

Officer Report

Application Number:	P/FUL/2023/00384
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Highlands End Holiday Park Highlands End Eype DT6 6AR
Proposal:	Installation 300 ground mounted photovoltaic (Solar Panels) to provide carbon free electricity for Park.
Applicant name:	Mr Martin Cox
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Bolwell; Cllr Clayton; Cllr Williams

1.0 This application has been brought to committee following a scheme of delegation consultation at the request of the Head of Planning. The application was considered at the 7 September 2023 meeting of the Southern and Western Area Planning Committee, where members voted to defer the item to allow for a site visit to be completed.

2.0 Summary of recommendation: REFUSE for the following reasons:

1. The site is located in the Dorset Area of Outstanding Natural Beauty, which is confirmed as having the highest status of protection nationally, and the West Dorset Heritage Coast. The proposed installation of solar photovoltaic panels would be an intrusive feature in this sensitive landscape which would erode its pastoral qualities and result in harm to the special landscape and visual qualities of the Area of Outstanding Natural Beauty and Heritage Coast which could not be suitably assimilated or mitigated. It has not been sufficiently demonstrated that the beneficial elements of the proposal could not be delivered on an alternative site with less significant impacts upon the protected landscape. The proposal is therefore contrary to policies ENV1, ENV10 and COM11 of the West Dorset Weymouth & Portland Local Plan 2015; policy L1 of the Bridport Area Neighbourhood Plan and paragraphs 130, 176, 177 & 178 of the National Planning Policy Framework.
2. The proposal would represent an intrusive element which would erode the open pastoral setting of the Eype Conservation Area and result in less than substantial harm to the heritage asset through harm to its setting. This less than substantial harm would not be outweighed by the public benefits of the scheme and therefore the proposal is contrary to policy ENV4 of the West Dorset Weymouth & Portland Local Plan 2015, and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

Officer Report

3.0 Reason for the recommendation:

- The proposal would cause harm to the landscape and special character of the Dorset AONB and Heritage Coast.
- The proposal would cause less than substantial harm to the setting of the Eype Conservation Area.
- There would be public benefits delivered through the generation of zero carbon electricity.
- The applicant has failed to adequately demonstrate that there are not potentially suitable alternative sites to deliver these benefits without the same degree of landscape and heritage harm.
- The benefits of the scheme do not carry sufficient weight to overcome the harmful impacts of the proposals.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The overall principle of renewable energy development is acceptable in locations outside of defined development boundaries. However, relevant local and national planning policies only provide support insofar as the impacts of the development can be successfully mitigated or assimilated.
Impact on landscape	The site is located within the Dorset Area of Outstanding Natural Beauty and the West Dorset Heritage Coast. It has been assessed that the proposal would result in harmful impacts to the landscape and special character of these important designations which cannot be successfully mitigated. The applicant has failed to demonstrate that there are no sites available which could deliver the benefits associated with the scheme, without giving rise to the same level of landscape harm.
Impact on heritage assets	The site is located within the setting of the Eype Conservation Area. It is considered that the development of this open field which forms part of the pastoral setting of the village would result in less than substantial harm to the Conservation Area through harm to its setting. This harm is not outweighed by the public benefits of the scheme.
Amenity	Taking into consideration the nature of the scheme and the distance from the nearest residential properties it is not considered that

Officer Report

	the proposal would result in an unacceptable impact upon residential amenity.
Biodiversity	The proposals would not result in any harm to protected species and include proposals for biodiversity net gain through hedgerow creation.

