

ITEM 7

APPLICATION NO.	14/00949/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	01.05.2014
APPLICANT	Mr Adrian French
SITE	Land West Of Cowdown Lane, Goodworth Clatford, Andover, SP11 6LE, GOODWORTH CLATFORD
PROPOSAL	Development of solar photovoltaic panels, continuation of agricultural use, and associated works including: transformer kiosks, inverters, access tracks, security fencing and cameras, sub-station, monitoring and storage containers, landscaping, apiary, and permissive footpaths
AMENDMENTS	
CASE OFFICER	Mrs Lucy Page

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) as the Northern Area Planning Committee (NAPC) at its meeting on 2 October 2014 wanted to grant permission for the proposed development which was contrary to the report recommendation for refusal on the basis that it was contrary to policy. The NAPC recommendation is Delegate to the Head of Planning and Building that subject to the completion of a satisfactory legal agreement to secure lorry routing for construction traffic then PERMISSION subject to appropriate and necessary conditions.
- 1.2 The NAPC report and Update Paper for the 2 October 2014 meeting are appended to this report as **Appendix A** and **Appendix B** respectively. A list of suggested conditions is attached at **Appendix C**.

2.0 PLANNING CONSIDERATIONS

- 2.1 The recommendation of NAPC to grant planning permission for the proposed development is contrary to the recommendation of the Head of Planning and Building. Members of the NAPC gave consideration to a number of aspects in support of the proposal. In particular, NAPC were mindful of the contribution this renewable energy proposal would have in meeting energy needs and did not consider that the landscape impact of the development was sufficiently adverse to warrant a refusal.
- 2.2 The NAPC considered that the benefits of providing renewal energy outweighed any adverse impact to the landscape which would arise and Planning Practice Guidance for renewable and low carbon energy confirms the energy generating potential of a proposed solar development is a material consideration.

Paragraph 8.10 of the report at appendix A provides details of the figures provided by the applicant on the potential number of properties within Test Valley which could be supplied by this development. The solar arrays would contribute to reducing CO2 emissions and meeting renewable energy targets.

- 2.3 The proposal is for a significant renewable energy development, and by providing up to 40 MW of electricity feeding into the National Grid, would make a significant contribution towards Government targets for renewable energy (see para 8.3 of Appendix A). This contribution however has to be considered with regard to the current direction of Government as detailed within the NPPF and the more recent Planning Practice Guidance (PPG) with a focus upon ensuring that the location for such development is appropriate, with weight to be given to environmental considerations such as landscape and visual impact (see para 8.4 – Appendix A).

Landscape character and visual impact

- 2.4 Member's attention is drawn to paragraphs 8.11 to 8.22 of the report at Appendix A and paragraphs 1.1 to 1.6 of report at Appendix B. The site covers 66 hectares of open arable landscape and it is considered that the introduction of such a large scale man-made element in this rural location would appear as incongruous development in this undulating and open landscape, having a detrimental impact on landscape character and an adverse visual impact on users of public rights of way and the highway.

3.0 CONCLUSION

- 3.1 The proposed development would make a contribution towards the national requirements for providing renewable energy and provide biodiversity enhancements which are a material consideration. The need for renewable energy however does not automatically override harm to the landscape with the type, scale and location of this development found to adversely affect landscape character and visual amenity.
- 3.2 A lorry routing agreement is required as the highway network is inadequate in its present form the details of which are provided in paragraph 1.7 of the report at Appendix B. Discussions with the applicant are continuing but an appropriate legal agreement has not been completed.

4.0 RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE

Delegate to the Head of Planning and Building that subject to the completion of a satisfactory legal agreement to secure lorry routing for construction traffic then PERMISSION subject to appropriate and necessary conditions.

(An Officer list of advised conditions are set out in Appendix C).

5.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING

5.1 REFUSE FOR THE REASONS:

- 1. The proposed development, through the introduction of such a large scale man-made element in this rural location, would appear as incongruous development in this undulating and open landscape, having a detrimental impact on landscape character and an adverse visual impact on users of public rights of way and the highway. The proposed development is contrary to policy ESN32 (Renewable Energy) and DES01 (Landscape Character) of the Test Valley Borough Local Plan.**
 - 2. In the absence of a legal agreement to secure a lorry routing agreement for construction traffic the development would have an adverse impact on the function and safety of the local highway network as the local highway network is inadequate in its present form to take the type and amount of traffic likely to be generated, in particular Cowdown Lane and its junction with the A3090. The proposal is contrary to policy TRA05 and TRA09 of the Test Valley Borough Local Plan.**
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Appendix A

Report to Northern Area Planning Committee on 2 October 2014

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AMENDMENTS	Additional information submitted 23.07.2014 - Agricultural Land Policy Assessment
CASE OFFICER	Mrs Lucy Page

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This report has been brought to NAPC as the Head of Planning and Building considers the proposal represents a significant local impact or interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is located to the southeast of Andover, south of the A303 and comprises of four arable fields. Harewood Forest is approximately 450 metres southeast of the site at its closest point. The site is accessed from Cowdown Lane which runs to the east and south of the site. There are existing footpaths running through the site. Most of the field boundaries comprise of hedging of varying quality and thickness. The land is undulating within the site; at its highest point in the south east of the site the land level is approximately 115m AOD, dropping to approximately 100 AOD and then rising again to 110 AOD.

3.0 PROPOSAL

- 3.1 The proposal is for a development of solar photovoltaic panels, continuation of agricultural use, and associated works including: transformer kiosks, inverters, access tracks, security fencing and cameras, sub-station, monitoring and storage containers, landscaping, apiary, and permissive footpaths.
- 3.2
- The panels would be fixed on posts with 3 panels on each frame. The overall height would be approximately 2.55 metres with 800mm left under the panels to allow sheep to graze.
 - The transformer kiosks would measure approximately 3.3m wide by 2.8m long and 2.4 metres high.

