



Department for  
Communities and  
Local Government

Luke Simpson  
RPS, 20 Western Avenue  
Milton Park  
Milton  
Abingdon  
Oxfordshire OX14 4SH

Our Ref: APP/W0530/W/15/3012014 &  
APP/W0530/W/15/3013863

15 June 2016

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
TWO APPEALS BY SAWSTON SOLAR FARM LIMITED:  
BOTH AT LAND NORTH OF DALES MANOR BUSINESS PARK, WEST WAY,  
SAWSTON, CAMBRIDGESHIRE**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Bern Hillier BA (Hons) MRTPI, in relation to your client's appeals against the decisions of South Cambridgeshire District Council to refuse planning permission for:
  - The installation of a 28MW solar farm, in accordance with application ref S/1615/14/FL, dated 17 June 2014 (**Appeal A**); and
  - The installation of a 14MW solar farm and associated development (resubmission of S/1615/14/FL), in accordance with application ref S/2409/14/FL, dated 14 October 2014 (**Appeal B**).
2. A hearing was held into both appeals on 22 and 23 March 2016.
3. Both the appeals were recovered for the Secretary of State's determination on 7 March 2016 in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the proposals are for significant development in the Green Belt.

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

4. The Inspector recommended that both the appeals be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation to dismiss the appeals and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to that report (i.e. including paragraph numbers), are in relation to both appeals unless otherwise stated.

## Policy considerations

5. In deciding these appeals, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. For both appeals, the development plan consists of the South Cambridgeshire Core Strategy (CS) and the Development Control Policies (DCP) Development Plan Documents adopted in 2007. The Secretary of State considers that relevant development plan policies include those set out in IR11-12.

### *Emerging Plan*

6. The Secretary of State notes that the Council is currently reviewing its Local Plan for the period 2011-2031, and the Examination in Public is set to continue with further hearing sessions scheduled to September 2016. The Secretary of State notes that the Inspector considers that the emerging policy for renewable energy is worded similarly to DCP Policy NE/2 and continues to give in principle support to renewable energy (IR19). He has also taken into account the Council's proposal to amend Policy CC/2 to ensure that consideration is given to the impact of the proposed development on high quality agricultural land. Overall, for the reasons given at IR19, the Secretary of State agrees with the Inspector that at this stage limited weight can be given to the relevant policies in the emerging Local Plan.

### *Other material considerations*

7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework'), the associated planning practice guidance ('the Guidance'), and the matters set out at IR13-18.

## Procedural matters

8. The Secretary of State notes that an amended landscaping plan for each proposal was submitted with the appeals. He agrees with the Inspector that taking the amendments into account would not materially prejudice the interests of objectors or other parties, and has proceeded on the basis of the amended plans.

## Main issues

9. The Secretary of State agrees with the Inspector that the main considerations for the appeals are those set out in IR54.

### *Impact on the Green Belt*

10. The Secretary of State considers that these proposals constitute inappropriate development in the Green Belt. For the reasons given in IR55-57, the Secretary of State agrees with the Inspector that for **Appeal A**, the adverse effect on openness would be very significant, while for **Appeal B** it would be significant.
11. For the reasons given at IR59-62 and IR81, the Secretary of State agrees with the Inspector that **Appeal A** would conflict significantly with the second purpose of the Green Belt (preventing neighbouring towns merging), and with the provisions of CS Policy ST/1. He has taken into account the fact that **Appeal B** would not reduce the gap, and would not be seen from the road (IR59), and considers that **Appeal B** would not conflict with this purpose of the Green Belt, and would not conflict in this respect with the provisions of CS Policy ST/1.
12. The Inspector also considered the impact of the proposals on the first purpose of the Green Belt (preventing the unrestricted sprawl of large built up areas). For the

reasons given at IR58, the Secretary of State agrees that the proposed developments would not affect this purpose.

13. For the reasons given at IR63-65, the Secretary of State agrees with the Inspector's conclusion that for both appeals that there would be considerable encroachment of development into the countryside which would have significant adverse landscape and visual effects. This would conflict with the third purpose of the Green Belt (assisting in safeguarding the countryside from encroachment). He further agrees that both proposals would be contrary to CS Policy ST/1 in as much as the rural quality of the landscape is harmed through encroachment (IR83).
14. Overall the Secretary of State concludes that the harm to the Green Belt from inappropriate development, along with the other harm identified above, carries substantial weight against **Appeal A**. Although **Appeal B** does not cause harm in terms of the second purpose of the Green Belt, the Secretary of State nevertheless considers that the harm through inappropriateness and other harm identified above carries substantial weight against **Appeal B**.

#### *North Farm living conditions*

15. For the reasons given at IR66-67, the Secretary of State agrees with the Inspector that there would be little adverse impact on outlook from either appeal proposal.

#### *Other harm*

16. The Guidance encourages the use of previously developed and non-agricultural land. Where greenfield land is to be used, consideration is required to be given as to whether 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. In this case the Council does not dispute the view of the appellant who argues there would be no loss of food production through the proposal. The WMS of March 2015 indicates that any proposal for solar development involving the use of BMV land would need to be justified by the most compelling evidence. In this context, and for the reasons given at IR68-70, the Secretary of State agrees with the Inspector that there is no certainty that it would be possible to realise the proposals. Like the Inspector, he is not persuaded that there is the most compelling evidence that BMV land should be used. The Secretary of State therefore considers that the use of BMV land weighs significantly against the proposals and that it conflicts with national policy on this matter.

#### *Other considerations*

17. For the reasons given at IR71 and IR82, the Secretary of State considers that having regard to the scale of the proposals, substantial weight should be given to the contribution they would both make to national renewable energy targets (and the consequent reduction in greenhouse gases).
18. For the reasons given at IR73-75 and IR82, the Secretary of State also agrees with the moderate weight attributed by the Inspector to the economic and ecological benefits associated with the proposals, and with his conclusion that little favourable weight should be attached to the proposed agricultural uses.
19. The Secretary of State agrees with the Inspector that no weight attaches to the assertion that a connection to the national grid is an essential site requirement (IR76).

## Conditions

20. The Secretary of State agrees with the Inspector's comments at IR77-80 on planning conditions and is satisfied that the separate conditions recommended in the IR Appendix for both the appeals are reasonable and necessary, and would meet the tests in paragraph 206 of the Framework. However, the Secretary of State does not consider that either set of recommended conditions would overcome his reasons for dismissing the appeals.

## Overall planning balance and conclusions

21. The Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances. The Secretary of State has considered whether the potential harm to the Green Belt, by virtue of inappropriate development, and any other harm, is clearly outweighed by other considerations.

22. In the case of **Appeal A**, the Secretary of State considers that there is harm from inappropriate development, as well as adverse impacts on openness, and from conflict with the second and third purposes of the Green Belt. This harm carries substantial weight. The use of BMV land also weighs significantly against the proposal.

23. In the case of **Appeal B**, the Secretary of State considers that there is harm from inappropriate development, as well as adverse impacts on openness, and from conflict with the third purposes of the Green Belt. This harm carries substantial weight. The use of BMV land also weighs significantly against the proposal.

