

OFFICER'S REPORT

Case Officer:	Peter Whitehead		
Parish:	Bigbury	Ward:	Charterlands
Application No:	1497/23/FUL		
Applicant:	Bigbury Golf Club Ltd	Agent:	
Site Address:	Bigbury Golf Club, Bigbury, TQ7 4BB		
Development:	Installation of ground solar array		



Reason item is before Committee by Cllr Taylor:

The Council has declared a Climate Emergency, and the application considers the planning balance in particular weighing the benefit of providing renewable energy against the visual impact of the solar array in a landscape of national importance.

Recommendation: Refuse

Reason for refusal:

The proposed solar array would, by reason of its size, design and siting in an agricultural field in a prominent and exposed countryside location, constitute an incongruous and inappropriate element in this highly valued landscape, and have a detrimental impact upon the scenic qualities and natural beauty of both the South Devon National Landscape and Undeveloped Coast in which the site is situated. As such it would fail to conserve and enhance the character and appearance of the South Devon National Landscape and the Undeveloped Coast, contrary to policies SPT1, DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014-2034; policies BP18 and BP29 of the Bigbury Neighbourhood Plan; and the National Planning Policy Framework (notably but not limited to paragraphs 180 and 182).

Key issues for consideration:

Principle of development, impact upon the National Landscape and Undeveloped Coast/Heritage Coast, provision of renewable energy/low carbon development.

Site Description:

Bigbury Golf Club is located about 1.4km to the north-east of Bigbury On Sea and on the south side of the B3392, with much of the golf course open to view from the road.

The development is proposed in the north-west corner of a field, which is situated to the south-east of the club house. The field has a gentle slope to the south and east. A public footpath (Bigbury footpath 6) and track (serving the Bantham estate and golf course) lies to the west of this field, and a section of this forms part of the application site (insofar as it provides access to the public highway). Land forming part of the golf course lies to the north and west of the application site.

The site is located within the South Devon National Landscape, Undeveloped Coast and Heritage Coast Policy Areas.

The Proposal:

The proposal involves the erection of a free-standing solar array comprising four sections each approximately 10.3m in length and between 2.167m and 2.817m high measured from existing ground level (taking into account the fact that the installation is proposed on sloping land). The metal framework of each section would accommodate 18 solar panels. The total length of the solar array (four sections with small gaps between) would be about 43m.

An existing native hedge lies to the north (rear) of the proposed solar array, and the submitted plans show the array otherwise enclosed by a stockproof fence. A small area of land to the north of this hedge forms part of the application site, and tree planting is proposed thereon.

The solar array is proposed to provide renewable energy to serve the golf clubhouse, and the plans also depict cable runs to connect the installation to the club house.

Whilst a section of track/public footpath to the west of the solar array is shown within the red line of the application site, this is merely to provide denote to the public highway. No development is proposed on this section of land (other than to route the cable under it).

Information provided as part of the application indicates that about 49,880kWh of electricity was consumed over the last 12 months for the Clubhouse alone. The provision of power from the solar panels is estimated to provide 60% of the energy requirements of the Clubhouse and 43.5% of the energy requirements of the overall golf course operation per annum.

In terms of the site choice, The LVIA explains that specialist advice from the installers of array limits the distance of the array from the clubhouse to 100m, stating that “Any further would result in a severe drop-off in efficiency unless the cabling was significantly upgraded. This upgrade, together with the additional groundworks and trenching needed, would increase the total project cost by a third and make the project unviable to the golf club.”

The LVIA considers six options for the siting of the array, all within 100m of the clubhouse, discounting the use of the clubhouse roof for structural reasons as well as visual impact, and sites within the car park and golf course due to loss of car parking spaces, impact on a designated night time landing site for the Devon Air Ambulance (DAAT), visual impact and the inability to mitigate this with planting due to the site’s exposed location (“Previous attempts at hedgerow planting along the roadside have proven unsuccessful due to the exposed location”) and possible damage by stray golf balls.

The possibility of siting the solar array within the same field but further to the south, and hence on lower ground, has also been discussed with the applicant. This siting is understood to be unacceptable to the landowner as it would impact upon the agricultural use of the field.

The LVIA concludes that the proposed site is the most appropriate, stating that “*Although open to views from the south, [the solar array’s] position and linear profile against the existing hedgerow would keep it low below the skyline and less conspicuous against the hedgerow to soften and disguise its appearance. Additional tree planting and strengthening of the hedgerow would further disguise and reduce its visual impact, and the additional trees, appropriately managed hedgerow and enriched field margin could provide increased biodiversity and benefits to wildlife.*” With regard to screening, the LVIA further states “*As the hedgerow is already an established feature, it would be much quicker to thicken and maintain at a taller height than to start a new hedge or screen planting from scratch in this exposed location. Any gaps could be filled with native hedge species that would benefit from the shelter already provided. There is also room behind, between the hedge and the 11th green, to plant additional trees.*”

The application has evolved since it was first submitted, with amendments made to the red line denoting the application site boundary, the provision of more accurate and detailed drawings and the submission of a Landscape and Visual Impact Assessment (LVIA). The application has therefore been readvertised and has reconsultation taken place to reflect the changes to the application. No detailed glint and glare assessment has been provided or sought given the limited size of the solar array but some generic information has been provided by the applicant.