5.0 Description of Site

- 5.1 The application site is comprised of part of an agricultural field of improved grassland located on the western side of the village of Eype. The field sits between the village, to the west and the Highlands End Holiday Park which is located on higher ground to the east. The application site itself forms a smaller part of the field and is located toward the southern boundary of it. The southern boundary of the field is defined by a hedgerow and a public footpath which runs broadly east-west between the village and holiday park. The other boundaries are not currently defined, the site being an open field. Access to the field is currently taken from an existing access point in the western corner adjacent to an existing car parking area.
- 5.2 The field forms part of the landscape setting of Eype, which is set on relatively low ground and runs along the course of a valley. The land rises up dramatically to the east and west of the village. The landscape surrounding the village forms a pastoral setting with a patchwork of small open fields. Highlands End Holiday Park sits to the east of the village, physically separated from the village by the field in which the application site is located and additional fields to the north and south.
- 5.3 The application site is located on slightly higher ground than the village on land which rises from the southern boundary. The ground levels rise more steeply to the north and east of the site, the holiday park sitting on high ground approximately 25m above the village.

6.0 Description of Development

- 6.1 The proposed development comprises the installation of solar voltaic panels which will be arranged in five arrays across the site. The whole installation comprises a total of 300 panels which would be affixed to 15 'tables' constructed of galvanized steel and supported on driven piles.
- 6.2 The system is designed with a peak capacity of 198kW. It will connect to the existing electrical system of Highlands End Holiday Park via existing switchgear on the site via an armoured underground cable. The intention is that the installation would provide power for the existing caravans, buildings and car charging points at the holiday park with surplus energy being diverted to first heat the swimming pool and then to the national grid.

7.0 Relevant Planning History

Officer Report

P/FUL/2021/03350 - Decision: REF - Decision Date: 18/03/2022

Install ground-mounted solar panel photovoltaic solar array

8.0 List of Constraints

Eype Conservation Area - Distance: 3.03

Area of Outstanding Natural Beauty; Dorset - Distance: 0

Land Outside DDBs;

Heritage Coast; West Dorset - Distance: 0

Article 4 Directions

Legal Agreements S106

Right of Way: Footpath W18/92; - Distance: 0

Right of Way: Footpath W18/32; - Distance: 13.31

Right of Way: Footpath W18/27; - Distance: 8.3

Right of Way: Footpath W18/26; - Distance: 0

Right of Way: Footpath W18/31; - Distance: 36.54

Right of Way: Footpath W18/30; - Distance: 3.3

Right of Way: Bridleway W18/28; - Distance: 0

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 6.37

Risk of Groundwater Emergence; Groundwater levels are at least 5m below the ground surface.; Flooding from groundwater is not likely.; - Distance: 0

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 1575.56

Heritage Coast

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

Consultation Responses	No Objection	Object	Brief Summary of Comments
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Officer Report

Town or Parish Council		x	<p>The consideration was that the current proposal was very similar to the previous application that was refused by Dorset Planning Authority. The new proposals including the mitigation and reworking of the position of the solar array did not offer any public benefit whilst causing less than substantial harm and detrimentally affecting the landscape of the AONB and Heritage Site together with the setting of Eype Conservation Area.</p>
Ward Member(s)			<p>Requests received from all three ward members that the application be heard by planning committee. Balancing opinions on the question of the benefits of Solar Panels and from the financial figure quoted by Highlands End plus the contribution from tourism to the local economy that it would be in the public interest for this application to be considered and debated by Planning Committee especially in view of the current consultations by DC on planning policies and Climate Emergency for Local Plan purposes.</p>
Highways Officer	x		<p>No objection subject to conditions</p>
Landscape officer		X	<p>The proposal illustrates a number of minor amendments when compared to the previously refused scheme and from a landscape and visual perspective, the revised scheme would not overcome the reasons for concern and lack of support previously.</p> <p>The site is located within a visually sensitive landscape which provides the immediate setting for the Eype Conservation Area and lies within the</p>

