentally sensitive or vulnerable locations ; and
- c. for developments with unusually complex and potentially hazardous environmental effects.

Officers decided that the proposal did not meet any of these criteria and is not EIA development.

Background

7. The Applicant is PEC Renewables Ltd, Community Benefit Society set up by Plymouth Energy Community (PEC) to fund and install community-owned renewable energy in Plymouth.

8. The development will also provide financial benefits to the Four Greens Community Trust (FGCT), a new Community Economic Development Trust. It aims to create more jobs, training and

enterprise opportunities and improve services and facilities in Ernesettle, Whitleigh, Honicknowle and Manadon.

9. The site is owned by PCC (the land owners) but there is an arrangement that FGCT will benefit from income from the ground rent from the solar development. The organisations aim to use this proposed development to raise funds for community benefit schemes in addition to achieving a return for local investors delivering vital renewable energy.

Community engagement

10. The applicant took part on pre-application discussions which informed the content of the application taking on board officer and consultee advice.

11. The Statement of Community engagement and benefit concluded that:

“The report tables the results of initial community consultation which shows very high levels of local support for the development proposal. Nine local community events have been held or attended with a view to exploring peoples support for the idea of a community owned solar array.

From the 127 people that have responded to a survey :

- 87% Agree or Strongly Agree that the site adjacent to Ernesettle Lane is appropriate for a solar array;*
- 82 % Agree or Strongly Agree feel the potential for community ownership of the solar array is important; and*
- 95% Agree or Strongly Agree feel that income from the solar array going to local organisations with a community purpose is important.”*

Principle of development

12. The site is unused land and is mixed rough grassland and scrub. It had been used by the University as playing fields. This use ended in 2002.

MOD Ernesettle Explosive Storage Area inner safeguarding zone

13. All of the site falls within the MOD Ernesettle Explosive Storage Area inner safeguarding zone where development is severely restricted. The MOD DIO does not object to the proposal because it would not lead to people congregating at the site and would not lead to increased risk of danger to life. But it would object if the playing field used resumed on a formal basis with regular use with associated facilities such as changing rooms and a club house.

Waste management

14. Core Strategy policy CS25 deals with waste management and seeks to identify sites to accommodate strategic waste management and treatment infrastructure to meet the needs for municipal, commercial and industrial and construction/demolition waste for the city and adjoining areas. It identifies land west of Ernesettle Lane as a potential area for such a site. Proposal W2 of the Waste DPD allocates as a strategic integrated waste management site to support the sustainable management of municipal waste and/or commercial and industrial waste arising from within Plymouth

and potentially from adjoining areas having regard to the plan period and beyond. Part 3.a accepts that development would be restricted in the western part - ie this application site – because of the MOD safeguarding area.

15. Since the adoption of the Core Strategy in 2007 an important material consideration is the completion of the North Yard Energy from Waste plant that will be fully operational this September. This takes up the capacity for strategic municipal waste for the city and adjoining area and for some of the strategic industrial and commercial waste.

As part of the Plymouth Plan process the Council commissioned the “Review of Waste Strategy, Future Needs and Sites, 2014” to inform the plan on strategic waste requirements. It concludes in 6.2 that:

“It is anticipated that no further municipal waste management capacity will be required during the lifetime of the plan”.

16. In 6.3 it states that:

“It is concluded that sufficient permitted capacity exists for management of commercial and industrial waste within Plymouth and just on its boundaries. As such it is recommended that the Plymouth Plan does not need to identify any additional sites for the treatment/disposal of commercial and industrial waste.”

17. On these findings it is fully expected that the land and adjoining land’s allocation as a strategic waste management site will be formally deleted in the Plymouth Plan.

18. Policy W9.2 of the Waste DPD states that development can be allowed on proposed waste management facilities if:

“The waste management facility, proposed or existing, is no longer required or is not suitably located in relation to its function and impacts, and there is adequate capacity in the City, or in proximity to the source of the waste, now and in the future to manage the waste that the facility treats.”