- Underground cabling is required with the trenches measuring approximately 60cm wide by 80cm deep.
- 3m wide access tracks through the site are required for maintenance and would be constructed compacted gravel.
- The site would be secured by approximately 4.3km of 2.3m high deer fencing along the boundary of the site. There would be 100mm clearance at the bottom of the fence to allow small mammals to enter and leave the site.
- Security cameras would be mounted on poles along the site boundary. The applicant advises that the 100 cameras proposed is the minimum required to provide full coverage of the site due to landform and vegetation.
- A substation building would be located in the northern part of the site, close to the underpass for the footpath under the A303. The building would measure 11.4m x 4.9m and up to 3.6 metres high.

3.3 The solar park would have the capacity to generate up to 40MW of energy which is enough to supply approximately 6,935 homes per year which is approximately 14% of all residential properties in Test Valley, or more than 40% of all residential properties in Andover. The solar park would save up to 16,850 tonnes of Carbon Dioxide emission per year.

3.4 The main construction compound would be located adjacent to the existing farm buildings on Cowdown Lane to the east of the site. A second construction compound would be located in the southwestern part of the site. This approach would enable larger construction vehicles to use existing farm roads and hardstandings with smaller vehicles moving equipment to the on-site compound.

The application also proposes an area of land which would be provided for an apiary on site and follows discussions between the developer and the Andover Beekeepers Association.

4.0 **HISTORY**

4.1 None relevant.

5.0 **CONSULTATIONS**

5.1 **Trees** – No objection

5.2 **Highways** – Comments

- The offered lorry routing agreement and provision of passing places are required and need to be included in a s106 agreement. In the absence of such an agreement I would object on the grounds of;
 1. The local highway network is inadequate in its present form to take the type and amount of traffic likely to be generated, in particular Cowdown Lane and its junction with the A3090

5.3 Environment and Health – No objection subject to condition

- The March 2014 noise assessment submitted with the application indicates that the noise from fixed plant on the site (i.e. the inverter equipment which does produce some noise) will be at very low levels. I expect this level to equate to inaudibility at nearest residential properties, even on the quietest days. As a safeguard, the following condition has been agreed in principle with the applicant and is intended to cover fixed plant and equipment during the operational stage once built:

The combined BS4142: 1997 'rating level' of noise emitted from the site shall not exceed 30 dB(A) at any time of operation, as determined at the nearest existing residential property and/or any existing residential properties that may be more greatly affected. The measurements and assessment shall be made according to BS4142: 1997.

5.4 Environment Agency - Comments

- The proposed development will only meet the National Planning Policy Framework (NPPF) policy to ensure flood risk is not increased elsewhere if the following planning condition is included:
The development hereby permitted shall not be commenced until such a time as a scheme to install interception ditches at the site to capture any overland runoff from the development has been submitted to and approved in writing by the Local Planning Authority.
The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied

5.5 Landscape – Objection

- The site is found within the countryside on the southern side of the Andover and the A303. The site formed from 4 irregular shaped agricultural fields which form part of the rolling chalk downland landscape and are found on a prominent high point within the landscape.
- There are two public right of ways (PROW) within the site – one just to the west of the centre of the site (footpath 13), another along the eastern boundary (footpath 9) and one further west of the site. These link to an established public footpath network connecting to the urban area of Andover, under the A303 as well as linking up to the surrounding countryside including the Test Way to the southeast.
- The North Wessex Downs Area of Outstanding Natural Beauty (AONB) lies 3km to the north of the site.
- The site is on a high point within the landscape and there are panoramic long distance views to the north and west of the site over the attractive and undeveloped downland landscape. There are internal views of the site from the two public footpaths found within the site and there are views from the public right of way to the west and numerous other public viewpoints such as from the A303 to the north, Cowdown Lane to the south and the A3057 to the west.
- The highest points of the site are southern and western sections. There are some electricity pylons visible and the tops of lorries can be seen when they are travelling along the A303. The road itself is not visible but is audible.

The further away from the A303 you get, the noise lessens considerably and becomes more peaceful. The predominant views into the out of the site are of unspoilt countryside and rolling chalk downland.

- I do not agree with the landscape consultants view that *“its close proximity to the busy dual carriageway of the A303 that is elevated above the sites northern boundary together with the electricity pylons that traverse the site form strong urban fringe land that uses that greatly degrade from the site’s character” (para 6.117, chapter 6 of the EIA).*
- Existing landscape character
The site falls within the LCA10F Andover Chalk Downland Landscape Character Area where the key characteristics are:
 - Fragmented area of chalk downland
 - Small woodlands conceal old disused pits
 - Settlements resulting from ribbon development at Andover Down and Picket Piece
 - Urban fringe activities are visible within this open area of downland
 - Largely a landscape dominated by 19th Century parliamentary enclosure
 - Two Roman roads, the Icknield Way and Portway extend through this area
 - Golf courses
- The site is partially in accordance with this landscape character area as it is an area of chalk downland dominated by 19th Century parliamentary enclosure, but in this location the urban fringe and ribbon developments are less dominant in the landscape, predominantly due to topography.

Impact on visual amenity:

- The proposals will be visible from both the footpaths within the site and from the footpath outside of the site to the west. The proposals will be most visible from the central footpath (footpath 13), particularly when travelling north along the footpath, as the footpath is located on the highest part of the site where panoramic views over the site are afforded.
- A new permissive footpath is proposed along the eastern boundary and along the southern boundary of the site behind existing hedgerows, which are due to be in filled and properly maintained. This may help diffuse the views through to the site, but views would be greater during the winter months and is unlikely to completely screen the entire solar farm due to the undulating topography and large-scale nature of the scheme. However the wide scale views are important to the setting of the footpaths and to the enjoyment of users and reducing these views through use of vegetation to conceal the site is not considered appropriate mitigation.
- There appears to be no improvement of the hedgerows along Cowdown Lane, as these are outside the application site boundary. The new hedgerow planting along the western boundary may help screen some of the site, but it is unlikely to screen all of it. Therefore the wide views across the site from several locations along Cowdown Lane will still stand, as will the views from the A3057. Views from the A303 are also unlikely to be mitigated due to the elevated position of the motorway.