24. The Secretary of State has taken into account the benefits in terms of renewable energy. For both appeals he gives this substantial weight. He has also taken into account the economic and ecological benefits of the proposals, and for both appeals gives these benefits moderate weight, with little favourable weight attaching to the proposed agricultural uses.

25. Overall he agrees with the Inspector that these benefits do not clearly outweigh the harm identified to the Green Belt in relation to both **Appeal A** and also **Appeal B**, despite some lesser impacts from this proposal. Very special circumstances therefore do not exist.

26. The proposals are therefore contrary to DCP Policy GB/1. In as much as the rural quality of the landscape is harmed through encroachment, they are also contrary to CS Policy ST/1. **Appeal A** would also conflict with CS Policy ST/1 because of harm through coalescence. The Secretary of State considers that neither appeal is in accordance with the development plan overall. They are also both contrary to national policy. The Secretary of State finds no material considerations that indicate either appeal should be determined other than in accordance with the development plan.

## Formal decision

27. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses both **Appeal A** and **Appeal B** and refuses planning permission for each of these proposals.

## Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decisions may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to

bring a statutory review under section 288 of the Town and Country Planning Act 1990.

29. A copy of this letter has been sent to South Cambridgeshire District Council. A notification letter has been sent to all other parties who asked to be informed of the decisions.

Yours faithfully

*Maria Stasiak*

**MARIA STASIAK**

Authorised by Secretary of State to sign in that behalf

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

by B.Hellier BA(Hons) MRTPI

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

Date: 11 April 2016

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**TOWN AND COUNTRY PLANNING ACT 1990**  
**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**  
**APPEALS BY**  
**SAWSTON SOLAR FARM LIMITED**

Hearing held on 22 and 23 March 2016

Land north of Dales Manor Business Park, West Way, Sawston, Cambridgeshire

File Refs: APP/W0530/W/15/3012014 and APP/W0530/W/15/3013863

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**Appeal A: APP/W0530/W/15/3012014**

**Land north of Dales Manor Business Park, West Way, Sawston, Cambridgeshire**

- 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 Sawston Solar Farm Limited against the decision of South Cambridgeshire District Council.
- The application Ref S/1615/14/FL, dated 17 June 2014, was refused by notice dated 7 October 2014.
- The development proposed is the installation of a 28MW solar farm.

**Summary of Recommendation: The appeal be dismissed**

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**Appeal B: APP/W0530/W/15/3013863**

**Land north of Dales Manor Business Park, West Way, Sawston, Cambridgeshire**

- 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 Sawston Solar Farm Limited against the decision of South Cambridgeshire District Council.
- The application Ref S/2409/14/FL, dated 14 October 2014, was refused by notice dated 12 December 2014.
- The development proposed is the installation of a 14MW solar farm and associated development (resubmission of S/1615/14/FL).

**Summary of Recommendation: The appeal be dismissed**

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**Procedural matters**

*Recovery by the Secretary of State*

1. The appeals were recovered for decision by the Secretary of State for Communities and Local Government by a letter dated 7 March 2016. The reason for this direction is because the appeals involve proposals for significant development in the Green Belt.

*Amended plan*

2. The appellant submitted with the appeals an amended landscaping plan for each proposal. The changes principally reflect advice from the Council Landscape Officer. It was agreed that taking the amendments into account would not materially prejudice the interests of objectors or other parties. I have therefore proceeded on the basis of the amended landscaping plans.

*Reasons for refusal*

3. Planning permission was refused for Appeal A for the following reasons.
  1. *The proposed solar farm would represent inappropriate development that is, by definition, harmful to the Green Belt in policy terms. The proposal is therefore contrary to Policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states that there is a presumption against inappropriate development in the Green Belt and paragraph 87 of the National Planning Policy Framework 2012 that*

*states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

2. *The proposed solar farm would also cause other harm. It would lead to encroachment into the Green Belt and countryside that would result in the coalescence of the villages of Sawston and Babraham through a loss of visual separation. The proposal is therefore contrary to Policy ST/1 of the South Cambridgeshire Local Development Framework Core Strategy DPD 2007 that states a Green Belt will be maintained around Cambridge to prevent the environs of Cambridge from merging into one another in order to preserve the distribution, physical separation, setting and scale and character of Green Belt villages. It would also have an unacceptable adverse visual impact upon the amenities of the neighbour at North Farmhouse. The proposal is therefore contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.*
3. *No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt through inappropriateness and the other harm identified.*
4. Planning permission for Appeal B was refused for the following reasons.
  1. *The proposed solar farm would represent inappropriate development that is, by definition, harmful to the Green Belt in policy terms. The proposal is therefore contrary to Policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states that there is a presumption against inappropriate development in the Green Belt and paragraph 87 of the National Planning Policy Framework 2012 that states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
  2. *The proposed solar farm would also cause other harm. It would lead to encroachment into the Green Belt and countryside that would result in the coalescence of the villages of Sawston and Babraham through a loss of visual separation. The proposal is therefore contrary to Policy ST/1 of the South Cambridgeshire Local Development Framework Core Strategy DPD 2007 that states a Green Belt will be maintained around Cambridge to prevent the environs of Cambridge from merging into one another in order to preserve the distribution, physical separation, setting and scale and character of Green Belt villages.*
  3. *No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt through inappropriateness and the other harm identified.*

### **Site and surroundings**

5. Both appeals relate to the same site which is a single large L-shaped field of some 49ha of arable land. The field lies to the north of the village of Sawston. The shorter but fatter eastern arm abuts the Dales Manor Business Park and runs for about 700m in a northerly direction towards the River Granta. The western arm follows the line of the river for about 1.1km and is separated from Sawston

by a strip of land occupied by a house, North Farm, and its substantial grounds. For Appeal A the solar panels would cover the whole site. In Appeal B they would cover a reduced area of 16ha utilising the western arm. The appeal site also includes, at the western end, a 1.0km long access route to the public road. For the first part from the road this is a good agricultural track. It then becomes a desire line across an adjacent field.

6. The eastern part of the field lies at about 25m AOD. It is undulating and drops gently towards the valley. There is a slight rise and high point at the axis of the two arms. The western part of the field then slopes down from here and for much of its length is flatter and lower although still with a fall towards the river. The western end of the field is at 20m AOD. There are tall but gappy hedges marking the eastern and western boundaries; along the lower northern boundary is a post and wire fence with a single group of trees; and on the southern side there is a good hedge along the boundary with North Farm.
7. The village of Babraham is to the east of Sawston. A low ridge and substantial shelter belt planting hide Babraham village in views from the north and west although the higher research buildings of the Babraham Institute are visible from many places. The eastern edge of Sawston village is clearly defined by housing and the business park. The business park also forms a strong northern limit to the village although, further west, trees in the grounds of North Farm and the wooded fringe of an old quarry provide a softer edge.
8. To the north beyond the River Granta the land rises to Magog Down with a high point of 74m AOD about 2km from the appeal site. This land is managed by a local trust as a conservation and recreation area and is well used by walkers. The Granta valley is also a popular walk for local people. Rowley Lane is a track used as a public footpath and bridleway from Babraham following the valley floor and a footpath from Sawston runs along the eastern boundary of the appeal site to join up with this track.