Consultations:

- DCC Highways: no highway implications
- Bigbury Parish Council: has no objection to this amended proposal and recommends support.
- Devon and Cornwall Police: There has been an increase in thefts from solar farms nationally, where panels and related equipment have been stolen. Whilst this

appears to be on larger solar farms, it is recommended that crime prevention measures are undertaken to prevent theft related offences.

During the construction phase all items including cable should be stored securely when not in use. Consideration should be given to forensically marking associated equipment, cable and panels which can act as a deterrent and will aid them to be identified should they be stolen. Panels can also be fitted with tracking devices which can aid in locating them in the event of them being stolen

- **Landscape Officer:**

The landscape Officer has provided 3 responses:

8th August 2023 – upon first consultation

12th February 2024 - upon receipt of Landscape and Visual Assessment (LVIA)

17th June 2024 – upon receipt of amended plans and updated LVIA

The landscape officer objects on the basis that the proposals will harm the scenic qualities of the South Devon National Landscape and Undeveloped Coast due to the visually prominent location of the solar PV panels, contrary to JLP Policies DEV23, DEV24 and DEV25. The details of the Landscape Officer's objection will be considered below.

Representations:

A total of seven letters of representation (including Bigbury Net Zero) have been received which support the application on the following broad grounds:

- Happy to see this important local business leading the way by seeking to reduce its carbon footprint along with maintaining its viability.
- The public footpath is not well-used. It should also be noted that this "access lane" is actually a private road, not a public highway, and therefore has restricted access.
- This renewable energy project will provide the majority of the golf club's energy requirements and will significantly reduce the carbon footprint of the Club.
- Bigbury Golf Club can contribute to the SHDC goal to reduce our district carbon footprint by 12% per annum for the next four years without any significant negative landscape or visual impact
- This is not a major development in the AONB/National Landscape.
- The scale and position of the proposed modest solar array is entirely appropriate and sensitively positioned to ensure there is no significant negative landscape or visual impact. The solar panels only cover 3.52 mtrs x 40.14 mtrs which 140m². The project only has a 2.4 m overall height and runs in parallel with the hedge above it, without protruding above the visual line of the hedge.
- The array will comprise black panels which will be viewed against a hedge
- There is no need to propose any screening of this very small solar array and the suggestion that this is necessary is unfounded due to the lack of significant negative visual impact.
- Any landscape or visual impact is insignificant by virtue of the small area and low elevation of this installation.
- The array would sit between the club house and the maintenance shed for the green keepers, both of which are far more prominent man-made than the proposed array and would detract the eye from the array
- The array would be seen sandwiched between the club house and the maintenance shed and "within the context of Bigbury Golf Club". It would not appear as a separate entity.
- The hedgerow will be managed by the Golf Club to ensure there is no protuberance of the solar array above the line of the hedge.

- The ancillary equipment and frames for this small solar array will not affect the overall mass of the project in relation to the significance of its visual impact – which remains small. The support frame will be below the solar panels to provide support and therefore does not contribute to its visual impact on a landscape scale.
- The equipment will be manufactured with “Aesthetic glass”; to reduce glass reflection. The concerns about significant glare and glint are not valid. The small size of the solar array means that, irrespective of the reflective qualities of the surfaces, this is no justification for an overstated ‘significant concern’ by the Landscape Officer that the array will cause an adverse impact.
- Reflections are ever changing which means that any reflection would not, if it happened at all, be a constant but an intermittent and given that those who might see the panels are people on the move - walkers and drivers - there would not be an issue. The reflection off the clubhouse and the maintenance shed for the greenkeepers is far greater.
- This site has been chosen because other potential sites are too far away from the Club House to prevent significant power losses in transmission from the generator to the consumer or are impractical due to other considerations (proximity to air ambulance landing site, potential objections from Highways Authority to an array parallel to the main road and loss of irreplaceable car park space needed for the sustainability of the golf club)
- Whilst it is technically possible for the field where the small solar array will be situated, to be seen from habitation 2 to 3 miles away, the vistas themselves do not constitute the primary view of these properties because the vistas are either to the rear of the properties or from first floor bedroom windows and the array itself is a very small area indeed.
- Walkers on the public footpath will inevitably be looking seawards along the coastline and not inland onto the golf course.
- South Hams DC has approved other similar solar arrays in the National Landscape – reference is made to an array at Hope Barton Barns, Hope Cove (ref. 2822/23/FUL)
- Increased carbon emissions have caused climate change. If a solar array has minimal visual impact but reduces carbon emissions which will help preserve the AONB by stabilising the climate, should it not be supported? Carbon emissions in the South Hams affect not only the South Hams but the whole world.

