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## Appeal Decision

Hearing held on 3 April 2014

Site visit made on 3 and 4 April 2014

**by Paul Jackson B Arch (Hons) RIBA**

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

**Decision date: 23 June 2014**

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**Appeal Ref: APP/D0840/A/14/2212325**

**Land at Kellygreen Farm, St Tudy, Cornwall PL30 3NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by INRG Solar Ltd against the decision of Cornwall Council.
  - The application Ref PA13/07973, dated 30 August 2013, was refused by notice dated 22 November 2013.
  - The development proposed is installation of ground mounted photovoltaic solar arrays to provide circa 4MW generation capacity together with inverter stations; landscaping; stock fencing; security measures; access gate; and ancillary infrastructure.
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### Preliminary matter

1. On 6 March 2014 the Department for Communities and Local Government published web based National Planning Practice Guidance (hereafter referred to as planning guidance), previously in draft, which replaces a wide range of previous planning guidance documents. The implications of the issue of planning guidance were discussed at the Hearing where relevant and have been taken into account in this Decision.

### Decision

2. The appeal is allowed and planning permission is granted for installation of ground mounted photovoltaic solar arrays to provide circa 4MW generation capacity together with inverter stations; landscaping; stock fencing; security measures; access gate; and ancillary infrastructure on Land at Kellygreen Farm, St Tudy, Cornwall PL30 3NR in accordance with the terms of the application, Ref PA13/07973, dated 30 August 2013, and the plans submitted with it, subject to the conditions in the schedule at the end of this Decision.

### Main Issues

3. The main issues are as follows:
  - The effect on agricultural land;
  - The effect of the proposed development on landscape character and the visual amenity of the area; and
  - Whether any harm caused is outweighed by the production of renewable energy.

## **The site and its surroundings**

4. The site comprises approximately 10.7 hectares (ha) consisting of 3 medium sized fields along the crest of a south facing valley side which also falls gradually from east to west. The panels themselves would occupy an area of 2.7 ha. The valley feeds a tributary of the River Allen and the southern edge of the site is bordered by woodland which extends along the valley bottom. The PV array would generate approximately 4MW (megawatts) which would be sufficient to meet the annual power needs of approximately 960 households. The maximum height of the arrays would be 2 metres (m) above the ground. The development would include inverters and transformers in cabinets and a sub station on the northern boundary, together with security fencing and CCTV. An overhead power line runs across the site which would be utilised for the grid connection.

## **Reasons**

### *Policy background*

5. The development plan consists of the North Cornwall District Local Plan (LP) adopted in April 1999. The replacement Cornwall Local Plan is programmed for examination in public in 2015 and as such, cannot be given a great deal of weight.
6. Saved policy ENV1 of the LP is referred to in the reason for refusal relating to the impact on landscape character. This advises that development proposals in the countryside outside Areas of Outstanding Natural Beauty or the Heritage Coast will only be permitted where they do not have a significant effect on the amenity or landscape character of the area. It goes on to say that protection of landscape character will be particularly important in Areas of Great Landscape Value (AGLV). The appeal site adjoins the Camel and Allen Valley AGLV which includes the majority of the wooded Allen valley to the west together with higher land to the north including Lanterrick.
7. Turning to national policy, The UK Solar PV Strategy Part 1 was published in October 2013. The Government expects on-going deployment of solar PV technology to continue at all scales. A guiding principle is that proposals need to be appropriately sited, giving proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and providing opportunities for local communities to influence decisions that affect them. The Strategy says that visual amenity, land use and other environmental impacts are important considerations within the planning process. However, citing the example of the National Trust, the document points out that with informed and careful planning and appropriate detailing, solar PV can be considered as appropriate in sensitive landscapes and on designated buildings.
8. Solar PV was one of the eight key technologies set out in the Renewable Energy Roadmap Update of 2012. The latest Roadmap Update of November 2013 advises that there is also significant potential for further deployment. It indicates that a solar PV strategy is to be published in 2014 which is expected to outline the Government's approach more fully. The aim is to create more financial certainty and investor confidence in order to realise the long term potential for solar PV in the UK at a large and small scale. There is no cap on capacity. New proposals are needed to meet the 2020 ambition and longer term decarbonisation. It is the Government's aspiration, set out in the Climate

Change Act, to cut carbon dioxide emissions against the 1990 baseline by at least 80% by 2050.