### **The proposal**

9. The solar farm would consist of panels erected on ground mounted frames fixed to pile-driven steel supports and arranged in rows running east-west, 3.8m apart. The panels would be inclined at 25° with the highest point 2.7m above ground (Appeal A) or at 20° and 2.6m above ground (Appeal B). The associated infrastructure includes a sub-station, control building, and customer room located at the west end of the site adjacent to the access point. Transformers, 3m high, with a footprint of 12m x 2.4m, would be necessary at intervals within the panel arrays, a total of 20 for Appeal A and 9 for Appeal B. The panel area would be surrounded by a 2.2m high deer/security fence with CCTV cameras on 2m stalks regularly spaced around the perimeter. The electricity generated would be fed into the national grid by an underground line to a 33kv overhead line which runs just to the west of the site.
10. For both appeals the site would remain in agricultural use but as chalk grassland pasture rather than arable. Proposals involve sheep grazing and poultry keeping both under and between the lines of panels, soft fruit growing between the rows, and bee keeping around the field edge. The hedges on the eastern, southern and western perimeter would be reinforced and along the open northern boundary a small shelter belt would be created to provide a visual screen and to mark the boundary between the site and the adjacent floodplain. The eastern boundary

for Appeal B is undefined on the ground. This would be protected with a new hedge with scattered hedgerow trees. A small nature reserve is proposed in the north-west corner of the site.

## **Planning Policy**

### *Development Plan*

11. The development plan consists of the Core Strategy (CS) and the Development Control Policies (DCP) Development Plan Documents. The site lies within the Cambridge Green Belt. CS Policy ST/1 indicates that one of the purposes of this Green Belt is to prevent surrounding communities from merging with each other and with the city of Cambridge. In considering the impact of development on the setting of the city regard should be given to the distribution, physical separation, setting, scale and character of Green Belt villages and the strong rural quality of the landscape. DCP Policy GB/1 confirms that, in accordance with national policy, there is a presumption against inappropriate development in the Green Belt.
12. DCP Policy NE/2 supports proposals to generate energy from renewable sources subject to them according with sustainability, design and development principles set out elsewhere in the plan. DCP Policy DP/3 is relevant to Appeal A in as much as there is a general requirement to protect residential amenity.

### *National policy*

13. Government policy is to support the development of renewable energy sources, including solar power, to help to ensure that the country has a secure energy supply and to reduce greenhouse gas emissions. As a result of EU Directive 2009/28/EC, the UK is committed to a legally binding target to achieve 15% of all energy generated from renewable resources by 2020. The 2006 Energy Review has an aspiration of 20% of electricity from renewable resources by 2020. The 2009 UK Renewable Energy Strategy and the UK Low Carbon Transition Plan has as a lead scenario that this figure should increase to 30% although this is not a commitment. None of these documents sets a ceiling and there is a considerable on-going need for renewable energy projects.
14. Reflecting Government policy the National Planning Policy Framework (NPPF) emphasises that local planning authorities should recognise the responsibility that rests with all communities to contribute to energy generation from renewable sources. An application for renewable energy should normally be approved if its impacts are (or can be made) acceptable<sup>1</sup>.
15. The Government also attaches great importance to Green Belts. The fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open and thus their essential characteristics are their openness and their permanence<sup>2</sup>. The purposes of Green Belts include: checking the unrestricted sprawl of large built up areas; preventing neighbouring towns merging into one another; and assisting in safeguarding the countryside from encroachment<sup>3</sup>. Inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances which will not exist unless the harm to the Green Belt by reason of inappropriateness,

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<sup>1</sup> NPPF paragraphs 97 and 98

<sup>2</sup> NPPF Paragraph 79

<sup>3</sup> NPPF Paragraph 80

and any other harm, is clearly outweighed by other considerations<sup>1</sup>. Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources<sup>2</sup>.

16. The NPPF indicates that local planning authorities should take into account the economic and other benefits of the best and most versatile (BMV) agricultural land<sup>3</sup>. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. A written ministerial statement (WMS) from the Secretary of State for CLG in March 2015<sup>4</sup> advises that use of BMV agricultural land would need to be justified by the most compelling evidence.
17. The NPPF also states that planning should operate to encourage, and not act as an impediment to, sustainable growth<sup>5</sup>. Therefore significant weight should be placed on the need to support economic growth through the planning system. Planning policies should support the rural economy by promoting the development and diversification of agriculture and other land-based businesses<sup>6</sup>.
18. Current web based national planning practice guidance (PPG) sets out particular considerations that relate to large scale solar farms<sup>7</sup>. They include the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. Where greenfield land is used it encourages continued agricultural use and/or biodiversity improvements around the arrays.

#### *Emerging Local Plan*

19. The South Cambridgeshire Local Plan (LP) was submitted to the Secretary of State in March 2014. However the examination was suspended until March 2016 to allow further work to be carried out, in particular on objectively assessed housing need and the development strategy<sup>8</sup>. Modifications have been made to the Submission Local Plan but these have yet to be examined. At this stage in the adoption process limited weight can be given to its policies. Having said that, LP Policy CC/2 *Renewable and Low Carbon Energy Generation* is worded in a similar vein to DCP Policy NE/2 and continues to give in principle support to renewable energy proposals.

#### **Agreed matters**

20. The Council and the appellant have signed a Statement of Common Ground. Other matters were agreed in the written statements or at the hearing.
  - a. The applications are for temporary permission for a period of 25 years. At the end of this period the site would be cleared and restored to solely agricultural use.
  - b. Both proposals would be inappropriate development in the Green Belt.

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<sup>1</sup> NPPF paragraphs 87 and 88

<sup>2</sup> NPPF paragraph 91

<sup>3</sup> NPPF paragraph 112

<sup>4</sup> Planning Update: Written Statement HCWS488 by the Secretary of State for Communities and Local Government. 25 March 2015

<sup>5</sup> NPPF paragraph 19

<sup>6</sup> NPPF paragraph 28

<sup>7</sup> Planning Practice Guidance: Paragraph: 013 Reference ID: 5-013-20150527

<sup>8</sup> Documents B7 and B8

- c. The appellant carried out a site specific agricultural land classification assessment of the appeal site informed by a soil survey. This concludes that the appeal site is Grade 3a and as such is considered to be BMV agricultural land. On the basis of the proposals for continued agricultural use the Council raises no objection to the use of this BMV land.
- d. The proposed developments would both make a significant contribution to meeting national climate change objectives and reducing carbon emissions. They would produce electricity equivalent to the usage of about 8500 households (Appeal A) or 4250 households (Appeal B).
- e. The Appeal B development would have no adverse effect on living conditions.
- f. The appellant carried out a Landscape and Visual Impact Assessment (LVIA)<sup>1</sup>. This concludes that for both developments there would be a significant effect on landscape character for a temporary period of 25 years. There would also be significant visual effects experienced from some properties and from a number of public viewpoints but these would be mitigated by planting and in all cases by year 12 the effects would be not significant.