One ‘undecided’ letter of representation has been received from the RSPB which comments that no ecology report has been provided information and notes that the last national survey of curlew buntings in 2016 recorded a breeding territory of this farmland bird (red-listed as a bird of high conservation concern, protected by Schedule 1 of the Wildlife and Countryside Act and a species of principal importance) less than 80m from the proposed solar development, going on to add “RSPB is concerned if the proposal will result in loss or change of any management of hedgerow as thick, dense hedges are an important nesting habitat, combined with adjacent invertebrate-rich grassland. RSPB recommends your authority require information to assess any habitat loss from the proposal along with measures to mitigate for that loss plus provide 10% biodiversity net gain. Enhanced management of existing hedges could be part of that. At present RSPB view is one of concern as insufficient information is provided to know if the proposal will have an adverse impact on habitat that may be used by curlew buntings.”

Relevant Planning History

- 05/0177/01/F Siting of underground petroleum storage tank and construction of top dressing storage bins
- 05/0545/06/F Erection of pumphouse and water storage tank

- 05/2040/13/F Replacement of rotten cladding with cedar weatherboard
- 0567/23/CLP Certificate of lawfulness for proposed installation of 72 ground based Trina Solar 425W Vertex S Black Frame panels
- 0819/18/FUL Erection of 10m column and associated groundworks for lighting of emergency night landing of Devon Air Ambulance helicopter

ANALYSIS

The primary considerations in this case are considered to be the matter of principle, the impact of the proposal upon the South Devon National Landscape and the provision of renewable energy. There are no other significant planning considerations. The site is remote from residential dwellings, and the development is not considered to have any significant highway/public right of way, ecological or other impacts that could not be suitably mitigated by conditions.

1. Principle of Development/Sustainability of Location:

- 1.1 JLP Policy SPT1 sets out the overarching principles to deliver sustainable development across the plan area, supporting growth and change that encompasses a sustainable economy, society, and environment. SPT1, SPT2, TTV1 and TTV2 seek to guide new development to appropriate locations in accordance with the settlement hierarchy. TTV26 is also relevant to the issue of principle/location in seeking to resist non-essential development in 'isolated' locations; 'isolated' meaning remote from a settlement in line with established case law (*City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors* [2021] EWCA Civ 320).
- 1.2 In this case, the site lies in a remote rural location, physically removed from any defined settlement. The site would thus reasonably be determined 'isolated' with regard to TTV26.1 and also lies with Tier 4 of the settlement hierarchy (Smaller villages, Hamlets and the Countryside) wherein development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.
- 1.3 Whilst the proposed development is not one of the exceptions supported by TTV26.1, it is acknowledged that the application site adjoins the golf course and that the solar array is intended to provide energy for the clubhouse and golf club. Given that the use of land as a golf course is, in principle, an appropriate use of land in the countryside, and that the clubhouse is part and parcel of that use, it is concluded that the provision of a solar array to support the wider use of the site for recreation does not conflict with the broad intentions of these policies and no objection is raised to the principle of the development.

2. Impact upon the National Landscape and Undeveloped Coast/Heritage Coast

- 2.1 The site is located in an area of open countryside to the north-east of the settlement of Bigbury on Sea. The South Devon National Landscape (formerly the AONB) and Undeveloped Coast designations extend across the whole of the landscape in the locality. The South Devon AONB Management Plan describes the landscape quality as "*one of Britain's finest protected landscapes - loved for its significant and irreplaceable landscape features including rugged cliffs, sandy coves, peaceful*

countryside, picturesque villages, rolling hills, wooded valleys, colourful hedge banks, and secretive estuaries”.

The legal and policy framework

- 2.2 The LPA’s responsibility to protect National Landscapes is set out at s85 of the Countryside and Rights of Way Act (2000) (as amended by the Levelling-up and Regeneration Act (2023)) (LURA) as follows:
- “In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*
- 2.3 Advice provided by Natural England on complying with s85 as now amended is that the new duty to further the purpose of conserving and enhancing the natural beauty of the area is that it is not ‘passive’, and that seeking to further conservation and enhancement goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what is possible, in addition to avoiding and mitigating the effects of the development, to further the statutory purpose.
- 2.4 The national planning policy of the NPPF similarly sets out at para 180 that *“Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status...”* and at para 182 that *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues...”*
- 2.5 For development within the South Hams, the policies of the JLP thus necessarily set a high bar for all new development within the South Devon National Landscape.
- 2.6 Policy DEV23 (Landscape Character) sets out that *“Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts... Development proposals should: 1. Be located and designed to respect scenic quality... 2. Conserve and enhance the characteristics and views of the area ... 4. Be located and designed to prevent erosion of relative tranquillity ... 7. Avoid, mitigate, and where appropriate compensate, for any residual adverse effects and take opportunities to secure landscape character and visual enhancements.”*
- 2.7 Policy DEV25 (Nationally Protected Landscapes), which focuses specifically on the South Devon National Landscape, sets out that *“The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings,”* will inter alia *“2. Give great weight to conserving landscape and scenic beauty in the protected landscapes... 5. Encourage small-scale proposals that are sustainably and appropriately located and designed to conserve, enhance and restore the protected landscapes..., 8. Require development proposals located within or within the setting of a protected landscape to: i. Conserve and enhance the natural beauty of the protected landscape with*