Officer Report

			<p>Heritage Coast and Dorset AONB. Close-range views are attainable over the site from two footpaths which wrap around the NW and S of the Site. Wider views are attainable from several sections of the SW Coast Path/ the Monarchs Way where the arrays would be partly visible and seen within the context of the Conservation Area.</p> <p>It is considered that the amended scheme is not sufficient to overcome the reasons for refusal for the previous scheme and the proposals remain in conflict with the local plan, neighbourhood plan, NPPF and AONB management plan.</p> <p>The supporting LVA has failed to address the potential landscape/visual effects from close-range viewpoints, giving a less than balanced judgment of the overall effects.</p>
Natural Environment Team	x		<p>A biodiversity plan has been agreed with the natural environment team.</p>
Conservation Officer			<p>The changes have helped to mitigate the impacts of the scheme since the previously refused application but a number of alterations are suggested before the full support of the conservation officer can be confirmed. These include:</p> <ul style="list-style-type: none"> • Ensuring the panels are non-reflective/anti glare. • Removing the top row of panels which would be particularly visible from public vantage points. • Provide a more robust planting schedule to ensure more dense screening with fast growing species.

Officer Report

Building Control			No Comments.
Jurassic Coast Trust			No Comments.
Dorset AONB Team		x	<p>Whilst recognising the changes from the previously refused scheme, the AONB Team remain concerned about the siting of the development within a relatively isolated position within the Heritage Coast, adjacent to a footpath and in the setting of a Conservation Area. Overall it is difficult to regard the amendments as being sufficient to overcome the reasons for refusal of the past application.</p> <p>Overall it is considered that despite the amendments to the layout and further mitigation measures proposed, the visibility of the array and its effects on the layout and further mitigation measures proposed, the visibility of the array and its effects on a parcel of undeveloped pastoral land within the setting of a Conservation Area within the Heritage Coast are such that the proposal would not conserve and enhance the sensitive landscape in which it is located. Consequently, the proposal is not being regarded as being compatible with the primary purpose of the AONB designation, this being the conservation and enhancement of the area's natural beauty.</p>
National Air Traffic Services	x		<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p>

Officer Report

Ramblers Association	X		<p>Although the site is in close proximity to rights of way W18/32 & W18/30 the proposed PV installation would not interfere with them and it appears that the promised screening hedge will hide them fairly effectively.</p> <p>Our only concern is the short term one of traffic on the access road during construction and we ask that safe public access be maintained for the duration of these works.</p>
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Representations received

Total - Objections	Total - No Objections	Total - Comments
66	0	1

Petitions Objecting	Petitions Supporting
5	0
0 Signatures	0 Signatures

The neutral comment received has suggested that the panels might be placed on the roofs of caravans and over car parks and on site buildings without leading to harm to the landscape.

Comments received in objection to the proposals raise the following issues:

- Impact of the development on the AONB and the beauty of the local area
- Proximity of the panels to neighbouring houses
- Impact upon the heritage coast and world heritage site
- CO₂ release from soils as a result of the installation.
- Failure to consider potential alternative sites which may have lower landscape impact
- Impacts on wildlife and biodiversity

Officer Report

- The proposals are not sufficiently different from the refused scheme
- Roofs of the existing caravans could and should be used for solar panels.
- The proposal would directly impact the Eype Conservation Area
- The site is visible from the SW Coast Path and would be seen as an alien feature in the landscape
- Inaccuracy of submitted views and that there is an assumption that people would not look down to the site.
- There are no natural boundaries within the field.
- The new fencing is likely to harm views in itself
- The costs to the running of the holiday park are not the concern of residents
- Impacts of glint and glare from the development
- The changes are not sufficient to overcome the harm identified in the previously refused scheme
- The park is not doing enough to enhance hedgerows as part of the biodiversity plan
- The sub station is still highly visible in the landscape
- Impact of the access tracks through the countryside.
- Concern that the proposals don't include provision for energy storage and that this may come forward later
- Impacts on views from public footpaths
- The location of the feed-in hub is not sufficient justification for the proposed location of the development.
- Concern that this could lead to further expansion of the holiday park
- There are no public benefits to the scheme
- If this is allowed what would stop the whole field becoming a solar farm?
- Impact on tourism within the village
- The reasons for the site being selected are because it is furthest from the caravan site and the cheapest option to deliver, and not because it is the best available site.