19. Officers believe that this exemption applies and that the proposed use is acceptable in waste management terms and that proposal W2 now has very limited weight as a material consideration.

Greenscape

20. The site is part of Greenscape area 46. It performs a number of greenscape functions. It has citywide significance for informal recreation, separation/buffer and as access corridor and district significance as an access corridor. When the analysis was done several years ago it identified the function of sport and formal recreation having citywide significance. Officers believe that this no longer applies in reality given the severe constraints imposed by the MOD safeguarding requirements.

21. The site will lose its open character as the solar panels will be sited closely together but it would be for a temporary period, albeit for 27 years so the land could revert to its open character if the solar farm use was not renewed.

22. The proposal would not improve the accessible green space but it is not accessible at the moment and is constrained by its safeguarding status. The nature conservation value of the site would be retained and enhanced as explained in the 'Local nature conservation issues' section below.

23. For these reasons officers believe that the proposals would not cause undue harm to the city's greenscape and would not conflict with Core Strategy policy CS18 and Plymouth Plan policy 27.

Former sporting use

24. At the pre-application stage Sport England (SE) raised objections on grounds of loss of the playing fields. Since then it has reviewed its position. It does not accept that a case for abandonment had been made. But it does accept that it would be unviable to put the land back into sporting use which would also raise objections from the MOD. As such it complies with Sport England's exceptions policy E3 in its "Policy on planning applications for development on playing fields". Core Strategy policy CS30 seeks a presumption against development leading to a loss of sporting facilities unless there is an excess of provision or alternative facilities would be provided. Officers agree with SE that the site cannot be considered as a viable and usable sporting facility as it would conflict with the MOD's safeguarding requirements. For this reason the site is excluded in the Council's draft Plan for Playing Pitches, 2015.

25. Officers do not believe that the restriction advised in paragraph 74 of the National Planning Policy Framework (The Framework) is not strictly applicable as officers no longer regard the land as a sporting facility. It is open space that will be developed but for a worthwhile use in accordance with other parts of the Framework. It is a temporary use, albeit for a lengthy period of 27 years, so it is possible that the land could revert to an open land use.

Renewable energy

26. The proposed solar farm would generate about 4.1MW of renewable electricity a year which equates to the average annual demand for just over 1,000 homes. The carbon dioxide (CO₂) savings over 25 years would be 17,120 tonnes. It fully complies with the agenda for promoting sustainable development by reducing the generation of CO₂ and mitigating and adapting to climate change to comply with CS policy CS20 and paragraph 7 of the Framework. Paragraphs 93 – 98 fully support the use and supply of renewable and low carbon energy making reference to supporting community-led initiatives for renewable and low carbon energy (97) and local planning authorities should approve such an application if its impacts are (or can be made) acceptable (98).

27. The government has produced recent advice on solar farms in the National Planning Policy Guidance (NPPG). It states that authorities should encourage them on brownfield land or non-agricultural land. Although the site is not brownfields land it is not farm land and has limited landscape value. The NPPG raises other matters including landscape, historic environment and living conditions which are covered in other sections of the report.

28. The proposal also complies with Draft Plymouth Plan policy 28 that seeks to reduce carbon emissions and adapting to climate change in particular:

"2. Supporting and enabling the installation of renewable and low carbon energy generation capacity, including encouraging community owned installations and identifying land for large scale renewable energy installations."

29. For all of the reasons outlined above officers believe that the principle of the proposed solar farm at this site is acceptable in compliance with national and local policy.

International and national designated nature conservation areas

30. The site is not in a sensitive location but is located close to several sensitive designated areas focussing on the River Tamar. These are:

Plymouth Sound and Estuaries Special Area of Conservation (SAC);

The Tamar Estuaries Complex Special Protection Area (SPA);

Tamar Estuary Sites Marine Conservation Zone (MCZ); and

The Tamar-Tavy Site of Special Scientific Interest (SSSI).