particular reference to their special qualities and distinctive characteristics or valued attributes, ii. Be designed to prevent the addition of incongruous features... iii. Be located and designed to respect scenic quality ... v. Be located and designed to prevent the erosion of relative tranquillity...

- 2.8 Policy DEV24 is also relevant as the site lies within the Undeveloped Coast and Heritage Coast. This seeks to resist unnecessary development within the Undeveloped Coast, notably development that would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity, permitted development that demonstrably needs to be sited in the Undeveloped Coast and protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.
- 2.9 Turning to the made Bigbury Neighbourhood Plan (BNP), policy BP18 that states in considering any development within the AONB (i.e. the National Landscape) great weight will be given to conserving and enhancing the natural landscape and scenic beauty of the area. BP29 supports small scale renewable energy schemes close to or attached to individual properties provided they have no harmful impact on the appearance or character of a designated or undesignated heritage asset or on the South Devon AONB, including cumulative landscape and visual impact.
- 2.10 Finally, it is noted that the policies of the JLP and BNP refer in turn to the aims of the AONB Management Plan; and again policy Lan/P1 seeks to conserve and enhance the special qualities, distinctive character and key features of the South Devon AONB landscape and South Devon Heritage Coast.
- 2.11 The AONB Management Plan notes at section 8.8. that *“The AONB Partnership, in principle, supports sensitively sited, small-scale renewable initiatives which serve individual homes or farmsteads”* going on to advise that *proposals which have potential to cause harm include Visually intrusive developments in open countryside...* and *“Detractions from open skylines and views within, into or out of the AONB.”*

Consideration

- 2.12 In the South Hams and West Devon Landscape Character Assessment, the site falls within the Open Coastal Plateaux, an area of landscape summarised as *“high, open, gently undulating or rolling plateaux, dissected by deep combs and with a notable coastal influence on windblown vegetation.”* The site and surrounding area are considered typical of this landscape character area, the wider area surrounding the site comprising rolling and undulating topography, apart from the Avon river valley and estuary which cuts across this to the south and east, the land then rising again and providing similarly rolling topography on the far side.
- 2.13 The LVIA concludes that the proposal, in its preferred location, and with the proposed mitigation, would have limited impact on the identified landscape character. It would not remove any valued habitat or feature and offers the opportunity to strengthen key characteristics in the historic field boundary hedgerow and provide additional locally appropriate trees and marginal vegetation. As the solar array is to be sited close to the hedge, it would be experienced against the backdrop of the hedge. It would not impact on any outward views from the plateau, as it remains screened from the north side by the hedge. It is also noted that the development, although on sloping

ground, would not require any reprofiling or levelling of the land and would be installed to account for the slope of the land.

- 2.14 The submitted LVIA includes a 'Zone of Theoretic Visibility' (ZTV) which identifies the area within which the development could theoretically be visible having regard to the topography of the area (NB: this excludes any screening offered by trees, hedges, etc) and, from this, provides a range of viewpoints with photographs.
- 2.15 It is evident that views including the presence of the solar array would likely be restricted to views from vantage points to the south and south-east. The LVIA includes several points on the SW Coast Path to the south where the solar array could theoretically be seen from, at Boat Tail and Beacon Point, but at such distances (+4km) the solar array would not be discernible to the naked eye. The solar array would, however, be present in views gained from viewpoints on Thurlestone Footpath 19 (which crosses the Thurlestone golf course) and from housing in Thurlstone (Seaview Road) both of which approximately 2km from the site. In these views the solar array would sit just below the skyline, viewed against the existing hedge. Closer views would be gained from Thurlestone Footpath 6 close to Lower Aunemouth (just over 1km from the site, to the south-east of the Avon valley). Closer again, views of the solar array would be gained from the two public footpaths which cross Bigbury golf course itself. As noted above, Bigbury Footpath 6 runs north-south directly to the west of the field in which the solar array is proposed whilst Bigbury Footpath 17 lies to the south and runs east-west. At its closest point, Footpath 6 is thus just a few metres from the solar array, whilst Footpath 17 is in the region of 375m (approx.) from the array at its closest point.
- 2.16 As noted above, the Landscape Officer has been consulted three times due to amendments and additions to the application. To avoid repetition, the Landscape Officer's views referenced below have necessarily been abridged, the full responses being available to read on the Council's website. However, the key issues raised and considered by the Landscape Officer, have been considered, and are summarised below.
- 2.17 Based on the LVIA, the Landscape Officer considers views from the south and south-east to be the most sensitive, referencing views from the two public footpaths which cross the golf course (Bigbury Footpath 6 to the west of the array and Bigbury Footpath 17 to the south) and Thurlestone Footpath 6 in the vicinity though notes *"that that there are other locations within and near to that zone that afford view of the site, but which are not considered by the appraisal"* referring to *"potentially other gate gaps and possible locations which could also have been selected within 2km of the site."*
- 2.18 With regard to Bigbury Footpath 6, the Landscape Officer notes: *"I would identify sensitive visual receptors as users of the PROW who may be particularly sensitive to change because of a high level of interest in the surrounding landscape and people engaged in outdoor recreation where the attention or interest is focused on the landscape (ramblers/ walkers). Although people engaged in outdoor sport, such as on the golf course, may be considered less sensitive, this course is in a particularly spectacular landscape setting, and players will use the adjacent track (footpath 6 route) to access different parts of the course."* It is acknowledged that representations have been received that maintain that the public footpath is not well-