9. The National Planning Policy Framework (NPPF) of 2012 replaced the previous Planning Policy Statements (PPSs) and Planning Policy Guidance Notes, though the PPS5 Planning for the Historic Environment Practice Guide remains extant. The NPPF says at paragraph 98 that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved if their impacts are (or can be made) acceptable. The NPPF advises that or decision makers should follow the approach set out in the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), read with the Overarching NPS for Energy (EN-1), both dated 2011.
10. Paragraph 14 of the NPPF says a presumption in favour of sustainable development lies at its heart. Paragraph 17 specifically supports the transition to a low carbon future in a changing climate and encourages the use of renewable resources. Paragraph 112 says the economic and other benefits of the best and most versatile agricultural land should be taken into account and that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality.
11. The advice needs to be read as a whole. Particularly relevant is paragraph 5.9.18 of EN-1 which advises that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed areas and that a judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project. Bearing this in mind, the aims of LP policy ENV1 do not exclude any harm and are consistent with the aims of the NPPF.
12. In identifying the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms, the March 2014 planning guidance advises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include (as relevant to this scheme):
  - Encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
  - Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The guidance makes specific reference to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013, in which the Minister encourages development on brownfield land, low grade agricultural land and on buildings.

- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
  - The proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
  - The need for, and impact of, security measures such as lights and fencing;
  - Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
  - The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
  - The energy generating potential, which can vary for a number of reasons including latitude and aspect.
13. The guidance also advises that the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.
14. The planning guidance also states in relation to all renewable energy development that: the need for renewable or low carbon energy does not automatically override environmental protections; cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases; local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas; and great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
15. Further advice on locating renewable energy developments in Cornwall is provided in *An Assessment of the Landscape Sensitivity to On-shore Wind Energy and Large Scale Solar Photovoltaic Development in Cornwall* (the latest version dated 2013) by Land Use Consultants (the LUC study). Although not yet adopted, it is being used to inform the emerging Local Plan and I give it some weight. In addition, the Council published *Renewable Energy Planning Guidance Note 2: The development of large scale (>50Kw) solar PV arrays* in March 2012. This is intended to form a Supplementary Planning Document in support of the forthcoming Cornwall Core Strategy but is not yet adopted.
16. In accordance with the duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard needs to be

paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. Nearby heritage assets are identified in the Landscape and Visual Impact Assessment Report provided by the appellant. Following the subsequent site visits I concur with the main parties that the proposed development would not result in any significant impact on the assets or their settings. The oblique views that might be available from Tamsquite and Great Brighter Farmhouse (Grade II) would not affect the setting of these assets to any meaningful extent.

### *Agricultural land*

17. The appellant's initial desk based assessment concluded that the Agricultural Land Classification (ALC) of the majority of the site was grade 3a. Further analysis based on more detailed site survey information and auger points indicated a more precise grade 3b for most of the site with an area of 3a land towards the west and lower grades at the bottom of the slope. This was questioned before the hearing by surveyors working for the Parish Council. Further time was allowed for the respective professionals to identify a greater degree of common ground. This resulted in greater consensus<sup>1</sup> that most of the site is grade 3b. Whilst there is room for doubt about the extent to which grade 3a land in the western area extends, most of the area that would be covered by panels is grade 3b.
18. Only land of ALC grades 1, 2 and 3a is considered as 'best and most versatile' in the terms used in the NPPF, which should be protected in the long term. It was evident at the site visit however that the fields are in productive use. Emerging policy 22 in the Cornwall Local Plan also seeks to safeguard 3b land where reasonable alternatives can be identified, but *Renewable Energy Planning Guidance Note 2* indicates on page 8 that grade 3b land attracts little weight in terms of its productive value unless it makes a special contribution to the environment or local economy. That is not the case here. Nevertheless, none of the site falls within the categories mentioned by the Minister in planning guidance where the government considers solar PV development should be focussed.
19. It follows that there would be a loss of productive agricultural land for 25 years, but not a great deal of land that is 'best and most versatile'. Moreover the appellant has put forward positive proposals for limited grazing and other uses for the land around and between the panels that would have ecological benefits. I conclude on this issue that the proposal would cause only limited conflict with the aims of paragraph 112 of the NPPF and very limited harm to agricultural production; and that this needs to be put into the overall balance.

