

PLANNING COMMITTEE

Monday 31 July 2023

Present:-

Councillor Paul Knott (Chair)

Councillors Asvachin, Bennett, Jobson, Ketchin, Miller, Mitchell, M, Sheridan, Warwick and Williams, M.

Also Present

Service Lead City Development, Principal Project Manager (Development) (HS), Planning Solicitor and Democratic Services Officer (HB)

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MINUTES

The minutes of the meetings held on 12 and 19 June 2023 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 23/0321/FUL - LAND ON THE WEST SIDE OF BELLE VUE ROAD, EXETER

The Principal Project Manager (Development Management) (HS) presented the application for the erection of a fixed ground mounted Solar Photovoltaic array with an expected capacity of no less than 1.07MWp of generating capacity, a transformer substation, cable run, associated access, fencing, biodiversity measures and ancillary works.

The Principal Project Manager (Development Management) (HS) described the location of the site through a site plan, an aerial view, photos of different views, including those from across the city, landscape and biodiversity enhancements, an illustrative site layout plan and drawings of site sections and construction details, the report also setting out the following key elements:-

- the principle of development;
- scale, design, impact on character and appearance;
- impact on residential amenity;
- access;
- wildlife, ecology and biodiversity;
- impact on landscape setting of the city and the Duryard Valley Park; and
- net zero and renewable energy generation.

The Principal Project Manager (Development Management) (HS) provided further detail of the application:-

- the site comprised a field sloping down towards the south and west where it is bounded by established treed landscape. The proposed development would extend to two to three hectares with one hectare being the solar array. The remainder of the application site was required to accommodate the construction of a temporary access track and associated landscaping as well as biodiversity mitigation and enhancement measures;
- the angles of the solar panels would vary, being 10 degrees at the top of the site and 30 degrees at the bottom;
- the site fell within the Duryard Valley Park and was designated a Site of Nature Conservation Importance and County Wildlife Site. The site of the solar array was Grade 3 agricultural land;
- a temporary construction access with a crossing of the brook was also proposed with a construction compound on an existing University Duryard Residences hardstanding car park; and
- the applicant had confirmed that permission for the temporary construction access had been agreed with Avanti Hall School (Thomas Hall) which would involve a construction access route that was less harmful to the landscape and tree belt. Approval of details of the construction access would be secured by condition.

The Principal Project Manager (Development Management) (HS) drew Members attention to the update sheet and that the revised construction access would be included in the presentation slides. He also advised that a further objection had been received regarding urbanising impact, recovery time for temporary access, impact on County Wildlife Site, alternative sites, Policy EN6 and consultations.

In conclusion, the Principal Project Manager (Development Management) (HS) advised that the harms identified through landscape impact on the setting of the city and the rural character and appearance of the Duryard Valley Park meant that the scheme conflicted with Policies L1 and LS1 of the Exeter Local Plan First Review. However, substantial weight was given to the benefits of the scheme in terms of renewable energy generation, and it was therefore considered that it complied with Policy EN6. On balance, it was therefore concluded that the benefits of the scheme in terms of renewable energy generation outweighed the visual and landscape harm and harm to the Duryard Valley Park, and the proposal was therefore considered to be in conformity with the development plan taken as a whole.

The application was recommended for approval, subject to the conditions set out in the report.

The Principal Project Manager (Development Management) (HS), in response to Members' queries, advised that:-

- the site was identified in the application as Grade 3 agricultural land and that, on a precautionary basis, it should be regard as Grade 3a;
- whilst the area was private and not public open space, it was used informally and a formalised access would be provided enabling public access to the retained open space;
- there was no record of the site being contaminated or a landfill site; and
- the proposed landscaping and biodiversity enhancement scheme would enhance that part of the existing degraded area of the site and, together with tree planting, would enhance the biodiversity value of the area.

Councillor Pearce, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- the value of a solar array in general was not disputed but it was a question of balance and the loss of amenity to the local population greatly outweighed the benefits of renewable energy;

- the University should follow the example of the City Council in providing solar panels on its buildings and car parks;
- it was unclear whether the Grade 3 agricultural land was defined as either 3a or 3b. The former was defined as high quality and was therefore more appropriate for agriculture rather than solar panels. There was also uncertainty as to whether the site was contaminated;
- whilst it was laudable that the University had formalised the access provision and would provide an access construction route that was less harmful to the landscape and tree belt, the loss of amenity remained greater than solar energy provision. Furthermore, the formalised access was an access only and access to a larger area was still not available;
- the land was an important green lung both on the edge of the city and not a great distance from the city centre; and
- the new Local Plan and supplementary planning documents on renewable energy were yet to be adopted and, if permitted, the application would set an unacceptable precedent.

