

DELEGATED DECISION REPORT

APPLICATION NUMBER

213114

The Old Quarry, Almeley Road, Eardisley, Hereford, HR3 6PR

CASE OFFICER: Miss Amber Morris

DATE OF SITE VISIT: 28/09/2021

**Relevant Development
Plan Policies:**

Herefordshire Local Plan – Core Strategy (CS) Policies:

SS1 Presumption in favour of sustainable development

SS6 Environmental quality and local distinctiveness

LD1 Landscape and townscape

SD1 Sustainable design and energy efficiency

SD2 Renewable and low carbon energy

Almeley Neighbourhood Development Plan (NDP):

NDP made 28th June 2019

ALM1 Promoting Sustainable Development

ALM5 Design

ALM6 Sustainable Design

National Planning Policy Framework (NPPF):

Chapter 2 Achieving sustainable development

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Relevant Site History: **None relevant**

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Environmental Health (contamination)	X		X		
PROW	X		X		
Forestry Commission	X	X			
Site Notice	X	X			
Ward Councillor	X	X			

PLANNING OFFICER'S APPRAISAL:Site description and proposal:

The application relates to a large detached dwelling north of Almeley Road approximately 1000 metres north-west of Eardisley. The proposal is for the installation of a low-profile ground solar array consisting of 18 panels in landscape format, to supply 6.5 kWp for domestic consumption. The solar array will be sited on the south side of the property, along two existing terraced strips of grass. The solar panels will be all-black and mounted on ground-level retaining bins such that maximum elevation above grass level is 42 cms.

Representations:

Parish Council – Support application

Environmental Health (contamination) – No comment

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

Although our records indicate a potentially filled quarry nearby, the proposed development does not encroach this. As such, and with consideration of what's proposed, I've no comments to make.

PROW – No objection

Forestry Commission – No response

Site Notice – No response

Ward Councillor – Updated via email on 25th January 2022. No response received.

Pre-application discussion:

None sought

Constraints:

U90418
Grade II listed building nearby
Contaminated land
SSSI impact zone
NE priority habitat adjacent
SWS nearby
Unregistered historic park and gardens nearby
Ancient Woodland & Ancient Tree nearby
DMMO m433 adjacent

Appraisal:

Policy context and Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the ‘made’ Almeley Neighbourhood Development Plan (NDP). At this time the policies in the NDP can be afforded weight as set out in paragraph 48 of the National Planning Policy Framework, which itself is a significant material consideration.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

This application in this case seek permission for a ground mounted solar array to support an established poultry operation. The application is therefore to be assessed with regards to the renewable energy and rural economy policies of the development plan.

Chapter 14 of the NPPF outlines the need to for the planning system to meet the challenge of climate change. Paragraph 148 of the NPPF states that "the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".

Paragraph 154 of the NPPF states that "when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning

authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

The preamble to Policy SS7 of the Core Strategy acknowledges that tackling climate change in Herefordshire will be a difficult challenge given the rural nature of the county. In identifying the challenges, the policy acknowledges the necessity to facilitate the increased use of renewable and low carbon energy sources. Policy SD2 of the CS deals specifically with renewable and low carbon energy generation. The policy recognises that the overarching principle of the planning system is to support the transition to a low carbon future and a significant means of achieving this goal is through the use of renewable energy sources development proposals which seek to deliver renewable and low carbon energy will be supported where they do not adversely impact upon international and national designated natural and heritage assets; they do not adversely affect residential amenity; they do not result in any significant detrimental impact upon the character of the landscape and historic environment.

The proposal here is for a renewable energy scheme in association with a dwelling. In principle therefore the proposal is in line with the aims of national and local policy to support a transition to a lower carbon economy. In order to be fully supported however, physical and environmental constraints need to be taken into account to ensure there is no harm or conflict with development plan policy.

The main issue to consider in this case is the potential for impact upon the character of the landscape. CS policies LD1, SD1 and NDP policy ALM5 are relevant. In broad terms, these all seek to ensure that development proposals respond to context and respect the character of the surrounding landscape.

Given the context of the site and its surrounding, there is not considered to be any wider landscape impact. The array would be located in a parcel of land to the south of the dwelling that is not publicly visible and within a residential garden that is well-screened, limiting any extensive vistas to and from the site. The proposal would also not cause any harm to any established residential relationship between the application site and those neighbouring. No harm is therefore foreseen with regards to CS policy LD1 and NDP policy ALM5.

With the forgone in mind, it is considered that the proposed works would have a discernible impact upon the landscape. The benefits of the scheme in terms of providing sustainable renewable energies is also given weight. No conflict with Policy LD4 or SD1 or those relevant within the NDP is identified. The application is accordingly recommend for approval subject to the conditions set out below.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:
(please note any variations to standard conditions)

1. C01

2. C06 (application form, drawings and supporting document validated 1st September 2021)
3. Within six months of any of the solar panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Informatives

1. IP1


Signed:  Dated: 1/2/22

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☒

REFUSE ☐

Signed:  Dated: 1/2/22

Is any redaction required before publication? No