### *Landscape character and visual amenity*

20. The Cornwall and Isles of Scilly Landscape Character Study of 2007 identifies the relevant Landscape Character Area (LCA) as LCA CA33 *Camel and Allen Valleys*. Relevant key landscape characteristics include an undulating plateau with valleys, steeply incised in places; well wooded valleys with smaller scale fields with sinuous boundaries; and on the plateau, medium scale fields and straight Cornish hedge boundaries. The LUC study indicates an overall landscape sensitivity assessment of moderate to high for solar PV in this LCA,

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<sup>1</sup> Doc 11

further clarifying that the size and scale of lower slopes indicates that they would be particularly sensitive to 'large' PV schemes, defined as greater than 10-15 ha. The suggested landscape strategy is for a landscape with occasional PV developments (up to and including medium size) on lower slopes.

21. Having regard to the siting guidance set out in the LUC study in respect of LCA CA33, this development would be on the lower slopes of the landform which would restrict its visibility from further afield. However, it would be a prominent feature on the crest of the steep sided valley within a radius of around 1 kilometre (km) especially seen from the gentle slopes to the south. As such it would locally adversely affect the steep valley of a tributary to the River Allen but would only marginally affect the character of the wider Allen valley itself.
22. More generic siting guidance is provided in Annex 3 of the LUC study. The scheme would be on lower slopes mostly in a landscape fold, but would not have a strong sense of enclosure because the panels (and a sub-station building) would be conspicuous on a crest as perceived from the immediate area to the south. This counts against the scheme, but the effect would be transitory and limited to a very small area. It would not affect the skyline in more general views or prevent appreciation of the exposed undulating plateau. Moreover, the impact would be lessened over time by enhancement of the hedgerows which would eventually exceed 2m in height.
23. It would not be in an undeveloped part of the countryside, indicated by the intensive farming of much of the surrounding land and a number of prominent overhead power lines crossing the wider landscape as well as the site itself. The scheme would be sited outside the AGLV; although some characteristics of the AGLV extend beyond its boundaries as identified on plan, there are no unique or unusual landscape features near the site or in the tributary valley or any scenic characteristic that is not common in the area more generally. Given the moderate/high sensitivity of the landscape, the limited size of the proposed installation and the siting along a valley fold, I consider that the magnitude of the change on the landscape character would be medium<sup>2</sup>. There would only be a significant effect on a small part of this extensive LCA.
24. Turning specifically to visual impact, the area is undoubtedly attractive and it is accepted that it has a special value for local residents. I particularly noticed a sense of tranquillity in the tributary valley itself. The scheme would diminish this, if not aurally then by means of the perception of an industrial type of installation in part of the attractive rural setting. However for most people using Redvale Road, the St Tudy/St Mabyrn lane between Trevisquite Manor and Wetherham, views of the site would be restricted by high hedges. Visibility would be further obscured in summer months due to the growth of roadside vegetation and leaves on the trees that border the southern edge of the site itself. There would be occasional clear and close range views of the scheme across fields at some gates and where the hedge dips beneath the verge. I accept that these are important breaks for people using Redvale Road, but the visual impact would be transitory and would affect only a small part of a circular recreational walk or journey. No public footpaths or byways cross the site and panels would be partially screened and seldom seen at close quarters.

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<sup>2</sup> Using the criteria set out in 'Definition of Terminology' in Appendix B of the Landscape and Visual Impact Report and those within the statement of the Parish Council's specialist landscape witness.