### **The case for the appellant**

*The material points are:*

#### **Green Belt harm**

##### Openness

21. There is no dispute that the two developments would be inappropriate and would result in a loss of openness but this must be tempered by their temporary nature. The land will continue to be Green Belt and will in the future revert to its previous use. Indeed it will return in an improved state due to the planting and ecological works proposed. Whilst there may some impact on the landscape this does not amount to harm. Solar farms are by their nature a rural land use and should not be automatically treated as being out of place in the Green Belt. Other solar farm proposals have been allowed in the Green Belt. The Council has previously allowed one at Haslingfield and one was allowed on appeal in 2014 at Bletchington in Oxfordshire<sup>2</sup>.
22. The proposed mitigation measures are not development and, whilst affecting landscape openness, would not impact on Green Belt openness. In any event the ordnance survey plan of the field in 1950 shows that at that time the appeal site was not one field but three. The site lies within *East Anglian Chalk National Landscape Character* where Council guidance<sup>3</sup> supports small shelter belts and mixed woodland which break up the largest areas of farmland. New and reinforced hedgerows here would not be out of place.

##### Purposes

*Check unrestricted sprawl of large built up areas*

23. The appeal proposals do not constitute a built form typical of a built up area. Green Belt policy was conceived prior to the emergence of solar farms which are an extensive countryside use. They are low rise, temporary and allow

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<sup>1</sup> Document A Tab 19 and document B Tab 10

<sup>2</sup> Documents L and M

<sup>3</sup> Landscapes in New Development SPD. March 2010. Page 41

agricultural production to continue. Whilst there are a number of small buildings associated with the proposals they are not so large or dominant as to constitute a large built up area. They cannot be compared with the form, scale and visual impact of residential and employment development. The proposals cannot therefore be seen as an extension to the built up area.

24. In practice a solar farm on the edge of the village would be likely to discourage further housing development on adjacent land and so the development would act to discourage further sprawl.

*Prevent neighbouring towns merging*

25. It is accepted that this purpose could reasonably be applied to the objective in CS Policy ST/1 of maintaining the physical separation of settlements, in this case Sawston and Babraham. As the crow flies there is some 1.7km between the main built up parts of these villages. Appeal B would not reduce this gap. Appeal A would reduce the gap to about 1.5km. There would still be a perfectly reasonable separation between the villages. Also telling is the fact that the Council has put forward two housing allocations in the emerging LP which would also extend Sawston to the east and reduce the gap by a similar amount<sup>1</sup>. Unlike the appeal proposals the housing would result in a permanent loss of Green Belt. There is no suggestion that the potential merging of the villages was seen as a constraint when these potential housing allocations were selected.
26. In perceptual terms neither of the appeal developments would be easily visible from the Sawston-Babraham road, being screened by an existing hedge. Babraham in particular is not seen from the road until the last minute. From the footpath network to the north there would be no inter-visibility between the two villages. From further away the solar panels, the built up area of Sawston and the Babraham Institute would be in the same view but even here Babraham village itself is not seen. In any event a solar farm is not built development and cannot, by definition, extend the built up area.

*Safeguarding the countryside from encroachment*

27. It is acknowledged that there would be encroachment but it would be limited by the following considerations:
- it would be temporary;
  - the solar panels and the associated subsidiary agricultural use would not be typical of the built form of a settlement and from a distance would appear as another colour in the mosaic of the rural landscape; and
  - from short distances views would be limited to glimpses, with mitigation planting strengthening boundary vegetation which by year 12 would remove any significant visual evidence of encroachment.

***North Farm living conditions***

28. The outlook from the front of the rebuilt house at North Farm faces the eastern arm of the field which would be part of the Appeal A development. There is an intervening paddock/pasture which results in the solar panels being over 100m away. At this distance the effect on outlook would not be overbearing or result in an excessive degree of enclosure. There are already some intervening trees and

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<sup>1</sup> Distances and relationship between uses is well shown in documents D and E

a new hedge would be planted to give further visual protection over time. There would be no significant adverse effect on the living conditions of occupiers.

### ***Other considerations***

29. In the face of continuing evidence of global warming the benefits of the production of energy from renewable sources are axiomatic. Both proposals would produce substantial amounts of electricity, enough in the case of Appeal A to supply some 50% of the new housing need for South Cambridgeshire over the 20 year period of the emerging Local Plan. This must weigh heavily in favour of the proposal and it is notable that the Haslingfield and Bletchington cases referred to above were approved on the basis of a significantly lower energy output than is proposed here.
30. There are other benefits which add support to the proposal
- There would be an estimated 50 jobs during the 14 week construction period and 5 long term local employment opportunities associated with maintenance during the operation of the site. In addition there would be further employment from the agricultural uses. As such the proposal would accord with the economic policies set out in paragraphs 19 and 28 of the NPPF. Not only would there be job creation but the proposed developments would result in an approximate investment of £11.5 million (Appeal B) and £23 million (Appeal A).
  - The field is BMV agricultural land although at the lower end of this classification. However, as recommended in the PPG it would continue to be used for agriculture. Measures proposed and set out in a Vision Statement<sup>1</sup> go beyond the traditional incorporation of sheep grazing and would involve a mix of horticultural and agricultural activities which have been designed and developed in accordance with national guidance<sup>2</sup>. This would involve local land based businesses<sup>3</sup> and support the local economy in accordance with the objectives of the NPPF. It is notable that the Lanyon Solar Park in Cornwall was allowed on appeal<sup>4</sup> partly due to the weight given to the benefits arising from the extensive agricultural uses proposed.
  - A range of biodiversity measures in respect of both applications include hedgerow planting and management of existing hedgerows and new tree planting; creation of a grassland habitat with species rich field margins; measures to encourage corn buntings, barn owls, bats, badgers and small mammals; and the formation of a nature reserve. At the end of the operational period there would be a significant net benefit to the landscape and the ecological quality of the land.
  - The site benefits from an accessible grid connection with adequate capacity to take the electricity loading from the site. Furthermore there are few areas in the East of England with available capacity<sup>5</sup>. Where the network needs reinforcing this takes time, often requires new wayleaves and imposes extra costs. The availability and viability of a connection in this case is a significant benefit.

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<sup>1</sup> Documents A Tab 16 and B Tab 23

<sup>2</sup> Document I

<sup>3</sup> Letters of intent for bee-keeping and sheep grazing in document H

<sup>4</sup> Document U

<sup>5</sup> Document T

## ***Planning balance***

31. The proposal is an exemplar of sustainable development clearly supporting the three pillars of sustainability set out in paragraph 7 of the NPPF. Renewable energy is unquestionably environmentally sustainable and further environmental benefits would accrue from the biodiversity improvements. There would be economic benefits from job creation, financial investment and continued agricultural use. There would be a social gain from the provision of an educational resource for local schoolchildren. The generation of renewable energy on the scale proposed must attract substantial weight. The other benefits would add further significant weight.
32. It is accepted that the policy harm and harm to the openness of the Green Belt taken together should carry substantial weight. There would be some further limited weight from encroachment. However for the reasons set out there would no material effect on the sprawl of large built up areas or on the coalescence/merging of Sawston and Babraham. There would be no adverse effect on living conditions. For a development of this scale there would be surprisingly little other harm. The totality of what harm there is would be clearly outweighed by the benefits of what is a highly sustainable development. In both appeals this strong balance in favour of the proposal would amount to the very special circumstances necessary to justify the development.