Impact on landscape character

- The proposals will have considerable adverse impact on landscape character. Whilst it is acknowledged that existing hedgerows are going to be improved and a new hedgerow is going to be planted along the western boundary as part of the proposals, it is considered that this will not sufficiently mitigate against the large-scale harm to this 66ha site.
- Urban structures including the panels, transformer kiosks, inverters, sub-station, up to 2.3m high security fencing and security cameras will be introduced into an agricultural field in the countryside. Apart from the electricity pylons no other such structures exist on the site or in the surrounding fields currently. It is considered that these alien structures will adversely impact the open chalk downland landscape and the proposals are therefore contrary to policies SET03 and DES01

5.6 Archaeology – Comments

- I would refer you to chapter 7 of the Environmental Statement which addresses archaeological matters. In general I am happy to endorse the conclusions of that chapter (the assessment of archaeological potential is lower than I would have estimated but not to the point where it would materially affect the conclusion or my advice).
- The application is adjacent to an important ecological site and the application submitted has preserved that site by curtailing the proposed development in that direction – this is welcome.
- There are no known archaeological sites within the area of the proposed array and whilst there is archaeological potential, the impact of the array is limited.
- The historic hedges will not be impacted.
- The chapter concludes, para 7.110 “appropriate mitigation in those areas where potential impacts have been identified would be to undertake an archaeological watching brief during works” and para 7.111, “The assessment has identified no heritage issues that would preclude the construction of the solar park within the site or influence the development design”.
- I recommend that an archaeological condition be attached to any planning permission which might be issued to secure the appropriate archaeological mitigation. This is to be an archaeological watching brief on those elements of the development where there is a monitorable ground work and where there is potential to encounter archaeological remains.

5.7 Crime Prevention Advisor – No response received.

5.8 Rights of Way - No objection

- Following the receipt of information from the applicants confirming that the two permissive paths proposed in the planning application are intended to be adopted as formal public rights of way subject to planning permission being granted for the proposed solar farm

5.9 Ecology – Comments

- The application is supported by a comprehensive and professional ecology chapter in the ES. A robust amount of survey work and subsequent assessment has been carried out to support this proposal which is welcomed. I am confident this represents the conditions at the site. No major ecological impacts are anticipated provided the identified measures are implemented. In particular the application includes measures to avoid impacts to the identified badger sett on site, such as ensuring access through the security fence is enabled.
- In addition the proposals include measures that are likely to improve the biodiversity value of the site through planting and management schemes, which I welcome and support.
- I would simply recommend that the habitat management and enhancement measures as set out in chapter 8 'ecology' of the submitted ES and the recommendations in the 'security fencing – recommendations in relation to badgers' technical note (ECOSA, March 2014).

5.10 National Grid – No response received.

5.11 National Air Traffic Services Ltd (NATS)

- The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

5.12 Defence Infrastructure Organisation – No safeguarding objections

5.13 Highways Agency – Comments

- A key consideration of the HA would be the potential safety risk to SRN users of glare from solar panels, particularly the potential for dazzle. From the information provided, there are no glint and glare issues as the panels face south and the A303 runs east/west to the north of the site.
- The HA require a condition is attached to any permission that might be granted that will ensure no direct access to the A303 during any phase of the development. This is to ensure road safety. A condition would also be required to ensure that there is no vehicular access directly onto the A303 associated with the development.
- We would also advise that the Construction Management Plan makes reference to the HA Abnormal Loads Team to ensure that all options for any potential abnormal load movements on the A303 (and any other sections of the SRN) are fully investigated/considered.

6.0 REPRESENTATIONS Expired 18.07.2014

6.1 Goodworth Clatford Parish Council – No objection

- The Parish Council has no objection to this application but would request that a speed limit of no more than 30 miles per hour be made on the eastern end of Cowdown Lane at the junction with the A303/A3093 and Cowdown Farm during the construction period. The Parish Council would also like to ensure that the overall aesthetics are maintained and that the screening hedges are of sufficient height to obscure the security fencing.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF), National Policy Statement for Energy Infrastructure (NPS), Planning Practice Guidance (March 2014).

Test Valley Borough Local Plan (2006)(TVBLP)

SET03 (Development in the Countryside), SET08 (Farm Diversification), ENV01 (Biodiversity and Geological Conservation), ENV05 (Protected Species), ENV11 (Archaeology and Cultural Heritage), HAZ06 (Safeguarded Aerodromes and Technical Sites), ESN32 (Renewable Energy Developments), TRA05 (Safe Access), TRA06 (Safe Layouts), TRA09 (Impact on the Highway Network), DES01 (Landscape Character), DES03 (Transport Corridors), DES04 (Route Network), DES05 (Layout and Siting), DES06 (Scale, Height and Massing), DES07 (Appearance, Details and Materials), DES08 – Trees and Hedgerows, DES09 (Wildlife and Amenity Features), DES10 (New Landscaping), AME03 (Artificial Light Intrusion), AME04 (Noise)

Draft Revised Local Plan (2014)

On the 8 January 2014 the Council approved the Revised Local Plan (Regulation 19) for public consultation. The statutory 6 week period of public consultation was undertaken from 24 January to 7 March 2014. The Council is currently in the process of acknowledging and analysing all the representations that were received. At present the document, and its content, represents a direction of travel for the Council. The weight afforded to it at this stage would need to be considered against the test included in para 216 of NPPF. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

Other Material Considerations

- The 2009 Renewable Energy Directive (2009/28/EC) – sets a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020;
- Coalition Government's Programme for Government (June 2010) – addressing climate change and maximising the exploitation of UK's renewable energy resources;
- Coalition Government's Programme for Government National Renewable Energy Action Plan (July 2010) - all about securing energy supplies;
- The International, European and UK Renewable Policy Frameworks – providing financial support for renewable including feed in tariffs, unblocking barriers to delivery and seeking to develop emerging technologies;
- UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (Oct 2013) – Department of Energy & Climate Change – established 4 guiding principles:
 - Support solar PV alongside other energy generation technologies in delivering carbon reductions, energy security and customer affordability;
 - To meet the UKs 15% renewable energy target from final consumption by 2020 and decarbonisation in longer term;