31. These are designated for the estuarine landscape and habitats which support associated species including overwintering wildfowl and waders, such as, overwintering avocet *Recurvirostra avosetta* and overwintering and passage little egret *Egretta garzetta* and their landscape quality.

32. The site is located approximately 50m at its closest point to Plymouth Sound and Estuaries Special Area of Conservation (SAC), Tamar Estuary (Tamar Tavy Estuary) Special Protection Area (SPA) and Tamar/Tavy Estuary Site of Special Scientific Interest (SSSI). These are primarily designated for their importance for over-wintering waterfowl. The applicant's ecologists and officers believe that the site is unlikely to support roosting or foraging wetland and wading birds as there is an absence of open grassland areas or saltmarsh which would allow waterfowl to have a clear view to avoid predation. Due to the proximity to the estuary, there is potential for indirect noise disturbance of overwintering birds during key points in construction. This would be mitigated by erecting the panels close to the designated sites in a limited number of sessions. Visual or direct disturbance such as operations linked to the setting of the racking posts into the ground is considered unlikely as the main railway line embankment is raised above the site, forming an effective screen between the site and the estuary.

33. In addition, in the absence of suitable control measures there is also potential for runoff effects during construction that may affect water quality of the estuary. This would be avoided by the construction phase following the best practice guidance including the Environment Agency's.

34. The application will have limited effects on the designated areas and protected species and both NE and officers and does not require a Habitats Regulations Assessment.

35. Natural England does not raise objections.

36. For these reasons officers believe that the proposal would not harm the international and national protected areas and species and complies with Core Strategy policy CS19 paragraphs 109, 113 and 118 of the Framework and Plymouth Plan policy 27.

Local nature conservation issues

37. In addition to the international and national designated sites the site is identified as a biodiversity network site as it acts as a buffer to the adjacent Ernesettle Complex County Wildlife Site grasslands.

38. The site comprises "mosaic" of flower semi-improved grassland bounded by scrub with areas of bare ground and piles of rubble. The surveys revealed that the site supports a population of slow

worms. There were no signs of badger activity and it is likely that the site is used by bats for commuting and foraging.

39. The main mitigation and enhancements include: retention of 0.4ha of scrub along the northern, southern and western boundaries; management of the scrub and grassland; and creation of three rubble piles and vegetation piles for use by invertebrates, amphibians, reptiles including slow worms and small mammals.

40. Officers are satisfied that these measures will safeguard the ecological interest and value of the site to comply with Core Strategy policy CS19, paragraphs 109, 113 and 118 of the Framework and Draft Plymouth Plan policy 27.

Landscape and Visual Impact

41. The Tamar Valley Area of Outstanding Natural Beauty (AONB) lies 350m to the east and 550m to the north. Solar farms have the potential to have a significant impact on the landscape as seen by the one nearby in the South Hams west of Tamerton Foliot north of Ernesettle.

42. The applicant has submitted a Landscape and Visual Appraisal that is consistent with the Guidelines for Landscape Visual Impact Assessment (GLVIA) 2013. The view points and photomontage locations were identified with the Local Authority during the pre-application process. The site is low lying situated between the MOD Defence Munitions site and South West Water treatment works with commercial and industrial land to the north and east. Officers agree with the conclusions of the appraisal that the substantial impacts are limited to the site itself and impacts on landscape character or visual impacts beyond the site are not substantial in nature. Whilst the change to the site will be substantial it is temporary and must be read in the context of the site which is an industrialised area with an 'urban fringe' character which currently contains a number of significant man-made structures.

43. Officers consider that the proposal would not cause harm to the wider landscape, in particular the Tamar Valley AONB and complies with Core Strategy policies CS01, CS02, CS18 and CS34, paragraphs 17 and 115 of the Framework, the relevant part of the Planning Policy Guidance and Draft Plymouth Plan policies 9, 32 and 43.