Officer Report

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Section 85 of the Countryside and Rights of Way Act 2000 requires that regard shall be had to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

11.0 Relevant Policies

Development Plan

West Dorset Weymouth and Portland Local Plan

10.1 So far as this application is concerned, the following policies are considered to be relevant:

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape and sites of geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV16 - Amenity
- SUS2 - Distribution of development
- COM11 - Renewable energy development

Bridport area Neighbourhood Plan

10.2 So far as this application is concerned, the following policies are considered to be relevant to the proposals:

- CC4 - Neighbourhood renewable energy schemes
- L1 - Green Corridors, Footpaths, Surrounding Hills & Skylines

Material Considerations

National Planning Policy Framework

10.3 So far as this application is concerned, the following paragraphs and sections are considered to be relevant:

- Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental

Officer Report

conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

Other material considerations

- Dorset AONB Landscape Character Assessment
- Dorset AONB Management Plan 2019-2024
- WDDC Design & Sustainable Development Planning Guidelines (2009)
- Landscape Character Assessment February 2009 (West Dorset)

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that the proposal would not affect anyone with protected characteristics.

Officer Report

14.0 Financial benefits

14.1 There would be no material or non-material financial benefits as a result of these proposals.

15.0 Environmental Implications

15.1 The proposals would contribute to reducing CO₂ emissions by providing decentralised renewable electricity. The applicant estimates that the proposal would generate around 225 MWh of electricity per year and save approximately 47,000kg of CO₂ emissions. The applicant states that the electricity generated would be roughly equivalent to the annual usage of 60 homes.

16.0 Planning Assessment

Principle of development

16.1 The application site is located in the countryside outside of any defined development boundary and is therefore in a location where, in accordance with policy SUS2 of the local plan, development is to be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. Proposals for the generation of renewable energy are however one of the exceptions listed within policy SUS2 of development which may be allowed outside of the Defined Development Boundary.

16.2 Policy COM11 goes on to state that proposals for generating electricity from renewable energy sources will be allowed wherever possible, providing that the benefits of the development, significantly outweigh any harm and will only be granted provided:

- Any adverse impacts on the local landscape, townscape or areas of historical interest can be satisfactorily assimilated;
- The proposal minimises harm to residential amenity by virtue of noise, vibration, overshadowing, flicker, or other detrimental emissions, during construction, its operation and decommissioning;
- Adverse impacts upon designated wildlife sites, nature conservation interests and biodiversity are satisfactorily mitigated.

16.3 Section 14 of the NPPF is concerned with meeting the needs for climate change, flooding and coastal change, and is supportive of provision of renewable energy development, requiring recognition that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. In particular, paragraph 158 of the NPPF states that applications should be approved if its impacts are or can be made acceptable. It is acknowledged that the requirements of the NPPF do not set the same high threshold for the benefits of the development to significantly outweigh any harm, as required by policy COM11 and there is therefore a degree of conflict between policy COM11 and the NPPF, which requires a more evenly balanced assessment of the impacts of proposals against their benefits. Paragraph 219 of the

Officer Report

NPPF indicates that where policies pre-date the publication of the framework, due weight may still be given to them, according to their degree of consistency with the framework. The operation of paragraph 158 establishes a more even balance when considering the benefits of renewable energy development vs any harm meaning that development may be allowed where harm can be mitigated, even if the benefits do not reach the level of significantly outweighing that harm.

- 16.4 In 2019, Dorset Council declared a climate emergency, recognising the need to reduce CO₂ emissions and achieve carbon neutrality. In this regard the proposals would provide a material benefit through the provision of decentralised renewable energy and the consequent reduction in CO₂ emissions. The principle of a renewable energy installation in this location is therefore considered acceptable. However, in accordance with policy COM10 this policy support is provided insofar as there would not be unacceptable impacts from the proposal upon the local landscape, townscape and areas of historical interest, harm to amenity is minimised and adverse impacts upon wildlife sites can be mitigated.