25. There would be a more considerable change to the view from a short length of bridleway descending northwards from Polglaze where solar panels on the opposite slope would be framed between the hedges on either side. I accept that this would reduce the quality of the experience for users of this route. There would be views of the development from some dwellings but all of these, except for one location, would be oblique, partial, obscured, or at such a distance that the scheme would be subsumed into the wider landscape, in a similar fashion to a solar development at the nearby Benbole scheme (St Kew Highway). The exception is Little Trevisquite, where windows on the north west elevations of dwellings would directly face the development across a field and over trees. There would be more oblique views of the scheme from other windows where the occupants would perceive a distinct change in their rural outlook. The occupiers would also be aware of the development on their approach to and from this location, but recognising that there would be a change, in no case would the effect be so overwhelming as to seriously diminish their enjoyment of the property or the rural surroundings. There would remain other unaffected views and the development would be partially screened.
26. Seen from Cross Hill and St Maby, the scheme would certainly change the view but would not be so large as to dominate the surrounding landscape. Higher ground would be visible beyond and above the development. The effect would not be dissimilar to developments at Benbole and Treworder but it would not be seen together with either of these in the same landscape context.
27. Attention was drawn to Benbole and Treworder developments which were seen on the site visit, as well as forthcoming schemes<sup>3</sup> approved but not constructed or under consideration. Benbole is about 2 km from the appeal site but is on low lying land behind hedges and not visually prominent. I do not find that the appeal development would add to existing or permitted solar developments such that they would be more than an occasional feature in the landscape or in people's day to day experiences. There would be no unacceptable cumulative impact.
28. I conclude on landscape and visual impact that the proposed scheme would introduce a moderate degree of adverse change to landscape character within 1 -2 km of the site to the south, decreasing with distance; and that significant visual impact would be limited to a short section of Redvale Road, the bridleway from Polglaze and occupiers of Little Trevisquite. On balance, I consider there would be a minor degree of conflict with the aims of LP policy ENV1 inasmuch as the local impact would be significant and there would be an impact on land adjoining the AGLV. This harm needs to be carried forward into the final balance.

#### *Other matters*

29. I understand that arrangements would be made for the tenant farmer to farm other land within the estate to ensure that the agricultural unit remains viable. Such matters are private arrangements outside the scope of the appeal and this matter does not weigh against the scheme.
30. Ecological enhancement would take place including habitat improvement and the management of the site for grazing and to encourage wild flowers. The

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<sup>3</sup> Doc 8

replacement of the intensively farmed land with managed pasture under the panels would, on balance, benefit wildlife. However the improvements to the hedgerows would take time to mature. Overall, I consider that ecological benefits weigh only slightly in favour.

31. I have taken into account all the other matters raised including the very thorough submissions from the Parish Council. I have had regard to the potential for an impact on local tourism, but there is currently no evidence to indicate that renewable energy developments seriously affect tourism. I accept however that poorly screened or conspicuous PV solar development, particularly cumulatively, could discourage tourist letting of local properties. There are holiday properties at Great Trevisquite and Great Brighter, Polglaze and other nearby locations, but although visible, it is not the case that this development would dominate views from those places. It would not be a prominent feature for any tourists driving through the area.
32. It is recognised that the local community is very concerned about the landscape and visual impact, not just of this scheme but what is seen as a proliferation of solar PV development in the area. However the guidance being used by the Council considers the size of individual developments and the potential for harm due to cumulative impact.

*Whether any harm outweighs the benefits*

33. The production of a useful amount of renewable energy capable of supplying approximately 960 homes with a connection to the national grid is a very significant factor in favour, along with the associated reduction in carbon dioxide emissions. Notwithstanding the recent progress made in Cornwall in the provision of renewable energy, there is no upper limit on capacity. There is the possibility that electricity generated by the development may not be needed by the grid constantly, but that is an issue for all renewable energy schemes and it is the additional flexibility the capacity provides that is important; there is also the Government's aspiration to exceed the 2020 national target. Moreover I was told that demand for electricity will grow due to new development in Cornwall.
34. The land comprises mainly ALC grade 3b land which is not 'best and most versatile' according to the NPPF. Whilst the Government encourages the use of brownfield and low grade land for solar PV, it does not exclude other land if it satisfies other planning policy aims. There is no requirement to use agricultural land for food production. The enhancement of field boundaries, the proposal to continue grazing activity and the provision of ecological enhancements including bird and bat boxes are material considerations that add weight to the benefits of the scheme. The development would have to be removed after 25 years and the land could then be returned to productive agricultural use.
35. Against that, there would be a moderate adverse effect on landscape character and a moderate adverse visual impact for users of local lanes and a bridleway. These adverse impacts would be limited to the area to the immediate south and west of the site and would diminish with distance and as hedgerows increase in height. The visual impact for some living within a short distance of the site would be significant, but would be modified by seasonal vegetation.