Impact on the historic environment

44. The following legislation and material considerations have been taken into account in addition to the policies cited above in the "Introduction" section: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act; The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment; The 2011 English Heritage publication: "*The Setting of Heritage Assets*"; and recent case law in particular *East Northamptonshire DC v. Secretary of State for Communities and Local Government* (known as the 'Barnwell Manor' case), 2014.

45. The designated heritage assets most likely to be affected by the development identified in the revised Heritage Statement dated August 2015, are:

Ernesettle Battery – mid 19th century extension of the Palmerston defences for Plymouth, with additional World War II additions – a Scheduled Ancient Monument;

Agaton Fort – a Palmerston Fort site – and a Scheduled Ancient Monument;

The Royal Albert Bridge – grade I listed – railway bridge designed by Brunel and completed in 1859, and which has recently undergone extensive refurbishment; and
St Budeaux Church – grade II* listed building.

46. Ernesettle Battery is completely clad and screened in vegetation and trees when viewed from inside and just outside the application site, and with the intervening MOD buildings too this presents a valuable screen. Officers visited the site of the Battery at close distance from the north side, off Ernesettle Crescent, and the Battery structure and any additions were impossible to perceive from the public realm in that direction, as viewed from just outside the MOD site. The apparent moth-balling of this structure by the MoD has had a good effect, if only by default of neglect.

47. Historic England comment is valid concerning the screening around the Battery. The Battery is not in the applicant's ownership so the applicant has no control over its retention. However the adjacent buildings owned by the MOD will also have potential to have an impact on the setting of the Battery if the vegetation were removed.

48. Agaton Fort is not visible from the site through vegetation and trees and, by virtue of distance and topography, is screened by extensive vegetation and there is no impact at all on this heritage asset.

49. The Royal Albert Bridge is a grade I listed structure and is visible when viewed from the site and is screened to a certain extent by Tamar (road) Bridge. The setting of this listed building is therefore to be given great weight in consideration of this application. The argument in the heritage statement that a person is not able to view the site from Royal Albert Bridge is not the only consideration with regard to setting and is only part of the consideration. The consideration is also how the heritage asset is viewed from the site itself or if both can be viewed together from elsewhere. In this instance officers consider there is not a significant impact on or from the heritage asset of the bridge.

50. The upper part of the grade II* listed Church of St Budeaux and its tower, is only just visible from the site where it is more open but there is no significant impact.

51. On the archaeological merits of the site officers agree with the applicant's consultant that, as this site is on reclaimed land, there is unlikely to be archaeological potential on this site.

52. The proposed development on this site, for the proposed solar array development, including the modestly sized buildings, will be suitably screened, and is near to significant industrial and commercial buildings and other structures, is not likely to have an adverse impact on the settings of the scheduled Ancient Monuments listed buildings nearest to the site. As such their settings will be protected and the application complies with Core Strategy policy CS03, paragraphs 126, 129 and 131-132 of the Framework and Draft Plymouth Plan policy 31.

Living conditions

53. The application will have limited impact on the living conditions of the occupiers of dwellings given the distance they are from the site. A few properties in Ernesettle Crescent, St Budeaux Green

and in the souther part of Ernesettle look down onto the site from a higher level. Glint and glare could possibly pose problems if the scheme was not sensitively designed. The applicant's Planning statement states that:

“Solar PV panels are purposely designed to absorb rather than reflect light. The surface of PV panels is intentionally rough to reduce reflection and facilitate absorption of the maximum quantity of sunlight. A study of solar panels demonstrated that at an angle of

30 degrees solar panels reflect only 3-5% of incoming sunlight compared to steel at about 46%, standard glass at about 10% and smooth water at about 5%. To limit reflection, panels are constructed of dark, light-absorbing materials and covered with anti-reflective coatings (ARCs). With ARCs, modern panels reflect as little as 2% of the incoming sunlight.”