Landscape impacts

- 16.5 The site is located within the Dorset Area of Outstanding Natural Beauty, where in accordance with section 85 of the Countryside and Rights of Way Act 2000, the Local Planning Authority has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the area. The site is also designated as falling within the West Dorset Heritage Coast.
- 16.6 As noted in the description of the proposals, above, the current scheme follows a previous refusal of planning permission, in part on the ground of landscape impacts which has not been tested at appeal. In comparison to the previously refused scheme, the overall number of panels has been reduced, with the extent of the installed panels not extending as far into the field within which they will sit. The proposals have also been accompanied by a landscape and visual assessment and landscaping plan with proposed mitigation planting. It should be noted, however, that the proposed landscape planting sits outside of the red line boundary for the application.
- 16.7 Comments on the application have been received from both the Council's landscape officer, and the Dorset AONB team. Both of whom continue to raise concern in respect of the impact of the proposals upon the landscape. The landscape officer considers that the amendments are minor in nature when compared to the refused scheme and advises that the revised scheme would not overcome the reasons for concern previously and ultimately the lack of support for the refused scheme. They therefore conclude that the proposals would not overcome the earlier reasons for refusal and would remain in conflict with the NPPF, Local Plan, Neighbourhood Plan and the AONB management plan.
- 16.8 The Dorset AONB landscape planning officer, although recognising the amendments, has continued to raise concerns in respect of the siting of the

Officer Report

development within a relatively isolated position, which they note is within the Heritage Coast, adjacent to a footpath and within the setting of a Conservation Area. They comment that 'it is difficult to regard the amendments as being sufficient to overcome the reasons for refusal of the past application'. The comments note that while policy C3.f of the AONB management plan does provide support for renewable energy production, that is only where it would be compatible with the objectives of the AONB designation. The AONB landscape officer considers that the proposal would not conserve and enhance the landscape of the AONB and therefore they do not regard the proposal as being compatible with the AONB designation.

16.9 The site is located within the Chideock Hills Character Area and Wooded Hills Landscape Character Type as set out in the Dorset AONB Landscape Character Assessment. The assessment picks upon characteristics of the area as including *inter alia*:

- Patchwork of small irregular pastoral fields on valley bottoms with dense species rich hedgerows, hedgerow trees and small broadleaved woodlands.
- Deep, narrow winding lane with hedge banks and occasional dark tree canopies.
- An exceptional, dramatic and remote coastline of imposing summits, coastal landforms and sheltered valleys providing sweeping panoramic views.
- Scattered clustered settlements along valley bottoms of golden limestone and thatch, supporting the area's rich historic and built environment.
- The area has largely retained its strong undeveloped rural character with associated characteristics of tranquillity, remoteness and dark night skies. However, these qualities are notably weakened housing growth and visitor related development toward the coast.

16.10 The landscape character area planning guidelines identify that the objective in the area should be to "conserve the intimate, undeveloped and pastoral appearance and protect the wooded character. Ongoing protection of hedgerows, rural lanes, small scale pastures, open skylines and settlement character..."

16.11 The site itself is identified in the landscape officer's comments, as forming an important green visual buffer, in combination with the adjacent pasture, between the established edge Lower Eype village and the western edge of the Highlands End Holiday Park. The surrounding area is traversed by several public rights of way, the nearest being Footpaths W18/32, which runs along the western edge of the field and W18/30 which runs along the southern boundary of the site and provides a well walked link from the holiday park to the village. The South West Coast Path also runs along the nearby cliff tops, passing within approximately 470m of the site.

16.12 The nearby public rights of way provide clear views across the site where it is experienced as open pasture land on the edge of the village. In this context the proposal would form a notable and uncharacteristic new element in the landscape which would impact upon the experiential qualities of footpaths W18/32 and W18/30, and would, in the landscape officer's view, lead to locally significant adverse visual

Officer Report

effects, which would be exacerbated by the proposed landscape planting which they consider would serve to 'frame' the solar panel arrays.