36. I conclude that the scheme would be appropriately sited and would not conflict with the aims of national policy, planning guidance, emerging LP policies or emerging supplementary planning guidance. The benefits of the proposed development significantly outweigh the disadvantages. The appeal should be allowed.

### **Conditions**

37. I have considered the proposed conditions in the light of the planning guidance and the model conditions in the Annex to Circular 11/95 *The Use of Conditions in Planning Permissions*. Conditions are necessary to control the period of the permission and to ensure decommissioning takes place; and to ensure the repair/removal of panel that cease to function. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the area, the external details of buildings and structures and any security measures need to be approved prior to commencement. A programme of archaeological work is necessary in view of the identified need for a limited trenching evaluation under the rounded knoll in the western most field.
38. Construction traffic, the construction of the development and decommissioning of the scheme need to be controlled to avoid unnecessary highway safety risk and to protect the character of the area and wildlife. The arrangements made for construction traffic need to take account of the timing of school bus journeys in the area, because of the narrowness of the lanes and the difficulty of reversing large vehicles. The management of the development to preserve an element of grazing (by sheep, or geese as at Benbole) and to protect wildlife and ensure ecological enhancement takes place, needs to be ensured by condition. The hours of working on site are controlled in the interests of local occupiers and a condition is imposed to control noise levels. Finally, a restriction on permitted development is imposed to ensure that any changes to the scheme are controlled in the interests of the character of the area.

*Paul Jackson*

INSPECTOR

### **Schedule of 15 conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The planning permission hereby granted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.

- 3) Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 25 year period of planning permission.
- 4) If any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme of restoration shall be submitted to the Local Planning Authority for its written approval for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall be fully implemented within 6 months of the date of its written approval by the Local Planning Authority.
- 5) Except as otherwise modified by this decision and conditions, the development hereby permitted shall be carried out in accordance with the following drawings: 207827-3001 D, 207827-3002 C, 207827-3003 C, 207827-3004 A, 207827-3005 A, 207827-3006 C, 207827-3007 C, 207827-3008 B.
- 6) The development hereby permitted shall not commence until full details including external materials of the proposed ultra station, substation and inverter cabinets have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved details.
- 7) No development shall commence until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.
- 8) Details of any security measures including fencing, CCTV and external lighting to be incorporated within and around the site are to be submitted to and approved in writing by the LPA before any works commence on site. The measures shall subsequently be implemented as approved and retained as such for the duration of this planning permission unless otherwise agreed in writing by the Local Planning Authority.
- 9) The development hereby approved shall not take place otherwise than in accordance with the submitted TPA Construction Traffic Management Plan dated August 2013, which shall include measures to avoid school bus traffic.
- 10) No development shall take place until a Construction and Decommissioning Method Statement ("CDMS") has been submitted to and approved in writing by the local planning authority. Thereafter the construction and decommissioning of the development shall be carried out in accordance with the approved CDMS. The CDMS shall include:

- a) Details of any temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- b) Dust management and cleaning of vehicle wheels;
- c) Pollution control measures in respect of:
  - Water courses and ground water
  - Bunding and storage areas
  - Foul sewerage
  - Construction noise mitigation measures
- d) Temporary site illumination during the construction period;
- e) Details of the proposed storage of materials;
- f) Details of surface treatments and the construction of any hard surfaces and tracks;
- g) Details of emergency procedures and pollution response plans;
- h) A Site Construction Environmental Management Plan to include details of measures to be taken during the construction period to protect wildlife and habitats including nesting birds;
- i) Details of how any construction compound and associated construction works will be reinstated to agricultural land, including a timetable for completion of the post construction restoration and reinstatement works.