- Ensure solar PV are appropriately sited, giving proper weight to environmental considerations; and,
- Support for solar PV should assess and respond to the impacts of deployment on grid systems balancing, grid connectivity and financial incentives.
- Planning Guidance for the Development of large scale ground mounted solar PV systems;
- Gregory Barker MP – Minister of State for Energy & Climate Change letter dated 1 November 2013 - Solar Energy
- Gregory Barker MP - Minister of State for Energy and Climate Change, letter dated 22 April 2014

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are the principle of development and the impact of the proposal upon:

- The landscape character and visual impact;
- Highway Safety;
- The Natural Environment;
- Heritage Assets (including archaeology);
- Flooding and Surface Water Runoff;
- The impact on agricultural land;
- Glint and Glare;
- Residential Amenity;
- Noise;
- Security;
- Community Involvement and Gain;
- Other matters.

8.2 **Principle of Development**

The site is located within the countryside where there is a general policy of restraint of development. Policy SET03 of the Borough Local Plan allows for development in the countryside provided that there is overriding need for the proposal in a countryside location or that the development is of a type appropriate to the countryside as set out in further Local Plan policies, this includes policy ESN32 (Renewable Energy Development). Policy ESN32 notes that proposals for renewable energy will be permitted provided that there is no detrimental impact on the landscape; the proposal does not adversely affect features or areas of ecological, historical or cultural interest; and measures are undertaken to minimise the impact of the development on local land use. The principle of this form of development in the countryside is therefore acceptable, subject to compliance with these further matters that are discussed below.

8.3 Since 2004, UK domestic energy production has been outstripped by consumption making the UK a net energy importer. The Government's Renewable Energy Strategy 2009 set out a scenario to meet a legally binding target to ensure that 15% of our energy comes from renewable sources by 2020 and suggests that 30% of our electricity should be renewably generated.

In March 2014 the government made significant changes to national policy on the location of renewable developments when publishing the National Planning Policy Guidance (NPPG) in paragraph ID5-013. The principle features of these policies are that the first choice of location should be previously development and non agricultural land which is not of high environmental value. If such a location is not possible, the proposed use of agricultural land should consider whether the development has been shown to be necessary and poorer quality land should be used in preference to that of a higher quality and that it, *“allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”*. The NPPG also advises that the deployment of large scale solar farms can have a negative impact on the rural landscape, particularly in undulating landscapes.

- 8.4 The site is located within the countryside where there is a general policy of restraint of development. Policy SET03 of the Borough Local Plan allows for development in the countryside provided that there is overriding need for the proposal in a countryside location or that the development is of a type appropriate to the countryside as set out in further Local Plan policies, this includes policy ESN32 (Renewable Energy Development). Policy ESN32 notes that proposals for renewable energy will be permitted provided that there is no detrimental impact on the landscape; the proposal does not adversely affect features or areas of ecological, historical or cultural interest; and measures are undertaken to minimise the impact of the development on local land use. The principle of this form of development in the countryside is therefore acceptable, subject to compliance with the individual criteria and other relevant policies of the BLP as discussed below.

8.5 Site Selection

The application has been supported by details of its site selection criteria. The site forms part of a much larger agricultural holding and the landowner has identified the site as the least productive part of the estate. There is no guidance within the Planning Practice Guidance regarding the area of search for alternative sites. The applicant's approach was to consider where there was network capacity available to accommodate 40MW of additional electrical generation. Initial options to connect directly to the power lines running through the site or to connect at Walworth Industrial Estate were discounted by the Distribution Network Operator (DNO). The DNO has confirmed that the central Andover sub-station has sufficient capacity and a study area of 10km radius from this was chosen. The study area included land within Test Valley, Basingstoke and Deane and Wiltshire Council.

- 8.6 The applicant undertook a desk top study which excluded designated landscapes and ecological habitats were identified and excluded from inclusion as potential solar development sites. These areas include; SSSI's, ancient woodland, Special Protection Areas and Areas of Outstanding Natural Beauty. A 2.5km buffer from other solar sites was also applied as intervisibility between sites can result in a cumulative impact on the landscape. The search did not identify any undeveloped brownfield or previously developed land within the study area which would be suitable for a large scale solar farm.

8.7 Agricultural Land Classification

Natural England carried out an agricultural land classification assessment for England which classified agricultural land into 5 grades. Grade 1 is best quality and Grade 5 is the poorest quality. PPG advises that developments should prioritise poorer quality land in preference of higher quality and Grade 1 and 2 land within the site selection area were excluded from consideration. The estate of which the application site forms a part extends to 688 hectares of which 566 are arable, 60 grass and remaining 60 are woodland and environmental areas. The development area comprises land in grades 2, 3a and 3b. The grade 2 area is 4 hectares and occupies a narrow dry valley in the centre of the site. It is graded higher than adjacent land because of a deeper soil profile. The grade 3b land covers 32 hectares and comprises of shallow topsoil overlying chalk. Grade 3a land extends to 27.5 hectares and is deeper over chalk and less droughty.

8.8 Loss of agricultural land

Policy ENV08 of the TVBLP seeks to ensure the retention of high quality agricultural land. The proposed development is a temporary and reversible use of the land with no agricultural land permanently lost. Planning Practice Guidance for renewable and low carbon energy states that Local Planning Authority's will need to consider 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"*.

8.9 The pattern of development within solar parks and its operation requires spaces between panels which provides the opportunity for continuing agricultural activity on the land whilst producing electricity. The applicant has prepared a draft sheep management plan to demonstrate how grazing of sheep could be accommodated on the site when the panels are in situ. The submitted layout plan indicates that the site could be separated into grazing zones which would be grazed in sequence. The proposal would allow the agricultural use of land to continue for grazing purposes, would allow for the soil quality to recover, and would not result in a permanent loss of arable production/agricultural land. In addition, the development would provide the potential for biodiversity enhancements of the site. Accordingly, the 25 year/temporary loss of the ability to farm the land for arable purposes is considered acceptable.