54. Officers believe that the solar panels treated with the ARCs would not cause unacceptable harm to living conditions of homes looking down onto the site and consequently the application complies with Core Strategy policy CS34, paragraph 17 of the Framework and Plymouth Plan policy PP33.

Design

55. The PV solar panels have a relatively standard appearance. The main design matters relate to the siting of the proposal and its impact on the landscape and the limited glint and glare. These are dealt with the “Landscape and visual impact ” and “Living conditions” sections of this report. The site will be bounded on three sides by a 5m scrub margin that will partly shield the development from the surroundings. The design is acceptable in accordance with Core Strategy policies CS02 and CS34, paragraphs 56, 58 and 61 of the Framework and Plymouth Plan policy 32.

Transport

56. There are no transport concerns other than the applicant providing information in a condition on the number of construction traffic movements and times.

57. There is public footpath that runs along the northern site linking Ernesettle Lane to Warren Point (No 108/8/2 and the footpaths that borders the River Tamar and Tamerton Creek (Nos 108/8/1 and 108/7/1). The footpath is sunken relative to the site with scrub to the south of the footpath. The proposal would have very little, if any, visual impact on the footpath. As such the application complies with Core Strategy policy CS28, paragraphs 32 and 35 of the Framework and Plymouth Plan policies 27 and 33.

Other matters

58. As part of the site has been filled with imported material and is close to designated nature conservation areas the applicant will need to carry out a full intrusive ground investigation to include soil testing and ground gas monitoring.

59. Network Rail wishes to ensure that the proposal would not cause any distraction to train drivers from glint and glare. Given that this will be reduced to below levels associated with other materials and water as stated in the “Living conditions” section officers do not foresee this to be a problem. But to ensure that there are no safety concerns a condition and informative are attached to ensure that the applicant liaises with Network Rail before installing the PV solar panels and erecting the boundary treatment alongside the railway.

60. There are only two letters of representation. These raise concerns about the visual impact on Saltash. There were no objections from either Cornwall County Council or Saltash Town Council. The applicant's Landscape and visual appraisal notes that it will have limited impact on Saltash having viewed it from four vantage points there. Officers agree with this opinion as the case officer also viewed it from Saltash. The other point is that the site's wildlife would be affected. The applicant carried out surveys and officers agree with the applicant's ecologists that the retention of the grassland under the panels, the retention of scrub margins and other mitigation and enhancement measures will safeguard the wildlife interests of the site.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

None.

11. Planning Obligations

None.

12. Equalities and Diversities

64 The development will assist the applicant's objective in tackling fuel poverty in the city. The local Four Greens Community Trust will receive financial contributions from the scheme that will help to fund economic, employment, community and social schemes that will benefit some of the less affluent residents of all equality groups.

13. Conclusions

The proposed solar farm would produce 4.01 megawatts of electricity each year from a renewable source, enough to supply just over 1,000 homes. The carbon dioxide savings over 25 years would be 17,120 tonnes. This would help in reducing greenhouses gases that contribute towards climate change. In addition it is a community based scheme that will also provide financial benefits to the Four Greens Community Trust to help fund local economic, employment, social and community projects. It is a proposal fully supported by national and local objectives in achieving environmental, economic and social sustainable development.

The use is compatible with the adjoining MOD Armaments Depot and meets the safeguarding area criteria.

The site is allocated as a strategic waste management site in the Waste DPD of 2008. Since then the North Yard Energy from Waste plant has been built and will be operational very shortly. A recent report on the need for strategic waste management sites concluded that there is now no longer a need for new strategic waste sites in the city. It is probable that the site will be de-allocated in the Draft Plymouth Plan in line with policy W2 of the Waste DPD. Consequently it is the officers' opinion that the site's strategic waste management allocation now has limited weight as a material consideration and the proposed development is considered to be acceptable.