used. In response, the level of use cannot be ascertained with certainty, and may vary over time. The application proposes a permanent form of development. The footpath is a public right of way, and it is considered reasonable and necessary to consider the impact upon views from this footpath in the assessment of this application.

2.19 In terms of the Landscape Officer's broad assessment of the proposal, this is helpfully summarised in her third consultation response as follows:

"The main landscape effects within the Site would be the changes in the land use and rural qualities. The effects on the physical landscape of the site will be limited, requiring no change to the landform, field pattern or vegetation. The proposed fencing is limited in extent, and agricultural in nature, so would not introduce discordant features into the landscape. Given the overall scale of the wider landscape, the effects of the proposal on the character of the landscape would be limited, although perceptions of tranquillity could be altered by the introduction of uncharacteristic, man-made features into this prominent, undeveloped, agricultural field. The overall character of the wider area, at a strategic level remains fundamentally unchanged, being an open, rural and predominantly agricultural landscape that surrounds the private, green, open, sport and recreational space of the golf course.

The main issues therefore relate to the adverse visual effects of this development, which is on a prominent and exposed slope that is intervisible with the surrounding landscape."

2.20 As noted above, no detailed glint and glare report has been submitted with the application, given the small scale of the array. The applicants have submitted generic information in this regard, and emphasised that they will use panels with non-reflective coating.

2.21 The Landscape Officer writes:

"In considering the additional information, I am mindful that solar PV panels appear dark in colour as a result of their non-reflective coating and the requirement to maximise absorption of light. However, they also tend to reflect the colour of their surroundings, including the sky, and this can make them stand out from their landscape context. The reflectivity from solar panels depends on the orientation; angle of the panels; the time of year, and times of day that such effects may occur, but these effects are possible even on dull overcast days and can result in panels being perceived from some distance away, especially when located on prominent hillsides such as this site.

The proposed site of the Solar PV array is presented as the preferred location of six options that have been considered by the application, and the Landscape and Visual Appraisal has been previously noted. Following a request by Officers, the additional details include further representative view points from the access road and PROW (Bigbury footpath 6) as it passes close to the site, which illustrate that there will be clear and uninterrupted views of the development for anyone travelling northwards towards the site. Both the existing the clubhouse and the maintenance shed, as well as large areas of the golf course itself, are clearly visible in a number of the view point images, with the clubhouse being prominent on the skyline from a number of

locations. Therefore, the landscape in the vicinity of the site already contains features that detract from the natural and scenic qualities of the National Landscape.

As previously noted, there is limited mitigation proposed to address the visual effects of the proposals, which the application explains is due to the constraints of the viable locations for siting the panels, and the level of exposure making establishment of new planting challenging. There are also no landscape or visual enhancements proposed, which could deliver positive landscape characteristics and features to reinforce local landscape quality and distinctiveness, which is regrettable. The mitigation proposed is that the existing hedge will be managed to an increased height, to avoid the panels intruding into skyline views, and for additional tree planting on the north side of the existing hedge, which will strengthen the visual presence of the hedge line that forms a backdrop to the panels in the most sensitive views. There is no disagreement with the statement that a higher hedge line and additional trees will provide a darker backdrop against which the panels will be less conspicuous, and result in the straight, top edge of the array being less easily discernible. If planning permission were to be recommended, the appropriate long-term management of this hedge line must be secured, and be enforceable, in order to deliver the described mitigation.