8.10 **Energy Generating Potential**

Planning practice guidance for renewable and low carbon energy confirms that the energy generating potential of a proposed solar development is a material consideration. The solar panels produce direct current (DC) electricity which is converted to alternating current (AC) electricity via string inverters located at the end of the panel rows. There would be a total of 26 transformers within the site. In order for the electricity to be able to be exported via the grid the voltage has to be increased and this takes place through transformer stations within the solar park. The proposal would generate up to 40MW of energy which is enough to supply approximately 6,935 homes per year which is approximately 14% of all residential properties in Test Valley,

or more than 40% of all residential properties in Andover. The solar park would contribute to reducing CO2 emissions and meeting renewable energy targets.

8.11 Landscape and Visual Impact

Policy ESN32 of the TVBLP allows for renewable development. One of the requirements of the policy is that any renewable energy scheme does not result in detriment to the immediate or wider landscape; this is also the sentiment of policy DES01. Policy DES08 and DES10 seek to ensure that existing features of amenity value (trees and hedgerows) are protected from the impact of development, and that new landscaping allows for any proposal to successfully integrate with the character and appearance of the area. National 'planning practice guidance for renewable and low carbon energy' recognises that, "*the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively*" and sets out the particular planning considerations that relate to large scale ground mounted solar photovoltaic farms and notes that, "*with effective screening and appropriate land topography the area of a zone of visual influence could be zero*".

8.12 Impact on landscape character

The application site is located within the Andover Chalk Downland Landscape Character Area LCA10F. A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application which determines the visibility of the site from public vantage points and makes an assessment as to the significance of any landscape and visual impact resulting from the proposed development, including cumulative impacts. The site forms part of the rolling chalk down land landscape character area and is on a high point within the landscape. Long distance views over the rolling countryside can be made from both Cowdown Lane and the footpath network. The LVIA determines that the development will have differing levels of impact upon the Andover Chalk Downland landscape, ranging from "*temporarily moderate adverse*" during construction and "*slight, adverse, semi-permanent*" effects on the landscape 15 years after completion.

8.13 The application proposes new native hedgerows along the site boundaries to be planted in staggered rows as transplants and whips. The existing hedge along the eastern boundary will be improved with additional planting, filling in of gaps on the southern boundary and a 4-7m wide strip of native planting along the northern boundary which is adjacent to the A303. A native hedgerow is also to be introduced along the southwest boundary.

8.14 The LVIA has highlighted existing features within the landscape which they consider form, "*strong urban fringe land uses that greatly degrade from the sites character*". These are reported as the A303 road which runs adjacent to the northern boundary of the site, the electricity lines and pylons running north to south through the site and the existing Cowdown Lane farm buildings to the east. Looking west over the site from Cowdown Lane the presence of electricity pylons and power lines which traverse the site north to south form part of that view as do limited views of the A303 road, however the site retains a strong rural character with open undulating fields and wide panoramic views.

- 8.15 The LVIA assesses the impact of the development from a number of public viewpoints including Public Rights of Way, Cowdown Lane, the top of Barrow Hill and from the A303. The assessment identifies that during construction the development will have impacts on the landscape ranging from temporarily “negligible adverse” to “substantial adverse and significant”. The lower levels of impact are from locations where views onto the site are limited either by distance or topography. The impacts during the construction phase are however temporary.
- 8.16 Post construction, the impact on the landscape will alter over time and from the differing vantage points. The LVIA identifies that in long range views the landscape impacts would be minimal. The Test Valley Borough Council Landscape Officer has assessed the proposed development as having considerable adverse impact on landscape character. It is acknowledged that existing hedgerows are to be improved and new planting provided however it is not considered that this will sufficiently mitigate against the large scale harm that this development would result in. Urban structures including the panels, transformer kiosks, inverters, sub station, up to 2.3 metre high security fencing and security cameras mounted on 3m poles will be introduced into agricultural fields in the countryside. Although electricity pylons and the tops of larger vehicles travelling along the A303 can be seen as a part of this landscape, the area retains a very strong rural character. The submitted LVIA concludes that, “the indirect effects will arise from the appearance of the proposed development over only a small percentage of the overall landscape character area in regards to one key characteristic, namely urban fringe activities...” and “experienced from only a very localised percentage of the overall landscape character area”. The Test Valley Borough Council Landscape Officer strongly disagrees with this assessment and considers that the introduction of a 40MW solar farm with associated structures, fencing and other associated development would have a detrimental impact, detracting from the open downland landscape character. It is considered that the development could not be successfully integrated into the local environment, contrary to Local Plan policy DES01.
- 8.17 Impact on visual amenity
The approximately 154,000 fixed panels would be mounted on tables facing south at an incline of approximately 20 degrees and running east to west across the site. The panels would appear with dark matt blue finish with lighter coloured frames. There would be up to 26 green pre-cast concrete transformer units and a substation containing switch gear and meter units for connecting to the grid. The site would be enclosed with deer fencing with closed circuit television cameras mounted on posts 3m in height.
- 8.18 It is acknowledged that there are only a small number of locations from where relatively close public views onto the site can be made however from these vantage points the remoteness and openness of this landscape can be clearly seen. These include from north of the A303, from Cowdown Lane where footpath 10 joins the lane looking north, from Cowdown Lane when stood opposite the farm buildings looking west over the site,

from Cowdown Lane to the northeast of the farm buildings where there is an existing break in vegetation again looking westwards. The proposals will also be visible from both the footpaths that exist within the site and from the footpath to the west.