- 16.13 It is therefore considered that the proposals would fail to deliver any visual enhancements and would appear out of character in the setting of the open pastoral slope. In respect of the potential mitigation or moderation of any adverse landscape impacts, the landscape officer notes that the LVA fails to provide a comprehensive evaluation of the most critical public view points. The document provides a single photomontage visualisation which is taken from a relatively distant coastal viewpoint to the west of the site and no imagery is provided for the site boundary footpaths which are considered to be highly sensitive. The landscape officer considers that, due to the site's topography it would be impossible to fully mitigate the visual effects of the scheme through the proposed hedge and orchard planting. The photomontages provided underline this conclusion, indicating that the development would be at least partially visible within long range views and would remain so even after 15 years with the addition of the orchard planting doing little to soften the views from that vantage point.
- 16.14 The LVA fails to recognise the site's location within the Heritage Coast or the proximity to the World Heritage Site. The Landscape officer has also advised that they do not agree with other conclusions from the LVA, particularly the conclusions that the existing field pattern and the overall character of the area would remain unchanged. The proposals would introduce orchard planting into an otherwise pastoral field pattern. Although the applicant has noted the presence of orchards on historic maps, those have not been present on the site itself and have historically been concentrated on the western side of Eype.
- 16.15 The landscape and visual appraisal has considered a second site, site B to the eastern side of the holiday park. The assessment of visual impacts set out in the LVA indicates that the visual impacts associated with the development of that site would be lower than the visual impacts associated with the application site. In all of the 6 receptors listed for the application site there would be some level of adverse impact, whereas that is only true for four of the 7 receptors listed for site B, all of the other receptors having no visual impact.
- 16.16 In addition to the alternative site B having a lower level visual impact than the application site, its location also means that it is not subject to the same level of constraint as the application site. Site B is not within the Heritage Coast and is significantly further from the boundary of the Eype Conservation Area, in a location which would not be visible from the Conservation Area due to topography and the presence of the holiday park.
- 16.17 In respect of site selection, the design and access statement discounts Site B on the basis that there is little difference in visibility from the AONB, that its northward slope would require greater spacing of the panels and that it would present added difficulties in terms of connecting to the existing electrical infrastructure of the park.

Officer Report

However, as discussed above the assessment of the visual impacts of the two sites from various receptor locations within the LVA does not support this conclusion. Furthermore, no details of site selection criteria to arrive at sites A and B has been given and no consideration has been given to the suitability of other locations within the extensive landholding around the holiday park (as defined by the blue line on the site location plan).

- 16.18 In view of the comments received from the Landscape Officer and AONB Team, it is clear that there remain significant concerns in respect of the landscape impacts of the scheme, and the impacts upon the character, special qualities and natural beauty of the Dorset AONB and Heritage Coast. It is considered that, in light of the supporting information provided, the applicant has not adequately discounted all alternative options for delivery of the proposed development in locations which would not give rise to the same degree of landscape harm which has been identified in this instance.
- 16.19 Policy ENV1 of the local plan requires that development should be located and designed so that it should not detract from and where reasonable enhances local landscape character, and states that development which would harm the character, special qualities or natural beauty of the AONB or Heritage Coast will not be permitted. Policy L1 of the Bridport Area Neighbourhood Plan also states that proposals must preserve and enhance the natural beauty of the AONB by being located on sites that do not adversely affect the wider landscape setting, and states that proposals that do not preserve and enhance the AONB will be refused. In view of the concerns raised it is concluded that the proposal would detract from the local landscape character and fail to moderate or assimilate the adverse impacts of the proposal upon the landscape and would be contrary to the above mentioned policies.
- 16.20 In addition it is also considered that the proposal would conflict with policies 176, and 178 of the National Planning Policy Framework. Paragraph 176 confirms that great weight should be given to conserving and enhancing the landscape and scenic beauty in the AONB while paragraph 178 states that within areas defined as Heritage Coast, planning policies and decisions should be consistent with the special character of the area and the importance of its conservation.
- 16.21 In this instance it is considered that the proposal falls below the threshold of being 'major' development for the purposes of considering the impact on the AONB, given that the site area and scale of the development is relatively limited and the impacts of the development would be relatively localised. It is however clear that, owing to its nature, scale and the setting of the site there is potential for the development to have an adverse impact upon the purposes for which the AONB was designated. Paragraph 176 does still require great weight to be given to the conservation and enhancement of landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Officer Report