He responded as follows to Members' queries:-

- there were other options of providing a similar amount of energy such as a solar panel canopy over some 1,000 car parking spaces;
- the loss of the open space would impact on visual amenity; and
- because of restricted access, residents would look to cars for transport to schools etc. which was counter to carbon reduction through clean energy generation.

Joanna Chamberlain, Director of Sustainability at the University of Exeter, speaking in support of the application, raised the following points:-

- permission is sought to deliver a scheme that aligns with National and Local energy policies and provides community and environmental benefits;
- as a source of renewable energy, solar power has a vital role to play in mitigating the climate crisis by reducing reliance on fossil fuels and associated carbon emissions, providing energy security and meeting energy demands;
- the University is a contributor to the Net Zero Exeter 2030 Plan and is working on reducing its own carbon footprint and were collaborating with the Council and other local organisations towards the collective goal of a Net Zero Exeter;
- this application, for over 1 MW generating capacity, would be the second ground mounted PV installation within Exeter and would contribute to this challenging target;
- the University has 1.36MW of building mounted PV across 12 buildings on its campuses, with plans to expand this by a further 2-3 MW on suitable buildings over the next three to five years. PV arrays are currently being installed on three additional buildings and all new buildings have PV installations as standard;
- the proposal will achieve a biodiversity net gain in excess of the forthcoming national requirements through additional landscaping and planting of wildflower meadows and reinstated orchard;
- the community involvement in this application has taken place through in person meetings and online;
- the University is content to provide a permissive pedestrian route as shown;
- panels closest to the dwellings along the northern boundary are to be tilted at a lesser (10 degrees) angle to improve visual amenity;
- an access licence has been agreed with Thomas Hall School so that the installation will no longer need to create a new stream crossing; and
- if the development is approved work will commence in the autumn.

She responded as follows to Members' queries:-

- the solar panels would deliver 3% of the electricity needs of the campus;
- there had been significant progress since the inception of the University's 2012 Building De-carbonisation Master Plan. There was an evolving programme to increase renewable energy following a carbon hierarchy including a reduction in energy production through reducing reliance on electricity and gas, lighting improvements, introducing heat pumps, fabric upgrades, reducing the intensity of electric use, improved construction methods, refurbishments and policies around equipment use and IT. There was also a wind turbine project being examined for its Penryn campus;
- the public were able to access Hoopern Valley but not this site;
- solar panels had not been provided on the East Park student accommodation site;
- the University was seeking to both introduce solar panels on this site and provide panels elsewhere on campus for example on Car Park B. There were no panels currently on Car Park D as it was a development site; and
- the proposal would include over 10% net biodiversity gain which could be more after an analyses of the new construction access.

Members made the following comments:-

- there are two conflicting issues - the development of solar farms to move away from fossil fuel and the current proposal;
- the policy should be 'roof spaces before green space' for PV developments. The University application however does not follow on from the maximisation of suitable roof spaces, instead this application runs in tandem;
- the report suggests a balanced approach yet numerous issues have been raised against this development by outside bodies and local residents.
- the on balance in favour approach related to Local Plan EN6 allowing renewable energy development;
- the issues raised by the objectors relate to all the core issues identified in a recent House of Commons Debate Pack from the House of Commons Library dated 18 July 2022 on Planning and solar farms and a debate pack dated 7 June 2022 - Planning for solar farms and battery storage solutions;
- with regard to the impact on local amenity and landscape, the need for renewable energy does not automatically override environment protection;
- the siting, size, colour and design of solar panel systems are all important considerations as is the visual impact of solar farms, in particular their impact on the local landscape in terms of glint/glare;
- there are no hard and fast rules for Local Planning Authorities (LPA's) to identify suitable sites but LPA's should take into account the potential impacts of solar farms on the local environment;
- the Council is re drafting the Local Plan and National Planning policy is also being currently updated. All references in the literature implies solar farm developments whether large or small are taking place on existing agricultural land in a rural setting not on semi green field park land within a city environment.;
- the University of Exeter earlier this month submitted a document to the Planning Member Working Group regarding – A Non-technical Overview of Energy and Carbon Standards for New Buildings – para 26 covered Ground mounted PV -*Emerging evidence suggests that Exeter does have some*