- 8.19 There are two footpaths which are within the site; footpath 9 and 13. Footpath 9 runs adjacent to the eastern boundary and footpath 13 runs more centrally through the site. Both are orientated in a north/south direction. Footpath 10 joins footpath 13 at the southern part of the site and is accessed from Cowdown Lane. When looking northwards from Cowdown Lane where footpath 10 meets Cowdown Lane several parts of the site are visible including the southeast section of the site is visible as the land rises towards the site entrance and the existing farm buildings and the parts of the site to the east and west of the shelterbelt. The introduction of approximately 154,000 solar panels would have a significant adverse effect on this rural view, introducing an urbanising form of development. The LVIA states that from this viewpoint, *“the arable farmland fills almost all of the view, although the pylons are visible as they traverse the site and traffic on the A303 can just about be seen beneath the horizon to the west of the shelterbelt”*. From this viewpoint the visual affects of this development has been assessed in the LVIA as having a *“moderate, adverse, semi-permanent and significant”* impact post construction.
- 8.20 From viewpoint 2 at the entrance to the site opposite the Cowdown Lane farm buildings, panoramic views over the site can be made. The built up area of Andover is screened from this viewpoint behind the Berehill ridgeline and undulating arable farmland and wooded hills in the distance form the predominant view. The LVIA considers both the impact of the development at this point on the existing public right of way and from the proposed new (permissive) footpath. From the existing right of way the LVIA has assessed the magnitude of change to the view. *“The proposals will introduce an alteration and intrusion into the view. The magnitude of visual change is assessed as large adverse. The visual effects are therefore substantial, adverse, semi-permanent and significant”*. If the proposed path was implemented along with the proposed planting, a hedgerow approximately 3m wide would be planted to the west of the footpath. The LVIA confirms that, *“whilst the impacts of the development on views from all locations along the existing public right of way remain large, visual impacts from the permissive footpath are variable and for a large proportion are judged to be small”*. Whilst native hedging can often be used to help screen development in certain locations, in this instance the introduction of hedging along this boundary would result in the loss of the long distance views which are an important part of the visual amenity of this area.
- 8.21 The introduction of such a large scale man-made element in this rural landscape would appear as incongruous from several public vantage points and would have a detrimental impact on the landscape contrary to policy ESN32 and DES01 of the Test Valley Borough Local Plan.

8.22 **PROW**

There are footpaths running through and adjacent to the site which enables views both onto and beyond the application site. The applicant has confirmed that footpaths 13 (and part of 5 where it crosses the A303 will be extinguished) and footpath 9 will be formally diverted should the application be granted. The landowner is willing to provide an extra link to the public footpath network between footpath no.10 and Byway no.17. As with the two permissive paths proposed in the application, the intention will be for this additional path to be adopted as a public right of way subject to planning permission and as a direct replacement for the extinguishment of footpath no.13 and part of footpath no.5. The HCC Rights of Way Officer has confirmed that the amendments address the concerns raised previously and that subject to the provision of the diverted and additional sections of footpath, the proposal is acceptable with regard to the impact on the Public Rights of Way network.

8.23 **Impact on the water environment**

The site is not located within an area of elevated flood risk however as the site is greater than 1 hectare in size the NPPF advises that a Flood Risk Assessment should be submitted and this has been provided. This concludes that the majority of the site following development will remain as grassland with a negligible increase in impermeable area at ground level.

8.24 **Cultural Heritage**

The application is supported by an Environmental Statement (ES) which addresses archaeological matters. Section 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. It is also important to establish whether any harm to the significance of a heritage asset derived from the impacts to its setting amounts to “substantial harm” for the purposes of the NPPF (para 133). Locally Policy ESN17 of the Local Plan accords with these requirements with further regard given to features of historic or cultural interest within criteria b of policy ESN32.

- 8.25 The County Archaeologist has assessed the submission and is satisfied that the development is unlikely to have a detrimental impact on cultural heritage. The site is adjacent to an important archaeological site however the development does not extend into this area. The ES confirms that, *“appropriate mitigation in those areas where potential impacts have been identified would be to undertake an archaeological watching brief during works”*. It is considered that subject to a suitable condition to secure appropriate archaeological mitigation, the development is acceptable in this regard.

8.26 **Protected Species and Biodiversity**

Local Plan policies ENV01 and ENV05 seek to ensure that adverse harm does not arise upon biodiversity interests and protected species respectively with criteria b to policy ESN32 also ensuring that the proposal does not adversely affect features or areas of ecological interest.

These policies place a responsibility upon the applicant to demonstrate that any protected species have been accounted for within the submission and to provide long term enhancements for biodiversity.

- 8.27 The application proposes a range of biodiversity enhancements and new landscape planting and also provides land for an apiary to be located within the site. The operational area will be managed as a species rich grassland. The application has been supported by a comprehensive ecology chapter in the Environmental Statement. The County Ecologist has confirmed that a robust amount of survey work and subsequent assessment has been carried out to support the application. No major ecological impacts are anticipated subject to measures for habitat management and enhancement being implemented and secured through condition.

8.28 **Crime**

The site is to be fully enclosed with deer fencing to deter unauthorised access and criminal activity. Security CCTV cameras are to additionally be installed, mounted on 4m high poles with infra-red built in sensors linked to an alarm system with remote monitoring. It is considered that the proposed security methods would provide an acceptable deterrent from criminal activity.

8.29 **Glint and Glare**

There are several airfields in the vicinity of the site. PPG advises that any application for large scale solar arrays should give consideration to the potential for excessive reflection, glint or glare which can affect both landscape and potentially aircraft safety. Glint maybe produced as a direct reflection of the sun in the surface of the PV solar panel to cause viewer distraction. Glare however is a continuous source of brightness as a reflection of the bright sky around the sun, rather than a direct reflection of the sun. For any given location, these effects are likely to occur only for periods of the year when the sun is at a particular angle. The glint and glare report concluded that the effects of glint and glare on roads, railways and dwellings in the vicinity of the site are negligible, effects on surface receptors at airfields are nil and effects on en-route air traffic are negligible.

8.30 **The impact on the North Wessex Downs AONB**

The site is 3km from the North Wessex Downs AONB. There is no intervisibility between the site and this designated area and the development would not have an adverse impact on its setting.