16.22 In respect of paragraph 178, this requires that within areas of heritage coast, decisions should be consistent with the special character of the area and the importance of its conservation. The heritage coast has been defined in order to conserve stretches of coast of high landscape and visual quality and which are defined by their undeveloped nature. The proposal would introduce a highly engineered and modern development into the heritage coast and the assessment of the impacts of the scheme detailed above indicate that the proposals would not be consistent with the special character of the area, as described through the Landscape Character Appraisal, and therefore the proposal conflicts with this paragraph.

Heritage and conservation

16.23 Although the site does not contain any designated or non-designated heritage assets it is located close to the boundary and within the setting of the Eype Conservation Area. The Council has not published a Conservation Area appraisal for the area. However, the village as a whole sits in a valley, with the valley sides rising to the east and west forming a clear setting for the Conservation Area. The Conservation Area also incorporates St Peter's Church which sits in an elevated position to the north east. Although not listed, the church is an important feature within the conservation area and is considered to be a non-designated heritage asset. The proposed solar arrays would sit in the open landscape to the south of the church and would clearly be visible in views of the Church from the south.

16.24 It is therefore considered that the introduction of the proposed development into that well defined setting would have a harmful impact upon the setting of the Conservation Area and that the harm would be less than substantial.

16.25 Policy ENV4 and the NPPF require any harm to the significance of a designated heritage asset to be justified and where less than substantial harm is identified, these must be weighed against the public benefits of the scheme. In this instance the public benefits of the scheme would comprise the reduction in CO₂ emissions associated with the production of renewable electricity. However, given the scale of the development the magnitude of this reduction and therefore the public benefits of the scheme would be limited. It is therefore considered that these public benefits are not sufficient to outweigh the less than substantial harm to the Conservation Area through harm to its setting.

16.26 The conservation officer in their comments has indicated that some amendments to the proposal would allow the degree of harm to the Conservation Area to be reduced. They still consider that there would likely be less than substantial harm, but that this would be at a level which could be outweighed by the public benefits of the

Officer Report

scheme. However, in view of the significant unresolved landscape impacts which would not be overcome through the changes suggested, amended plans have not been invited in this instance.

Amenity

- 16.27 The panels would be in a fixed location and although above ground level the maximum height of the array would be approximately 2m above the local ground levels. Given that the panels would be located 30-50m from the nearest dwellings it is not considered that they would not result in harm to amenity through overbearing or loss of light. Any impacts from glare would be localised and would be largely mitigated by landscape planting which could be secured by condition.
- 16.28 The installation would not require regular access and would therefore not lead to noise and disturbance during operation. While there may be potential for noise and disturbance during construction that would be a limited period and it is noted that the proposed construction access would be through the holiday park and not through the village. It is therefore concluded that the proposal would not result in unacceptable harm to residential amenity.

Biodiversity

- 16.29 The application has been supported by a biodiversity plan which finds that the site has low potential for use by protected species and is of low ecological value. It is not therefore considered that the proposal would harm biodiversity. A biodiversity plan has been submitted to and agreed with the Natural Environment Team. The BP outlines that the biodiversity net gain will take the form of the creation of 300m of new mixed hedgerow. It is considered that the biodiversity net gain secured would be sufficient to outweigh any harm arising from the installation of the panels and would represent a benefit which weighs in favour of the proposals in the planning balance.