## **The case for the Council**

*The material points are*

### ***Green Belt harm***

#### Openness

33. The concept of openness relates to the lack of development or the built form. Large, precision-engineered solar panels and associated buildings, security fencing and CCTV poles would become predominant features of the appeal site, largely obscuring the grass from view. These features are not characteristic of an agricultural rural landscape. For the lifetime of the development the regimented rows of hard surfaced solar panels would be intrusive, utilitarian landscape elements on an industrial scale in the open countryside which would have a significantly harmful effect on the openness of this part of the Cambridge Green Belt.
34. In addition in both appeals the loss of openness would be compounded by the proposed new and infill hedge planting. Whilst technically not development its purpose is to hide the proposed semi-industrial development and in doing so serves to reinforce the loss of openness.
35. Twenty five years is a generation. It is a long time and there should be no reduction in the weight given to Green Belt harm because of its temporary nature. The NPPF says that substantial weight should be given to any Green Belt harm and this is the case in two solar farm appeal decisions at Marksbury<sup>1</sup> and Chorley<sup>2</sup> where there is a finding of substantial harm notwithstanding the temporary nature of the proposal.

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<sup>1</sup> Document B4 (paragraph 22)

<sup>2</sup> Document B3 (paragraph 25)

## Purposes

### *Check unrestricted sprawl of large built up areas*

36. Sawston is the second largest village in South Cambridgeshire with an area of 117 ha, a population of some 7100, over 3000 dwellings, a good range of services and an industrial estate. Whilst not as large as Cambridge it is considered that it comprises a fairly large built up area. The two proposed developments would extend far beyond the settlement edge leading to sprawl to the north of Sawston. Appeal A would effectively increase the geographical area of the village by 40% and Appeal B by 14%, extending its boundaries to the north and north-east. Both appeals would therefore be in conflict with this Green Belt purpose.

### *Prevent neighbouring towns merging*

37. The proposals would reduce the gap between Sawston and Babraham. From the road between the villages the Appeal A development would be seen through the gaps in the eastern boundary hedge extending the village to the north beyond the industrial estate. From the north both developments would be visible filling the landscape between the two villages. It is accepted that it is the Babraham Institute that is seen rather than the village proper. It is also the case that from the Granta valley it is only the edge of Sawston that is seen. Nonetheless even where there is no inter-visibility there would still be the perception that the separating wedge of countryside was being squeezed. There would be a clear conflict with CS Policy ST/1.
38. The proposed housing sites would also cause harm through coalescence although they are less in area than the appeal proposals. At present they are only proposals but the site selection process would have taken into account the Local Plan development strategy which would have to be weighed against Green Belt harm. They may also be distinguished from the appeal proposals in being set against the backcloth of similar development thereby reducing the visual impact.

### *Safeguarding the countryside from encroachment*

39. The developments would be seen from the east and north as a considerable encroachment into the countryside. The Appeal A development would be seen by drivers on the Sawston to Babraham road through the gaps in the eastern hedge and through the hedge itself in winter. It would also be visible along a stretch of the A1307 north-west of Babraham at Copley Hill.
40. The main impact would be on the surrounding footpath network within 1km of the site, particularly the footpath which runs alongside the eastern hedge and the main footpath to the north along the Granta valley. From here the appeal field slopes up to the south and development would be very obvious even after tree/hedge planting proposals take hold. There also are views from some 2km away from the access land at Magog Down from which the full extent of the development would be visible and, from this height, would not be screened.
41. Whilst the mitigating planting proposed is helpful there is no guarantee that it would mature as quickly as is envisaged and even if it did there would be an adverse visual impact for half the 25 year life of the project.

### **North Farm living conditions**

42. Under the Appeal A proposals the solar panels would wrap around the property along the entire length of its eastern and northern boundaries. A football stand and pitches have recently been granted permission on the southern boundary. Views from the front would be affected with clear views of a long edge of development. This is recognised in the LVIA which states: *Given the proximity of the property to the site, this visual receptor will have a high sensitivity to change. From the east of the house there will be a major change in view with the proposals for the site dominating it and therefore the magnitude of change is considered high. The effect of the change would be substantial and therefore significant<sup>1</sup>.*
43. Planting is proposed which would eventually restrict views of the development to first floor windows but this would take several years to mature. It is considered the increased sense of enclosure resulting from the development would have a considerable adverse effect on the outlook of the occupiers of the dwelling contrary to the provisions of DCP Policy DP/3.

### **Other considerations**

44. It is agreed that any proposal for large solar farms generating 14MW and 28MW respectively of much needed renewable energy should be accorded substantial weight. However it is disputed that any significant weight should be given to the additional benefits put forward by the appellants.
45. The construction phase would last for 14 weeks and would have little impact on the local economy. The appellant acknowledges that the five forecast jobs would not be full time and once operational the solar farm would be unmanned and only accessed for occasional maintenance. Any other employment would be dependent on the success of the various agricultural enterprises but there is no evidence that they will come to fruition. They are not secured by a contract or an associated S106 agreement which would come into force once planning permission is granted.
46. In the light of the proposed continuing agricultural use the Council does not object to the use of BMV agricultural land. However this use does no more than neutralise what would otherwise be a net loss of agricultural production.
47. The landscape proposals have been developed in order to screen development and in practice result in a less open landscape. Nonetheless, it is accepted that the landscape mitigation and ecological proposals were developed in conjunction with, and ultimately the support of, the relevant Council officers. Once the solar panels are removed at the end of the 25 years, it is agreed that there would be a small ecological benefit from the planting that has taken place. Whilst the nature reserve would be part of this ecological benefit there is no information as to how it would be managed for educational use.
48. The benefits of a connection to the grid are noted but this is one of many development constraints that a developer has to take into account and should not be afforded weight.

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<sup>1</sup> Document A Tab 19 paragraph 6.3.3

### ***Planning balance***

49. The harm from inappropriate development attracts substantial weight. To this should be added further substantial harm from loss of openness, from urban sprawl, from coalescence and from encroachment. Whilst the contribution to renewable energy and the effects of global warming would be substantial, the economic and ecological benefits would be limited. No weight should be attached to agricultural use, educational use or to the availability of a grid connection. These other considerations do not clearly outweigh the identified harm to the Green Belt and they cannot therefore amount to very special circumstances.

### **Third party representations**

#### *Sawston Parish Council*

50. The Parish Council objects to development taking place within the Green Belt particularly intruding into the limited gap between Sawston and Babraham. The appeal site is close to a number of footpaths and to the public amenity land controlled by the Magog Trust. From these locations the solar panels would be readily visible as an intrusion into unspoilt countryside. The footpaths are enormously important to local people and well used so that there would be a significant deleterious effect on countryside recreational activity.
51. There are very few solar farms in the Green Belt. Not all of South Cambridgeshire is in the Green Belt and most current examples of solar farm development are in non-Green Belt locations. There is also a concern that the proposal would result in the loss of very high grade agricultural land.
52. In terms of an educational resource the Parish Council note that the nature reserve would not be open to the general public. It offers the practical thought that school timetabling would be likely to demand that any out of school destination would need to be readily accessible with a coach parking/turning area.