*potential for ground mounted solar arrays (Wind and PV report, SWEEG 2023)
A criteria-based policy, indicating where ground mounted PV could be acceptable would help direct potential developers to the most appropriate areas.
A ground mounted PV policy could be considered;*

- how many other sites did the University consider before selecting this one? Their Building Decarbonisation Master Plan dated December 2021 refers only to a possible site in Duryard. This site couldn't be any closer to local residents and further away from University buildings.
- local residents are concerned about the siting of this solar farm and the setting of a precedent in relation to proximity of such farms to large scale housing;
- there are potential safety and security issues relating to this development;
- there are concerns about the wildlife, ecology and biodiversity impact of this development and no trees should be harmed if this development goes ahead;
- the development impacts negatively on the landscape quality and the character of the area;
- if agreed, conditions should state what happens at the end life of this equipment.
- the site and its infrastructure will need ongoing maintenance and safety checks which will require permanent road access;
- as well as providing solar powered energy the impact on wildlife is potentially neutral. Solar panels have a life cycle of approximately 25 years after which the land would revert to its natural state. A condition could be added to preserve wildlife. The provision of solar panels on other buildings, as well as the use of a green field site, are not mutually exclusive;
- greater weight should be given to the provision of renewable energy;
- the proposal conflicts with Policies L1 and LS1 and fails to justify that the need outweighs harm. There had been no solar panel provision on the East Park development and, until solar panels are provided on campus buildings and car parks, there is no identifiable need for developing a green field site. There is potential harm to the biodiversity of the site and there will be long term harm to the local amenity; and
- the proposal goes against Council policies of protecting green spaces and encouraging rewilding and biodiversity.

The Principal Project Manager (Development Management) (HS) responding to further queries raised by Members, advised that:-

- the definition of Grade 3a Agricultural Land did not mean it could not be developed on but would be given more weight as an area of greater value for agricultural quality. It was however a small area of land, steeply sloping and, in that way, of limited agricultural use;
- there was no evidence or record that it was contaminated or had been land fill. It was a steep hill in an apparently natural land form with no evidence that it had been worked in such a way;
- glint and glare had been taken into consideration and there had been no objection from Exeter Airport who had no safeguarding concerns. There would be some glint/glare towards houses but one of the factors that reduced glare was the angles of the panels and that not all were in the same alignment which reduced problems of glare;
- the nature of energy requirements at the end life of these panels could not be anticipated and there was a condition requiring the return to its original form on the cessation of the use of the panels;
- the panels were off the ground presenting opportunities for animals; and
- there was opportunities for enhancements across a wider area than the panels themselves; and

- stock fencing of an agricultural nature was proposed and can be secured by condition and not therefore of high security tight mesh design.

The Principal Project Manager (Development Management) (HS) responding to further Member queries, advised that:-

- responding to the reference in the National Planning Policy Supplementary Planning Guidance that poorer rather than quality agricultural land should be used and the lack of clarity as to whether the land was Grade 3a or 3b, it was not known if the University had undertaken an analyses of other agricultural sites suitable for solar panels. The advice was that poorer land should be examined first and that, in this case, it was a small area of sloping land that had not been in active agricultural use;
- there was no prohibition of solar panels being close to houses but issues of noise from a transformer and glint and glare were important considerations in determining the application; and
- there were studies on glint and glare and Exeter Airport had no objections.

The Principal Project Manager (Development Management) (HS) summarised the application and the debate.

The recommendation was moved, seconded, voted upon and CARRIED.

RESOLVED that the application for planning permission the erection of a fixed ground mounted Solar Photovoltaic array with an expected capacity of no less than 1.07MWp of generating capacity, a transformer substation, cable run, associated access, fencing, biodiversity measures and ancillary works be **APPROVED**, subject to the conditions as set out in the report with condition 11 amended to clarify the nature of the boundary fencing.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 6.40 pm)

Chair