17.0 Conclusion

- 17.1 The principle of renewable energy development is accepted within rural areas provided that the development can be achieved without unacceptable impacts upon the local landscape character and that any impacts can be successfully mitigated or assimilated. It is recognised that there would be benefits from the scheme, principally in terms of the provision of renewable energy and consequent reduction in CO₂ emissions and through the biodiversity net gain which would be delivered. However, these benefits must be weighed against the harmful impacts of the scheme which have been identified.
- 17.2 In this instance, significant landscape impacts have been identified leading to the conclusion that the development would fail to preserve or enhance the landscape or

Officer Report

special qualities of the Dorset Area of Outstanding Natural Beauty and West Dorset Heritage Coast. The proposal is therefore contrary to policies ENV1, ENV10 and COM11 of the Local Plan, Policy L1 of the Neighbourhood plan and paragraphs 177-179 of the NPPF. Although amendments have been made since the previous refusal of planning permission, it is not considered that the changes have been sufficient to overcome the previous reasons for refusal. These harmful impacts weigh against the proposals in the planning balance and must be afforded significant weight.

17.3 The proposal is within the setting of the Eype Conservation Area and it is considered that the proposals would contribute less than substantial harm to the significance of the Conservation Area through harm to its setting, which is formed of a well defined network of open fields on the valley sides. The public benefits of the proposals are not considered to be of sufficient magnitude to outweigh this harm. The proposal would therefore be contrary to policy ENV4 of the local plan and paragraphs 200 and 202 of the NPPF.

17.4 Planning legislation requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance it has been identified that the proposals fail to comply with several policies of the local plan due to their impact upon the Area of Outstanding Natural Beauty, Heritage Coast and Conservation Area. The public benefits of increasing renewable energy production and by extension reducing CO2 emissions are afforded weight in favour of the proposals. However, the scale of the benefits is considered to be relatively minor, providing energy generation equivalent to approximately 60 dwellings. Not only do the benefits fall short of significantly outweighing the harm, as required by policy COM11, they fail to overcome the neutral balancing exercise established by paragraph 158 of the NPPF. In view of the fact that the applicant has failed to adequately demonstrate that there are no suitable alternative sites which could provide these benefits without the same level of harm to heritage assets and protected landscapes, the planning balance weighs against the proposals and it is therefore recommended that planning permission is refused.

18.0 Recommendation: Refuse for the following reasons:

1. The site is located in the Dorset Area of Outstanding Natural Beauty, which is confirmed as having the highest status of protection nationally, and the West Dorset Heritage Coast. The proposed installation of solar photovoltaic panels would be an intrusive feature in this sensitive landscape which would erode its pastoral qualities and result in harm to the special landscape and visual qualities of the Area of Outstanding Natural Beauty and Heritage Coast which could not be suitably assimilated or mitigated. It has not been sufficiently demonstrated that the beneficial elements of the proposal could not be delivered on an alternative site with less significant impacts upon the protected landscape. The proposal is therefore contrary to policies ENV1, ENV10 and COM11 of the West Dorset Weymouth & Portland Local Plan 2015; policy L1 of

Officer Report

the Bridport Area Neighbourhood Plan and paragraphs 130, 176, 177 & 178 of the National Planning Policy Framework.

2. The proposal would represent an intrusive element which would erode the open pastoral setting of the Eype Conservation Area and result in less than substantial harm to the heritage asset through harm to its setting. This less than substantial harm would not be outweighed by the public benefits of the scheme and therefore the proposal is contrary to policy ENV4 of the West Dorset Weymouth & Portland Local Plan 2015, and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

Informative Notes:

1. National Planning Policy Framework

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and –
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/ agent did not take the opportunity to enter into pre-application discussions.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

2. The plans that were considered by the Council in making this decision are:

LP22.01 Location plan
100.004.001 Block plan
LPF 22.02 Site Location plan
ES22.3a Elevations & Section Array details
22.4a Topographical Survey & Traffic route
GE-HE-01 A2 Landscape plan

Officer Report