### **Written Representations**

53. The two applications between them attracted a limited response of some 30 letters from members of the public, the majority of which were in support of the proposal. The objectors included the occupiers of North Farm. Babraham Parish Council objected on similar grounds to Sawston Parish Council.

## **Inspector's Conclusions**

*References are made, where appropriate, to sources of material in earlier parts of the report by indicating the relevant paragraph number thus: [ ]*

### **Main considerations**

54. Given agreement that the proposal would be inappropriate development in the Green Belt I consider the main issues are:
- The effect of the proposal on the openness of the Green Belt and on its purposes having particular regard to its role in preventing the coalescence of the settlements of Sawston and Babraham.
  - The effect on the outlook of the occupiers of North Farm House (Appeal A only).
  - Whether there are other considerations which give support to the proposal including those associated with the production of renewable energy and associated job creation and environmental enhancements.
  - Whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### **Impact on the Green Belt**

#### Openness

55. Both appeals are for large developments covering an extensive area of the Green Belt which is currently open agricultural land notable for its lack of development. I accept that a solar farm is a form of development that is different from permanent buildings and that, in theory at least, the openness of the Green Belt could be restored after 25 years [21]. However this is such a long period of time that for a generation of local people it might as well be permanent so that in terms of the weight to be applied to the harm to openness there is little distinction to be made [35].
56. The Council argues that the introduction of further planting would in itself reduce openness. In landscape terms this is so but Green Belt openness is simply about the absence of development and is not concerned with landscape quality and the Council confuses the two. Furthermore openness is not a matter of appearance. There is some dispute as to the effectiveness of the existing and proposed vegetation in helping to screen the development. This is considered elsewhere but it is not helpful in assessing loss of openness [22][34].
57. Having regard to the scale of the two developments I consider for Appeal A the adverse effect on openness would be very significant and for Appeal B it would be significant.

#### Green Belt purposes

##### *Check unrestricted sprawl of large built up areas*

58. One of the purposes of the Cambridge Green Belt described in CS Policy ST/1 is to preserve its unique character *as a compact, dynamic city with a thriving historic core*. The key to this must be resisting the extension of the boundary of the built up area of the city itself. The appeal proposals would have no effect on

this objective. Whilst the proposals would be attached to and extend beyond the built up area of Sawston I do not accept the argument that the village of Sawston can reasonably be described as a large built up area [36]. I find that the proposed developments would not affect this purpose.

*Prevent neighbouring towns merging*

59. There is a limited gap of countryside between Sawston and Babraham. Appeal A would physically extend the built up area of Sawston into this gap. Travelling along the road between the villages the eastern edge of the solar farm would be visible. On the other hand Appeal B would not reduce the gap and would not be seen from the road [25].
60. Babraham has a well wooded and enclosed setting and is not seen from nearby in the same views as Sawston. However from the longer distance viewpoint on Magog Down both developments would be clearly seen infilling the countryside between the Dales Manor Business Park on the edge of Sawston and the Babraham Institute. Whilst the Institute is not within the village framework boundary in the Local Plan, it is nonetheless an integral part of the village both physically and functionally.
61. Solar farms are extensive moveable structures not normally found within the built up area of a village and as such may be distinguished from permanent built development. However the two appeal proposals are, by definition, development which is inappropriate in the Green Belt, and in circumstances where they are situated between the two villages, would result in a loss of intervening countryside in the same way as would be the case with a housing development [26] [37]. I find that Appeal A would conflict significantly with this Green Belt purpose and with the provisions of CS Policy ST/1. On the other hand there would be only a limited effect from the Appeal B development.
62. The proposed housing allocations would be no less harmful to this Green Belt purpose than the appeal proposals. However they must be seen in the context of the emerging Local Plan development strategy, selection process for housing sites and Green Belt review<sup>1</sup>. They are not a reason to give less weight to the harm the appeal proposals cause through coalescence [25] [38].

*Safeguarding the countryside from encroachment*

63. Both developments would significantly affect the appearance and character of the countryside to the north of Sawston as the LVIA acknowledges. The appeal field is not flat but slopes down to the north to the River Granta and also forms a low dome [6]. Consequently in views from the valley footpath/bridleway the rows of solar panels would be on rising ground. They would be angled to the south so the views would be of the back of the rows and from some locations would form a jagged skyline. The boundary of the Appeal B development would be close to the highest part of the field and would form a harsh edge against the sky. From Magog Downs the individual panels would not be so obvious but the rear view of geometric rows of glazing would be intrusive. The Appeal A development would also be clearly seen from the footpath along the eastern boundary of the field.
64. The appellant has sought to mitigate the visual impact with planting. From the east and from close quarters to the north this would be increasingly effective

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<sup>1</sup> Matters that were not before the Hearing

over time, becoming fully effective at the latest after 12 years. However from much of area to the north and from Magog Downs the developments would be visible above the proposed valley shelter belt/hedge planting [27] [40].

65. It is agreed that the landscape would revert to open countryside after 25 years and that the mitigation planting would, once the site is restored, result in a modest landscape gain. Even so I find in both appeals that there would be a considerable encroachment of development into the countryside which would have significant adverse landscape and visual effects. In coming to this conclusion I have been particularly influenced by the considerable recreational use made of the Granta valley footpath network and the public access area of Magog Downs. Given these nearby public uses the harmful sense of encroachment is compounded by the open setting of the field sloping gently above the valley floodplain. I consider for both developments significant weight should be given to the harm caused by encroachment into the countryside.

### ***North Farm living conditions***

66. I can understand the concern of the occupiers that if the Appeal A proposals were to go ahead then the Green Belt surrounding their property on three sides would be developed. However, whilst the visual change would be significant, the planning system does not seek to protect private views unless those views are so altered as to result in unacceptable living conditions.
67. This would not be the case here. The front windows are a considerable distance from the appeal site and the impact would be further reduced by the provision of a hedge along the boundary. I also noticed on my site visit that the house is set down on the site and within front and back gardens screened by good hedges. I find that there would be little adverse impact on outlook [28] [41].

### ***Other harm***

68. The NPPF requires planning decisions to take account of the economic and other benefits of BMV land and, where significant development of agricultural land is demonstrated to be necessary, then poorer quality land should be used in preference to that of a higher quality. The March 2015 WMS indicates that any proposal for a solar farm involving the use of BMV land would need to be justified by the most compelling evidence [16].
69. The appellant argues that in these appeals the land would continue to be used productively for an intensive mix of agricultural activities so that there would be no loss of food production. It is put forward as an approach that is innovative and goes far beyond that traditionally employed in solar farm developments and as such would amount to compelling evidence which would satisfy the provisions of the WMS [30]. The Council does not dispute this position and does not raise it as a reason for refusal [20c].
70. I do not doubt that there is a genuine intention to utilise the land as set out in the applications but there is no certainty that it would be possible to realise the proposals. Neither the land owner nor the appellant are farmers. There is no evidence of third party interest in fruit growing or poultry. Even if the proposals are accepted at face value there is also a requirement to show that less valuable agricultural land is not available elsewhere. I am not persuaded that there is the

most compelling evidence that BMV land should be used. This consideration also weighs against the proposal.