8.31 **Highway Safety**

The Local Plan contains a number of policies (TRA) that address issues of traffic and land use, examining aspects of highway safety, parking provision, access and site layouts and the impact on the highway network. The principle highway impacts relating to the development is from the construction period which is anticipated to last approximately 26 weeks with access required for the delivery of the equipment together with vehicle movements related to contractors.

- 8.32 The compound site would be located within the existing farm building complex. The TVBC Highways Officer has confirmed that no objections to the proposed development are raised subject to the completion of s106 legal agreement to secure an appropriate lorry routing agreement which is currently progressing.

8.33 **Residential Amenity**

There are residential properties to the east of the site, adjacent to Cowdown Lane. Policies AME01 (Amenity and Privacy) and AME02 (Sunlight and Daylight) consider the effect of development upon neighbouring residential amenities, addressing aspects of privacy and private open space and daylight/sunlight respectively. The policy also considers any harm arising from dominance or overbearing development and the effect this can have on the outlook from a property. This development is not a type which is to give rise to any loss of privacy or loss of sunlight or daylight to any residential property.

8.34 **Noise**

The application was submitted with a desk based noise assessment of the potential noise effects on the residents of the four closest residential properties which are situated on Cowdown Lane. The March 2014 noise assessment submitted with the application indicates that the noise from fixed plant on the site (i.e. the inverter equipment which does produce some noise) will be at very low levels. The Test Valley Borough Council Environment and Health Officer has concluded that they expect this level to equate to inaudibility at nearest residential properties, even on the quietest days. As a safeguard, a noise related condition has been agreed in principle with the applicant and is intended to cover fixed plant and equipment during the operational stage once built.

8.35 **Community Involvement and Gain**

The NPPF advises that, *“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably”*. The submitted Design and Access Statement confirms that a public exhibition of the proposals was undertaken, a press release was issued, mail shots were sent out and various stakeholders were provided with information and the opportunity to learn more about the development both prior to and during the application process.

- 8.36 The proposed development would assist in the continued operation of the farm estate as a whole and would also provide income to the Local Authority in the form of business rates from the solar park and a community benefit package. The business rates could equate to £3,768MW per annum which is equivalent to £3,625,000 over the 25 year lifetime of the development. A community benefit fund would also be set up which would be payable annually to the two local Parish Councils and the Andover Town Council. These incentives do not form any material planning consideration and have not been sought against the tests of CIL. As such, any agreements reached between the developer and the local community must and will remain separate to the assessment of this planning application and have no involvement from the Local Planning Authority.

8.37 Existing Infrastructure

The application proposes connection to the national electricity grid, by connecting to the existing network to the north of the site. This does not form part of the application proposal. It is not envisaged that there are any factors that would render such a connection as being unachievable.

9.0 CONCLUSION

9.1 The introduction of such a large scale man-made element in this rural landscape would appear as incongruous from several public vantage points and would have a detrimental impact on this undulating landscape contrary to policy ESN32 and DES01 of the Test Valley Borough Local Plan.

9.2 The proposed development would make a contribution towards the national requirements for providing renewable energy and provide biodiversity enhancements which are a material consideration. The need for renewable energy however does not automatically override this harm to the landscape with the type, scale and location of the development found to adversely affect the landscape character and the visual amenity of the wider landscape, contrary to policy DES01 and ESN32 of the Test Valley Borough Local Plan.

9.3 The development is considered acceptable with regards to the impact on ecology, the impact on the North Wessex Downs AONB, the amenities of neighbouring residential properties, flooding and glint and glare.

10.0 RECOMMENDATION

REFUSE for the reasons:

1. **The proposed development, through the introduction of such a large scale man-made element in this rural location, would appear as incongruous development in this undulating and open landscape, having a detrimental impact on landscape character and an adverse visual impact on users of public rights of way and the highway. The proposed development is contrary to policy ESN32 (Renewable Energy) and DES01 (Landscape Character) of the Test Valley Borough Local Plan.**
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Appendix B

Update paper to Northern Area Planning Committee on 2 October 2014

APPLICATION NO.	14/00949/FULLN
SITE	Land West Of Cowdown Lane, Goodworth Clatford, Andover, SP11 6LE, GOODWORTH CLATFORD
COMMITTEE DATE	2 October 2014
ITEM NO.	7
PAGE NO.	10-38

1.0 **AMENDMENTS AND PLANNING CONSIDERATIONS**

- 1.1 The applicant has provided comments on the Landscape Officer's consultation response and the areas where they do not agree with the assessment of the site and the impact on the landscape.
- 1.2 There is an error on page 12, paragraph 5.5 of the main agenda report. The sentence should read,
"...there are views from the public right of way network and other public viewpoints such as from the A303 to the north, Cowdown Lane to the south and the A3057 to the west".
- 1.3 Paragraph 8.18 also refers to the site being visible from the footpath to the west (footpath 16). The views from this vantage point are largely screened by vegetation and the topography of the land and it is not considered that from this point there would be significantly detrimental impact to landscape character.
- 1.4 Paragraph 8.20 considers the impact of the development from the public vantage point on Cowdown Lane, opposite the farm buildings and the proposed permissive footpath. The proposed planting will provide some screening, particularly for users of the diverted footpath 9 which would be routed so that hedging would be located between the path and solar panels. This would, over time, provide some screening of the site when travelling through it however it would also alter the long distance views which are experienced, particularly from the higher section closest to the Cowdown Farm buildings, where the introduction of arrays, security cameras, associated buildings and security fencing would be unsympathetic to this rural setting and the panoramic views over which are an important part of the visual amenity of the area.
- 1.5 The proposed supplementary hedging and planting would also provide screening along the proposed permissive footpath link to the south. Given the undulating nature of the site there are parts of this route where the reinforcement of hedging would effectively screen the arrays however there would remain several vantage points along these routes from where the incongruous nature and scale of the development in this rural landscape would be seen.

- 1.6 The objection from the Landscape Officer remains and it is considered that the proposed development, through the introduction of such a large scale man-made element in this rural location, would appear as incongruous development in this undulating and open landscape, having a detrimental impact on landscape character and an adverse visual impact on users of public rights of way and the highway. There is no change to the landscape reason for refusal as set out in the main agenda report.