Whilst this is a relatively small solar array, I still have concerns that the proposals will have an adverse visual effect on the appearance and scenic qualities of the area, and that the greatest harm will be experienced at a localised level by users of the access lane and the PROWs (Bigbury footpaths 6 and 17). The panels may still be discernible in views from across the surrounding areas, although the degree of visual harm will reduce beyond the 1km radius of the site."

- 2.22 Since receiving this third consultation response from the Landscape Officer, an additional plan has been received from the applicant proposing a length of additional hedge planting along the western boundary of the field – i.e. alongside Bigbury Footpath 6 - and further planting immediately to the west of the solar array itself. The scope for this additional planting has been discussed with the Landscape Officer but does not overcome concerns and objection as set out. (It is also noted that the hedge planting is proposed on land outside the application site and is not land owned or controlled by the applicants. A planning condition could not therefore be used to secure this planting, a legal agreement would have to be used, to which the landowner would be a signatory).
- 2.23 The applicants have referenced a case where a similarly sized solar array has been granted planning permission in the National Landscape (ref. 2822/23/FUL Hope Barton Barns, Hope Cove). Each case is of course judged on its merits and having regard to policy. The solar array at Hope Barton Barns is located in a dip in the landscape and the Officers Report sets out that "*existing landscaping and the topography of land surrounding the wider site will screen the development from public views.*" This contrasts with the current case, with the solar array proposed on an elevated south-facing slope open to views at close and longer range.
- 2.24 It is also noted again that the AONB Management Plan does not seek to resist all solar arrays in the National Landscape but in fact "*supports sensitively sited, small-scale renewable initiatives which serve individual homes or farmsteads.*" However, it goes on to advise that proposals that have potential to cause harm include "*Visually*

intrusive developments in open countryside...” and “*Detractions from open skylines and views within, into or out of the AONB.*”

- 2.25 In this case it is acknowledged that the solar array is proposed on farmland adjoining a golf course. The surrounding land is not therefore a pristine wild natural landscape but has been adapted to suit its use and already accommodates bulky buildings, including the clubhouse, which is prominently sited on the skyline in some views. Both at close range and at a distance, the solar array would be experienced as part of this view. Whilst acknowledging this, the addition of the solar array would not conserve the scenic beauty of the National Landscape but, rather, would detract from it and thus conflict with the policies cited above.
- 2.26 With regard to the site’s location within the Undeveloped Coast, it is acknowledged that the solar array is proposed to provide power for the golf clubhouse and in this sense the development cannot reasonably be provided other than within the vicinity of the clubhouse. The principle of renewable energy development is expressly supported by other policies of the JLP, and in this context it is considered that justification for providing a solar array in the Undeveloped Coast has been provided. The main issue is therefore whether the development protects, maintains and enhances the special qualities of the area, and in this regard it is considered that the installation of the solar array on agricultural land would have a detrimental effect on the undeveloped and unspoilt character of the site and its setting, contrary to DEV24.
- 2.27 In conclusion, having regard to the relevant policies set out above, it is concluded that the solar array would constitute an incongruous and inappropriate form of development by reason of its design and siting and fail to conserve the scenic beauty of the natural landscape. The proposal is thus concluded to conflict with policies SPT1 (insofar as the proposal fails to protect natural asset), DEV23, DEV24, DEV25 of the JLP and BP18 and BP29 of the Bigbury Neighbourhood Plan.

3. Low Carbon Development

- 3.1 As discussed, the purpose of the solar array is to generate renewable energy for use by the golf club and hence offset the club’s reliance upon energy from the national grid and reliance upon fossil fuels. About 49,880kWh of electricity was consumed over the last 12 months for the Clubhouse alone. The provision of power from solar panels will help to reduce this load with the recommended number of panels for this scheme (72) being able to provide 60% of power for the clubhouse and 43.5% of power for the overall golf course operation per annum. Below is an extract provided by the equipment supplier to the club confirming the saving.

<u>Level of Self-sufficiency</u>	
Total Consumption	49,891 kWh/Year
covered by grid	28,203 kWh/Year
Level of Self-sufficiency	43.5 %

- 3.2 Whether the golf club could reduce its carbon footprint in other ways (e.g. by adaptations to the clubhouse or pursuing other energy sources) is not known.