### ***Other considerations***

71. There is an undisputed ongoing need to develop renewable energy sources, to reduce CO<sup>2</sup> emissions and to thus combat global warming. This is Government policy and is reflected in the NPPF and the development plan. Having regard to the scale of the proposals substantial weight should be given to the contribution they would make to national renewable energy targets.
72. There are a number of other factors that are put forward in support of the proposals.
73. Construction jobs, although significant numerically, would only be for a 12 week period. Five long term operational jobs would not be full time. The investment of up to £23 million would be very significant but the net benefits to the economy are uncertain given the public funding that supports the project and the lack of information on how much of the money is spent or stays in the UK. Nonetheless some moderate weight attaches to the economic activity associated with the projects.
74. The use of BMV agricultural land would normally count against the proposals. The appellant argues and the Council does not dispute that the land will remain in production and that therefore paragraph 112 of the NPPF does not apply. At the very best the continuing agricultural use might be considered to offset the loss of the normal productivity of the land [30] [45]. As indicated above I have a concern that the vision document represents an admirable aspiration but that it is short on clarity as to how it would be delivered [70]. I find little favourable weight should be attached to the proposed agricultural uses.
75. The appellant has taken advantage of the opportunities a solar farm development offers to provide ecological benefits particularly in relation to grassland, hedgerows and field edge habitats and in supporting endangered species [30] [47]. I consider this, and setting aside and improving land as a nature reserve, should attract moderate weight. However I am not persuaded that these measures would become an educational resource because they are not open to the public and because, in the case of the nature reserve, it is not accessible and there are no management arrangements in place [52].
76. A connection to the national grid is an essential site requirement and the availability of a connection in a part of the network with capacity to accept the output is of assistance to the appellant but it does not bring a public benefit and adds no weight to the planning case for the proposals [30].

### ***Conditions***

77. The Council submitted suggested conditions<sup>1</sup> which formed the basis of a discussion at the hearing. For both appeals there would be a need for a standard commencement condition and for one listing the approved plans. It was agreed that, as the development would be time limited, a reinstatement condition would be necessary. Further details of landscaping and ecological works would be required to address future maintenance. Surface water drainage, including a

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<sup>1</sup> Document D1

SuDS scheme, should be designed so as not to increase the rate of run-off from the site as recommended by the Environment Agency and in accordance with the flood risk assessment that accompanied the application.

78. An archaeological investigation has shown that piled supports should be avoided in the central portion of the field and it sets out an appropriate alternative design. Details of the access track are set out in the traffic management plan and details of the construction phase are set out in a method statement. Conditions would be needed to tie the development to these submitted details. Any future lighting should also be controlled.
79. Whilst the Vision Statement describes the potential of the land for a variety of agricultural production, it lacks details of how, when and by whom it would be achieved. More detail would be needed and should be secured by a pre-commencement condition. In view of the uncertainty over the form of agricultural uses a condition would be needed to control agricultural permitted development.
80. Should either appeal be allowed and planning permission granted the suggested conditions are set out in the Appendix to this report.

### ***Planning balance and final conclusions***

81. Considering in the first place Appeal B, the smaller of the proposals, then substantial weight must be given to the harm caused by inappropriate development in the Green Belt and further significant weight to the impact on openness and on encroachment into the countryside. The harm associated with Appeal A would be rather greater because it would have a very significant impact on openness and cause further significant harm by intruding into the narrow undeveloped gap between Sawston and Babraham. The use of BMV land would also weigh against the proposals.
82. Set against this harm substantial weight should be given to the production of renewable energy and the consequent reduction in greenhouse gas emissions. There would be further moderate benefits arising from the provision of local employment and improvements to bio-diversity. I also find in favour of the appellant in relation to living conditions. However on balance I find that these other considerations do not clearly outweigh the harm identified to the Green Belt in relation to both Appeal A and Appeal B. Very special circumstances therefore do not exist. If harm from the non-disputed use of BMV is taken into account then the balance lies even more against the proposals.
83. The proposals would therefore be contrary to DCP Policy GB/1 and, in as much as the rural quality of the landscape is harmed through encroachment, to CS Policy ST/1. Appeal A would also conflict with CS Policy ST/1 because of harm through coalescence.
84. The proposals would not deliver a sustainable development. National Green Belt policy makes an important contribution to the environmental pillar of sustainability. The NPPF says that it is its policies taken as a whole that constitute what sustainable development means in practice for the planning system<sup>1</sup>. In this instance there is clear harm to the openness of the Green Belt and to its purposes that would not be justified by very special circumstances.

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<sup>1</sup> NPPF paragraph 6

The proposed developments would therefore be contrary to the provisions of NPPF paragraph 87. Since the impacts of the developments are not acceptable and cannot be made acceptable paragraph 98 of the NPPF indicates that the appeals should be dismissed.

### **Recommendation**

85. I recommend that Appeal A for the installation of a 28MW solar farm and Appeal B for the installation of a 14MW solar farm and associated development both be dismissed. In the event that the Secretary of State disagrees with me, I recommend that any permission granted for either Appeal A or Appeal B be subject to the conditions in the Appendix below.

*Bern Hellier*

INSPECTOR

### **APPENDIX**

#### **SUGGESTED CONDITIONS IF PLANNING PERMISSION IS GRANTED**

##### **APPEAL A**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PVF-CB2-15A (site location); PVF-CB2-02C (site layout); PVF-CB2-07 (mini sub-station); PVF-CB2-08 (control building); PVF-CB2-09 (customer building); PVF-CB2-10 (inverter transformer building); PVF-CB2-11B (site layout at A1); PVF-CB2-12A (site block plan A); PVF-CB2-13A (site block plan B); PVF-CB2-14A (site block plan C); PVF-CB2-17A (planning boundaries); PVF-CB2-18 (filter trenches); PVF-CB2-19A (standard details); PVF-CB2-22B (connection details); PVF-CB2-27 and 28 (culvert details); JNY8435-01 (visibility splay); 1:1250 plan of area of archaeological sensitivity; ground mounted solar panel PvMax3; 32004 (landscape planting and biodiversity scheme) dated 2 April 2015.
3. This permission shall expire after 25 years following the date that energy production commences. The local planning authority shall be notified of such date in writing not later than one month from the event taking place. Within 12 months of the end of the 25 year period, or if the solar array ceases to be operational for a continuous period of 6 months at any time prior to this, the solar array and its associated infrastructure shall be removed from the site and the land reinstated to a condition that has been first agreed in writing by the local planning authority.
4. Development shall not commence until a final biodiversity/landscaping management plan has been submitted to and approved in writing by the local planning authority. The plan shall be based on amended drawing 32005 and shall be implemented as approved.
5. All planting and seeding comprised in the approved landscaping details shall be carried out prior to construction or in accordance with a programme agreed in writing with the local planning authority and any trees or plants which within a

- period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
6. The development shall be designed and carried out in accordance with details set out in Section 6 of the Flood Risk Assessment (ref. 1278/RE/05-14/01 Rev A) and all on-site drainage and SUDS elements shall be maintained in accordance with the drainage inspection checklist in the Drainage Management Plan (ref.CB2/DM1 dated 9 October 2014). The scheme shall be implemented in accordance with the approved details before the development becomes operational.
  7. Construction work shall be carried out in accordance with the archaeological mitigation strategy set out in Section 2.2 of the Archaeological Trial Trench Evaluation dated October 2014.
  8. The development shall be carried out in accordance with the details set out in the Traffic Management Plan dated 25 June 2014. No materials shall be brought onto the site until the access track has been constructed.
  9. Development shall not commence until details of the implementation, future management and commencement dates for the proposed agricultural uses in accordance with the Vision Statement dated October 2014 have been submitted to and approved in writing by the local planning authority. The uses shall be implemented, commenced and managed in accordance with the approved details.
  10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Class A of Part 6 to Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the local planning authority.
  11. No external lighting shall be installed on the site unless details of such lighting has been submitted to and approved in writing by the local planning authority.
  12. The construction phase of development, including hours of working, shall be carried out in accordance with the amended Construction Methodology Plan dated 2 October 2014.