The site is part of Greenscape area 46 but is in an area of fragmented urban fringe sandwiched between the MOD Armaments Depot and the SWW water treatment works with industrial and commercial development to the north and north east. It has limited value but is open land. The array of solar PV panels and associated small buildings would change the site's character but it is for a temporary period, albeit for 27 years. Much of the ground below the panels will remain as grassland. If the use ceases in 2042 and, is not renewed, it could revert to its open nature. The proposal would not result in an unacceptable conflict with the long term functions and character of the area and complies with Core Strategy policy CS18.

Although the land was last used as playing fields, as it is situated within the MOD's inner safeguarding area it is not suitable for re-use as sports pitches on safety or on viability grounds, an opinion shared by the Sports Council.

The site is close to the international and national designated nature conservations areas associated with the River Tamar. Given the nature of the site and the barrier provided by the railway line and embankment, the habitat is not suitable for the roosting or foraging of the protected wetland and wading birds. Officers and Natural England believe that the designated sites and protected birds would not be harmed and the proposal complies with Core Strategy policy CS19, paragraphs 109, 113 and 118 of the Framework and Plymouth Plan policy 27.

The proposed ecological mitigation and enhancement measures will ensure that the site's nature conservation value will be protected and enhanced to comply with Core Strategy policy CS19, paragraphs 109, 113 and 118 of the Framework and Plymouth Plan policy 27.

The applicant's landscape and visual appraisal concluded that as the site is low lying it will have limited impact on the wider landscape including the Tamar Valley AONB. It will have a substantial effect localised to the site itself but this is in a fragmented mixed urban fringe area. It will not harm the wider landscape and complies with Core Strategy policies CS01, CS02 CS18 and CS34, paragraphs 17 and 115 of the Framework, the relevant part of the Planning Policy Guidance and and Plymouth Plan policies 9, 32 and 43.

The main historic structures visible from the site are Ernesettle Battery Scheduled Ancient Monument and the grade I listed Royal Albert Bridge. Given the distance these are from the site and the nature and appearance of the surroundings between the proposal and these heritage assets their settings would be preserved in accordance with the legislation and Core Strategy policy CS03, paragraphs 126, 129 and 131-132 of the Framework and Plymouth Plan policy 31.

The adjoining footpath would not be affected as walkers using it will hardly notice the development, if at all.

The proposal is situated a considerable distance away from homes. The solar PV panels will have limited solar reflection which would be further reduced with their anti-reflective coating. Glint and glare would be limited so as not to harm living conditions or the safety of the use of the railway line to comply with Core Strategy policy CS34, paragraph 17 of the Framework and Plymouth Plan policy PP33.

In summary the application is a clear case of highly sustainable development that fully complies with national and local policy and, for all of the above reasons, officers recommend it for approval.

14. Recommendation

In respect of the application dated **22/07/2015** and the submitted drawings 9/01, 9/02, 9/03, 9/04, 9/06, 9/07, 9/08, small scale location plan, Planning Statement, Design and Access Statement, Contamination Desk Study Report, Flood Risk Assessment, Ecology Appraisal, Ecological mitigation and enhancement strategy revision 2, Method Statement Regarding Vegetation Clearance, Landscape and Visual Appraisal, Heritage Statement August 2015 update, Transport Statement,,it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9/01, 9/02, 9/03, 9/04, 9/06, 9/07, 9/08 and small scale location plan.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: CONTAMINATED LAND

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise

agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012. It is necessary to avoid risk of danger to the public and avoid pollution of the River Tamar and protected designated nature conservation areas.

PRE-COMMENCEMENT: SCHEDULE OF WORKS AND CONSULTATION WITH THE MOD

(4) Prior to the commencement of development the applicant shall; first, liaise with the Ministry of Defence (MOD) Defence Infrastructure Organisation (DIO) on the proposed schedule of works; second, submit written evidence to the local planning authority that the MOD DIO agrees to the schedule of works; and third, submit the agreed schedule of works to and receive in writing the approval of the local planning authority to the schedule of works. The development shall be carried out in accordance with the agreed schedule of works.