- 3.3 The importance the Council attaches to low carbon development is clear from the policies of the JLP; and the fact that the Council has declared a Climate Emergency.
- 3.4 SPT1 of the JLP seeks to ensure new development follows the principles of sustainable development including a sustainable economy where a low carbon economy is promoted, a sustainable society where demand for energy is reduced and opportunities for the use of renewable energy increased and a sustainable environment where opportunities for viable low carbon energy schemes are created.
- 3.5 DEV32 (delivering low carbon development) of the JLP builds on this setting out that *“The need to deliver a low carbon future for Plymouth and South West Devon should be considered in the design and implementation of all developments, in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy.”* DEV32(3) sets out that *“Development proposals will be considered in relation to the ‘energy hierarchy’ set out below: i. Reducing the energy load of the development. ii. Maximising the energy efficiency of fabric. iii. Delivering on-site low carbon or renewable energy systems. iv. Delivering carbon reductions through off-site measures.”*
- 3.6 DEV33 (Renewable and low carbon energy (including heat) is also relevant, supporting renewable energy development where, inter alia, its impacts are or can be made acceptable.
- 3.7 In November 2022, the Council adopted a Climate Emergency Planning Statement, which is also a material consideration. As it sets out in paragraphs 1.2 and 2.3, whilst the Climate Emergency Planning Statement does not change the status of the JLP, which remains the adopted development plan for the area and the starting point for decision making, it builds on the policies in the JLP and those in the SPD, embraces new standards and proposes new requirements. Para 2.1 and 2.2 highlight the increased importance of addressing climate change and the increased urgency for more radical action:
“2.1 The Plymouth and South West Devon Joint Local Plan (JLP) provides a sound policy basis for the Local Planning Authorities to begin to tackle the impacts of climate change. However, we recognise that the knowledge, evidence and expertise surrounding climate change and its impacts is continually evolving. In the last 3 years following the adoption of the JLP, there have been a number of significant changes that have elevated the importance of addressing the climate challenge. This includes commitments made at the United Nations Climate Change Conference COP26 (Glasgow Autumn 2021), changes to national legislation and policy and relevant planning appeal decisions (summarised in Appendix 1). 2.2 Each council made Climate Emergency declarations in 2019(1) committing themselves to aiming for net zero by 2030, with further detail on how they intent to achieve this set out in climate emergency action plans(2). South Hams District Council and West Devon Borough Council have also declared biodiversity emergencies. Taken together, these changes create an increased urgency for more radical action.”
- 3.8 The Statement includes CES01 Strategic Objective (Delivering positive measures to address the climate emergency) which seeks *“To deliver development that contributes less to and mitigates the impacts of, climate change and adapts to its current and future effects through: • Ensuring resilience by providing positive benefits that reduce carbon • **Increasing renewable energy generation [my highlight]** • Improving energy efficiency • Using sustainable local materials and minimising*

*embodied carbon • Prioritising the retrofitting of existing buildings and reuse of materials • **Reducing reliance on fossil fuels [my highlight]...***"

- 3.9 It is recognised that applications for new development are expected to provide appropriate carbon reduction measures to demonstrate compliance with DEV32 of the JLP, Policy M1 of the Climate Emergency Planning Statement setting out re on-site renewable energy generation that: *"7.1 For major and minor planning applications, adopted JLP policy DEV32.5 will apply in order to secure an equivalent 20% carbon saving through onsite renewable energy generation... 7.3 Extensions that benefit from favourable conditions to support roof mounted PV, and where the host building does not already generate renewable energy onsite, should include a rooftop PV system of a minimum installed capacity of 1kWp... 7.4 Generating renewable energy onsite improves energy resilience and reduces fuel prices for occupiers. Onsite energy generation will also help reduce energy demand from the national grid, allowing more energy to be used to support the transition to electric vehicles and heat pumps, both of which are important elements of the UK decarbonisation strategy."*
- 3.10 Policy BP29 of the BNP also supports the principle of small scale renewable energy schemes too, as set out above.
- 3.11 These policies are consistent with national policy set out in the NPPF, viz:
"158. Plans should take a proactive approach to mitigating and adapting to climate change...,"
"160. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure..."
161. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.
163. When determining planning applications for renewable and low carbon development, local planning authorities should:
a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
b) approve the application if its impacts are (or can be made) acceptable..."
- 3.12 In summary then, by seeking to reduce the club's reliance upon fossil fuel use and meet nearly half the club's energy demand via renewable energy, the proposal demonstrably complies with DEV32 and the elements of SPT1 highlighted, and due weight should be given to the proposal in this regard. It will however be noted that SPT1, DEV23, DEV24, DEV25 and DEV33 of the JLP and BP29 of the BNP, as well as the national policy of the NPPF, equally seek to ensure any landscape (or other) impact is or can be made acceptable; and this tension needs to be considered in the planning balance.

4. Other matters:

- 4.1 As noted, the site is remote from residential properties and the proposal will not materially impact upon the living conditions of local residents. The proposal will not have any material impact upon local highways either, once constructed vehicle movements being restricted to the periodic maintenance of the solar array as required.
- 4.2 The only matter that requires consideration relates to ecology and biodiversity. It is noted that a letter of representation has been received from the RSPB that references the absence of an ecology survey with the application and the proximity of the site to a breeding territory of curlew, going on to say that concern is raised if the proposal will result in loss or change of any management of hedgerow as thick, dense hedges are an important nesting habitat, combined with adjacent invertebrate-rich grassland. In response, the proposal will not result in any loss of hedgerow or any permanent loss of grassland. Indeed, by taking the parcel of land out of use as grazing land/arable land, the proposal may, in conjunction with the additional planting proposed, have biodiversity benefits as the applicant maintains. Ecology surveys are not necessarily required for minor applications, and no such survey was deemed required or requested in this case. The solar array would not logically impact upon nature conservation designations beyond the application site either, and in the officer's view requires no further consideration in this regard.