## **APPEAL B**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PVF-CB2-102 (site layout); PVF-CB2-08 (control building); PVF-CB2-09 (customer building); PVF-CB2-110 (transformer building); PVF-CB2-111 (site layout at A1); PVF-CB2-112 (site block plan A); PVF-CB2-113A (site block plan B); PVF-CB2-114 (site block plan C); PVF-CB2-115 (site location plan); PVF-CB2-17A (planning boundaries); PVF-CB2-118 (filter trenches); PVF-CB2-119 (standard details); 444-CV-06 (switch room); PVF-CB2-22B (connection details); PVF-CB2-27 and 28 (culvert details); JNY8435-01 (visibility splay); 1:1250 plan of area of archaeological sensitivity; ground mounted solar panel PvMax3; 32005 (landscape planting and biodiversity scheme) dated 2 April 2015.

3. This permission shall expire after 25 years following the date that energy production commences. The local planning authority shall be notified of such date in writing not later than one month from the event taking place. Within 12 months of the end of the 25 year period, or if the solar array ceases to be operational for a continuous period of 6 months at any time prior to this, the solar array and its associated infrastructure shall be removed from the site and the land reinstated to a condition that has been first agreed in writing by the local planning authority.
4. Development shall not commence until a final biodiversity/landscaping management plan has been submitted to and approved in writing by the local planning authority. The plan shall be based on amended drawing 32004 and shall be implemented as approved.
5. All planting and seeding comprised in the approved landscaping details shall be carried out prior to construction or in accordance with a programme agreed+ in writing with the local planning authority and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
6. The development shall be designed and carried out in accordance with details set out in Section 6 of the Flood Risk Assessment (ref. 1278/RE/05-14/01 Rev A) and all on-site drainage and SUDS elements shall be maintained in accordance with the drainage inspection checklist in the Drainage Management Plan (ref.CB2/DM1 dated 9 October 2014). The scheme shall be implemented in accordance with the approved details before the development becomes operational.
7. Construction work shall be carried out in accordance with the archaeological mitigation strategy set out in Section 2.2 of the Archaeological Trial Trench Evaluation dated October 2014.
8. The development shall be carried out in accordance with the details set out in the Traffic Management Plan dated 25 June 2014. No materials shall be brought onto the site until the access track has been constructed.
9. Development shall not commence until details of the implementation, future management and commencement dates for the proposed agricultural uses in accordance with the Vision Statement dated October 2014 have been submitted to and approved in writing by the local planning authority. The uses shall be implemented, commenced and managed in accordance with the approved details.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Class A of Part 6 to Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the local planning authority.
11. No external lighting shall be installed on the site unless details of such lighting has been submitted to and approved in writing by the local planning authority.
12. The construction phase of development, including hours of working, shall be carried out in accordance with the amended Construction Methodology Plan dated 2 October 2014.

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Christopher Boyle	of Counsel
Mr Luke Simpson	Senior Planner (RPS Group)
Mrs Jacqui Jobbins	Landscape Architect (Greenlight Environmental Consultancy)
Mr Etienne Swarts	Ecologist (Greenlight Environmental Consultancy)

### FOR THE LOCAL PLANNING AUTHORITY:

Mrs Sarah Ballantyne-Way	Planning Consultant (SBW Planning)
Mr David Huskisson	Landscape Architect (David Huskisson Associates)

### INTERESTED PERSONS:

Mr David Bard	Sawston Parish Council
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## **DOCUMENTS**

### **A. Submitted with Statement of Case for the appellant**

A	Volume 1 Appeal A submission documents (A4) Tabs 1-24
A	Volume 2 Appeal A submission documents (A3) Tabs 25-45
B	Volume 1 Appeal B submission documents (A4) Tabs 1-27
B	Volume 2 Appeal B submission documents (A3) Tabs 28-46
C	Landscape and Visual Resources Statement
C	Landscape and Visual Resources Figures and Appendices
D	Village Framework, Babraham Institute and proposed development boundaries
E	Approved and proposed development adjacent to the appeal site
F	Babraham Institute application
G	Football ground application
H	Letters of intent for agriculture purposes
I	BRE: Agricultural Best Practice for Solar Developments 2014
J	Objection from North Farm September 2014
K	Objection from North Farm November 2014
L	Appeal decision APP/C3105/A/13/2207532 Bletchington, Oxfordshire
M	Planning permission S/0154/11 Cantelupe Farm, Haslingfield
N	Landscape Officer response to Appeal B application
O	North Farm planning applications
P	North Farm sight lines
Q	Appeal decision APP/Q3060/A/13/2200191 Woollaton, Nottingham
R	Appeal decision APP/R0660/A/14/2211721 Willaston, Cheshire
S	Grid connection details
T	Distributor Network Operator Grid Capacity Map
U	Appeal decision APP/D0840/A/14/2213745 Lanyon Farm, Hayle, Cornwall
V	West Berkshire and another v DCLG [2015] EWHC 2222 (Admin)
W	R (Basildon District Council) v First Secretary of State and Temple [2004] EWHC (Admin)

**B. Submitted with the Statement of Case for the Council**

- B1 Appeal decision APP/Y3615/A/14/2212923 Eashing Farm, Godalming
- B2 Appeal decision APP/C3620/W/14/3002006 Beare Green, Surrey
- B3 Appeal decision APP/D2320/A/14/2222025 Heapey., Chorley, Lancashire
- B4 Appeal decision APP/F0114/A/13/2198715 Wilmington Farm, Marksbury, Bath
- B5 South Cambridgeshire District Council Services and Facilities Study 2014
- B6 Plan showing appeal site contours
- B7 Letter from the Planning Inspectorate re Local Plan Examination dated 20 May 2015
- B8 Council response to Planning Inspectorate dated 30 June 2015
- B9 Draft planning conditions (Appeal A)
- B10 Draft planning conditions (Appeal B)

**C. Other documents**

- C1 Statement of Common Ground
- C2 Core Strategy DPD Policy ST/1
- C3 Development Control Policies DPD Policies GB/1, DP/3, NE/2
- C4 1950 6" to a mile Ordnance Survey map of appeal site
- C5 Appeal Hearing notification letter



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

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

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

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

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

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

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

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

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

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

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

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

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

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