Development and decommissioning shall be undertaken in accordance with the approved CDMS.

- 11) Prior to the commencement of development a detailed scheme in accordance with, but not limited to the Michael Woods Associates Landscape and Environmental Management Plan dated November 2013 for the management and enhancement of hedges, grazing of the site in and around the panels, together with habitat creation and additional landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method of protection to trees and hedgerows during the construction period; the size, species and spacing of vegetation to be planted at the site; arrangements for their protection and maintenance during the duration of the construction and operational periods of the development, and a timetable for the implementation of the scheme. The approved scheme shall be implemented in full in accordance with the approved programme and shall be retained for the duration of the approved development.
- 12) In the event of failure of any vegetation to become established or to prosper for a period of five years following the completion of the management and enhancement of hedges and landscaping scheme, such vegetation shall be replaced on a like for like basis at the same place, unless the Local Planning Authority gives its written approval to any variation.
- 13) No machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of

08:00 – 18:00 Monday to Friday, nor outside the hours of 08:00-13:00 on Saturdays, and not at any time on Sundays or Bank Holidays.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced or altered at the site without prior planning permission from the Local Planning Authority.
- 15) The Rating Level LArTr (to include the 5 dB characteristic penalty) of the noise emanating from the approved scheme, shall be at least 5 dB below the measured background noise level at any time at the curtilage of any noise sensitive premises lawfully existing at the time of consent. The rating level (LArTr) and the background noise level (LA90) shall be determined in accordance with the guidance and methodology set out in BS4142: 1997.

## **APPEARANCES**

### **FOR THE APPELLANT:**

|  |                                |
|--|--------------------------------|
| Colin Virtue                             | Pegasus Group                  |
| Gareth Roberts                           | Pegasus Group                  |
| Tony Kernon BSc(Hons) MRICS FBIAC        | Kernon Countryside Consultants |
| Robert Askew                             |                                |
| David Allen CMLI DipLA                   | Allen Pyke Associates          |
| Sara Compton BA(Hons) MSc MRICS<br>MBIAC | Kernon Countryside Consultants |
| Tom Clarkson BSc MSc DIC MCIEEM          | Michael Woods Associates       |
| David Dean                               | INRG                           |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                                  |                  |
|----------------------------------|------------------|
| James Holman MRICS MRTPI<br>FAAV | Cornwall Council |
| Dan Mitchell MRTPI               | Cornwall Council |

### **FOR ST TUDY PARISH COUNCIL:**

|                |                          |
|----------------|--------------------------|
| Peter Leaver   | David Wilson Partnership |
| Jonathan March | St Tudy Parish Council   |

### **INTERESTED PERSONS:**

|               |                        |
|---------------|------------------------|
| Emma Hambly   | Local resident         |
| Paul Walton   | Local resident         |
| Penny Kirkman | Resident of Port Isaac |
| Bob Kneale    | Local resident         |

## **DOCUMENTS**

- 1 Statement of Common Ground (signed)
- 2 Cornwall Local Plan Strategic Policies- Proposed Submission Document 2010-2030, submitted by the Council
- 3 'Green Cornwall- Our strategy for a greener, sustainable, low carbon Cornwall' submitted by the Council
- 4 Extract from 2014 Planning Practice Guidance: Renewable and low carbon energy, submitted by the appellant
- 5 South West Renewable Energy Progress Report 2013, submitted by the appellant
- 6 BRE Planning Guidance for the development of large scale ground mounted solar PV systems, submitted by the appellant
- 7 Soil Auger Bore Descriptions (10) submitted by the appellant
- 8 Wind and Solar Cumulative Plan as at 28 March 2014, submitted by the Council
- 9 Schedule of Renewable Energy Planning Applications, installed, under construction, approved, pending, refused, withdrawn and lapsed, including capacity, submitted by the Council
- 10 Statement by Jonathan March
- 11 Responses to clarification requested by Inspector on differing soil classification results, received 10 April 2014