5. Conclusions and Planning Balance

- 5.1 To conclude, there are a number of issues to consider, which will have to be weighed in the planning balance. The identified harm has to be balanced against the overall social, environmental and economic benefits that would result from granting planning permission. In this particular case, the balance to be struck primarily relates to consideration of the degree of harm caused to the scenic beauty of the National Landscape and Undeveloped Coast against the wider benefits of providing low carbon development.
- 5.2 As set out above, neither the policies (or guidance) controlling development in the National Landscape (or Undeveloped Coast) rule out small-scale renewable energy schemes; indeed such are supported in principle. However, it is clear that compliance with these policies requires development to be located so as to respect and conserve scenic quality and to approve development if its impacts can be made acceptable. It is clear from the consultation responses received from the Landscape Officer that this is not considered to be the case, and key conflicts with the relevant policies are therefore identified. It is, however, acknowledged, that views have been expressed in representations that the concerns of the Landscape Officer are overstated.
- 5.3 In summary, issues that weigh against the proposal include:
- The proposal would cause harm to the visual and scenic qualities of the landscape
 - The location is visually prominent, and on elevated land, and there are far-reaching views available across the landscape both from, and towards, the site.
 - The proposed solar array will introduce incongruous features of an industrialised appearance into a visually sensitive location.
 - The location of the solar array adjoins a public footpath and a further public footpath lies to the south. Both afford clear views into the application site and there are limited

opportunities to mitigate the identified harm, given the slope of the land, topography, etc.

- No landscape or visual enhancements are proposed, which is contrary to adopted policy DEV23.
- The site is located within the nationally protected landscape of the South Devon National Landscape, and also falls within the Heritage Coast, and Undeveloped Coast, which is afforded the highest level of protection in legislation and adopted policies DEV24 and DEV25.

5.4 Issues that weigh in favour of the proposals include:

- The proposal will offset nearly half the club's energy demands that are currently met via electricity from the grid and hence demonstrably reduce the carbon footprint of the Golf Club and make a meaningful contribution to reducing greenhouse gas emissions and hence assist in combatting climate change.
- The proposal would contribute towards local and national documented commitments to renewable energy generation in the drive towards tackling climate change and reducing the UK's emissions of carbon dioxide.
- Support for the principle of low carbon development is found in policy at both a local and a national level, including SPT1, DEV32, DEV33 of the JLP and BP29 of the BNP.
- This is a relatively small solar array, of 72 panels broken up into 4 blocks of 18 panels.
- The array will be set against the backdrop of an existing hedgeline, with proposed mitigation to be management of the existing hedge to an increased height of 3m, and additional tree planting on the northside of the existing hedge, to make the uniform appearance of the panels less discernible in wider views.
- Landscaping could be secured that would enhance biodiversity.
- The site is located within the context of Bigbury Golf Club, which is recognised as a prominent and non-traditional land use in the Open Coastal Plateaux. In closer views the solar array would arguably not be set within or experienced within a pristine wild or natural landscape.
- The greatest visual effects will be experienced by users of the public footpath (Bigbury Footpath 6) that passes immediately adjacent to the location of the panels, and the degree of potential, adverse visual effects will reduce notably beyond the 1km radius of the site.
- The development is of a temporary, reversible nature, and has no permanent impact upon the landform or landscape.

5.5 Overall, whilst accepting the benefits of the proposal as above, officers are conscious that the site lies within both the Undeveloped Coast and a National Landscape. With regard to the Undeveloped Coast, policy seeks to avoid development that would have a detrimental effect, unless there are exceptional circumstances. With regard to the National Landscape, this is a landscape designation of national importance that requires the greatest degree of protection. In the planning balance great weight should be given to conserving the scenic beauty of the National Landscape. Officers have considered the level of impact caused by the development, and the inability to appropriately mitigate/compensate for this and, having carefully weighed these issues, are of the view that the impact of the development upon the National Landscape and Undeveloped Coast outweigh the important but nevertheless more moderate benefits of the proposal in securing low carbon development and other benefits identified. The proposal would thus fall short of meeting the three, mutually

dependent, roles of sustainable development which includes protection of valued landscapes.

- 5.6 On balance, the development is considered to be contrary to policies SPT1, DEV23, DEV24, DEV25 of the Plymouth & South West Devon Joint Local Plan and BP18 and BP29 of the Bigbury Neighbourhood Plan, together with paragraphs 180 and 182 of the NPPF.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)

Bigbury Neighbourhood Plan

BP18 – Area of Outstanding Natural Beauty
BP29 – Renewable energy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.