Reason:

To meet the ongoing MOD explosives licensing requirements at the neighbouring Defence Munitions storage site in the interests of public safety to comply with policy CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and paragraphs 203 and 206 of the National Planning Policy Framework, 2012. It is necessary to avoid risk of danger and life to the public.

PRE-COMMENCEMENT: MANAGEMENT PLAN DURING CONSTRUCTION

(5) Prior to the commencement of the development hereby permitted, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority and shall: include the expected number and times of daily construction vehicle movements to and from the application site; methods for dealing with the removal of mud and material from the surrounding roads; details of wheel washing and methods for dealing with dust suppression. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraph 32 and 123 of the National Planning Policy Framework, 2012. It is necessary to avoid risk of danger on the highway network and nuisance to other properties in the area.

PRE-DAMP PROOF COURSE: FURTHER DETAILS AND CONSULTATION WITH NETWORK RAIL

(6) Prior to the installation of the solar PV panels on their metal supports and the erection of the boundary treatment on the western boundary with the railway land the applicant shall: first, liaise Network Rail on the design and finish of the photo-voltaic panels and details of the boundary treatment along the boundary with the railway land; second, submit written evidence to the local planning authority that Network Rail agrees to these details on public safety grounds; and third, submit these agreed details to and receive in writing the approval of the local planning authority to these details. The development shall be carried out in accordance with these approved details.

Reason:

To ensure that train drivers are not distracted by any glint, glare or flicker from the development in the interests of public safety and in the interests of landscape and visual amenity to comply with policies CS01, CS02, 28 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and paragraphs 17, 29, 32 and 58 of the National Planning Policy Framework, 2012.

Other Conditions

CONDITION: TEMPORARY BUILDING: REINSTATEMENT

(7) The buildings, structures and solar photo voltaic panels hereby permitted shall be removed and the land restored to its former condition on or before 1 October 2042 in accordance with a scheme of work that shall be submitted to and approved in writing by the Local Planning Authority before any works commence on restoring the site to its former condition.

Reason:

In the opinion of the Local Planning Authority the temporary building to which this permission relates will by the said date have fulfilled its required purpose. This condition is imposed to comply with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61- 66 of the National Planning Policy Framework 2012.

CONDITION: SOLAR PHOTO-VOLTAIC PANELS

(8) The solar photo voltaic panels shall be covered with anti-reflective coatings at all times.

Reason:

To avoid solar reflection in the interests of landscape and visual amenity, living conditions and the safety of the users adjoining railway line to comply with policies CS01, CS02 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and paragraphs 17 and 58 of the National Planning Policy Framework, 2012.

CONDITION: BIODIVERSITY

(9) The development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy for the site (Devon Wildlife Consultants, report number 14/2767.02, Rev.02, August 2015).

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policies CS01, CS19, CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 paragraphs 109 and 118 of the National Planning Policy Framework, 2012.

CONDITION: PROTECTED SPECIES

(10) The development shall be carried out in accordance with the Method Statement regarding vegetation clearance for the site (Devon Wildlife Consultants, report number 14/2767.06, August 2015).

Reason:

To minimise the risk of killing and/or injury to reptiles, which are species protected under the Wildlife and Countryside Act 1981 (as amended) and in accordance with CS19 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and paragraphs 109, 117 and 118 of the National Planning Policy Framework, 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions including a Planning Performance Agreement and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: PROPERTY RIGHTS

(3) Applicants are advised that this grant of planning permission does not over-ride private property rights with particular reference to the adjoining railway land.

INFORMATIVE: SOUTH WEST WATER

(4) The developer's attention is drawn to the comments and/or requirements of the South West Water, a copy of which will have been sent direct to the applicant or the applicant's agent.

INFORMATIVE: WALES AND WEST UTILITIES

(5) The developer's attention is drawn to the comments and/or requirements of Wales and West Utilities a copy of which will have been sent to the applicant or the applicant's agent.