1.7 Highways

The Highways Officer and the applicant's agent have been involved in discussions regarding the lorry routing agreement for construction traffic. This is required as the local highway network is inadequate in its present form to take the type and amount of traffic likely to be generated, in particular Cowdown Lane and its junction with the A3090. The lack of such an agreement to provide a safe routing for construction traffic would mean that the development would be contrary to policy TRA05 and TRA09 of the Test Valley Borough Local Plan. An appropriate legal agreement has not been completed and therefore an additional reason for refusal has been added.

4.0 **AMENDED RECOMMENDATION**

- 4.1 **REFUSE for the reason 1 in the main agenda report and additional reason for refusal 2 as set out below:**

2. **In the absence of a legal agreement to secure a lorry routing agreement for construction traffic the development would have an adverse impact on the function and safety of the local highway network as the local highway network is inadequate in its present form to take the type and amount of traffic likely to be generated, in particular Cowdown Lane and its junction with the A3090. The proposal is contrary to policy TRA05 and TRA09 of the Test Valley Borough Local Plan.**
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Appendix C

A list of Officer advised conditions

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
3. The planning permission hereby granted is for a period of 25 years from the date that the development is first implemented. Written notification of the date of first implementation of the planning permission shall be given to the Local Planning Authority no later than 28 days after the event.
Reason: In order that the land is returned to its original condition and use following the expiry of the permission in accordance with policies SET03, DES01, and ENV08 of the Test Valley Borough Local Plan 2006 and the National Planning Policy Framework.
4. The development shall proceed in accordance with the mitigation and enhancement measures as set out in Chapter 8 'Ecology' of the submitted Environmental Statement and the recommendations in the 'Security Fencing – Recommendations in Relation to Badgers' Technical Note (ECOSA, March 2014).
Reason: To avoid significant adverse ecological impacts and to conserve and enhance biodiversity in accordance with policies ENV01 and ENV05 of the Test Valley Borough Local Plan.
5. No development shall take place until full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
6. No development shall take place (including site clearance) within the application site as edged in red, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work, in accordance with a written brief and specification for a scheme of investigation and mitigation, which has been submitted by the developer and approved in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance in accordance with Test Valley Borough Local Plan 2006 policy ENV11.

- 7. No development shall commence until a scheme to install interception ditches at the site to capture any overland runoff from the development has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or any other period as may subsequently be agreed in writing by the Local Planning Authority.**

Reason: To prevent an increased risk of flooding to off site areas resulting from surface water runoff from the development in accordance with policy HAZ02 of the Test Valley Borough Local Plan 2006.

- 8. No development shall take place until full details of a scheme of soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). The landscape works shall be carried out in accordance with the approved scheme and the implementation programme.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

- 9. No development shall take place until a schedule of landscape maintenance for a minimum period of 25 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements and programme for its implementation. Development shall be carried out in accordance with the approved schedule.**

Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

- 10. No development shall take place until details of signage to warn contractors and delivery drivers of the presence of the public rights of way and the presence of walkers on the footpaths has been submitted to and approved in writing by the Local Planning Authority. The signage shall be implemented prior to the commencement of development on site and shall be retained during the construction period.**

Reason: To ensure the public rights of way remain safe to users in accordance with policy TRA08 of the Test Valley Borough Local Plan 2006.

- 11. There shall be no external lighting erected on the site during the operational phase of the development.**
Reason: In the interests of the countryside location and to avoid impacts to fauna on the site in accordance with policies DES01, ENV01 and ENV05 of the Test Valley Borough Local Plan 2006.
- 12. The combined BS4142:1997 'specific noise level' from inverter equipment and other ancillary fixed plant associated with the development shall not exceed 30dB LAeq (one hour) at any time of operation, as determined at the nearest existing residential property and/or any existing residential properties that may be more greatly affected. The measurements and assessment shall be made according to BS4142:1997.**
Reason: In the interest the protection of the amenities in the locality in accordance with policy AME 04 of the Test Valley Borough Local Plan.
- 13. No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels and related equipment, and shall be fully implemented within 12 months of the expiry of this permission.**
Reason: In order that the land is restored to its original condition and use following the expiry of the permission in accordance with policies SET03, DES01, and ENV08 of the Test Valley Borough Local Plan 2006 and the National Planning Policy Framework.
- 14. If the solar farm hereby permitted ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.**
Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.
- 15. No construction process shall be carried out, no machinery shall be operated and no construction or delivery traffic shall enter or leave the site outside the hours of 10.00am – 8.00pm Monday to Friday or 08.00am – 2.00pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays unless approved in writing by the Local Planning Authority.**
Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Local Plan 2006 policies DES01, AME01 and AME04.
- 16. The public rights of way shall remain available for safe public use at all times. No contractor or delivery vehicles, machinery, equipment or materials or anything associated with the development hereby permitted shall be left on or near the public footpath so as to obstruct, hinder or provide a hazard to walkers.**
Reason: To maintain the existing public rights of way in accordance with policy TRA08 of the Test Valley Borough Local Plan 2006.

17. At least the first 16.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

18. Prior to the commencement of development details of the measures to prevent the spillage of mud and other debris on the highway shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be provided on site prior to the commencement of development and reserved for that purpose during the whole of the construction phase and for the whole of the decommissioning and removal period.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

Notes to applicant:

1. Birds nests, when occupied or being built, receive legal protection under the *Wildlife and Countryside Act 1981* (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.
2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
4. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.

5. **Permission is required under the Highways Act 1980 to construct/alter a vehicular access. Please contact the Head of Highways (West) Hampshire County Council, Jacobs Gutter Lane Hounsdown, Totton, Southampton, SO40 9TQ. (02380 663311) or highways-transportwest@hants.gov.uk at least 6 weeks prior to work commencing.**
 6. **The applicant's attention is drawn to the terms of the s106 agreement pursuant to lorry routing.**
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