

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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COMMENTS ON APPELLANT'S STATEMENT

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/23/3331604
LPA Application Reference:	3/2023/0221

Appeal by Mr Mark Solomon
Against the refusal by
Ribble Valley Borough Council to grant planning permission for:

Proposed field mounted 20kwp solar PV array (52 solar panels).

Lower Barn Farm, Whalley Road, Sabden BB7 9DT

**WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

Comments on Appellants Statement of Case

- 1.1 For clarity there are four Public Footpaths in close proximity to the site. These are 3-37-FP 113 which runs from Whalley Road to the South to the north of the application site and crosses the site, 3-37-FP 96 which runs from west to east and connects with 3-37-FP 113 to the north of the site and continues around Lower Barn Farm to the north , 3-37-FP 95 continues from 3-37-FP 96 to the east and 3-37-FP 114 which continues from 3-37-FP 113 to the north of the site.
- 1.2 The proposed application as submitted made no reference to PROW 3-37-FP 113 (FP 113) both in the description or on the submitted site plan although footpaths 3-37-FP 96 and 3-37-FP 96 to the north are depicted. Following a site visit this was brought to the attention of the Appellant and a revised site plan was submitted which depicts 3-37-FP 113 but not in the correct position. The definitive map was checked and the location verified by LCC Highways prior to the decision being issued. The appellant was informed that the scheme was not acceptable on the basis of impact but choose to continue with the process in any event.
- 1.3 The Appellant's Statement of Case states that the panels are located in the least obtrusive position within the land. The panels are sited across FP 113 and therefore cannot be regarded as unobtrusive in that respect. Whilst the siting is adjacent to the Forest of Bowland National Landscape (NL) (previously known as AONB) it is still visible from, and clearly seen in context with the NL due to its relatively open nature and network of Prows in the area as well ad views from the public highway on Whalley Road.
- 1.4 The submitted photograph of the solar panels showing a double height had no weight in the determination of this application. The proposal was considered and refused on the basis of the submitted proposed section and plan PHA/823 500.
- 1.5 A copy of the definitive PRoW for footpath 113 has been provided by LCC Highways attached at Appendix 1. Thid clearly shows the footpath lines runs 14m from the existing boundary of the stables. As the solar panel siting would extend 19m from the same boundary clearly this would extend across the PRoW and require a formal diversion notice if found to be acceptable.
- 1.6 The comments of the LCC Footpaths Officer received on the 20th June lists the standard issues that need to be considered but does not form an opinion on the merits of the scheme as that is for LPA to determine. They do however, state that the proposed solar panels would obstruct

footpath 0337113 triggering a Diversion Order and therefore confirming the submitted plans are incorrect as indicated during the course of the application to the Agent. A decision was issued the same day as the comments received from LCC Footpaths as LCC Highways had already confirmed the definitive route of the footpath 117.

- 1.7 It is not clear why the appellant was aggrieved by the process as they were well aware of the presence of the PROWs in the area prior to submission and choose not to include the one affected by the proposal on the submitted site plan. The revised site plan shows footpath 113 but in a different location to that on the relevant GIS systems used by the LPA and LCC and therefore clarity was sought from the Agent and LCC Highways. This was confirmed in an email from the Agent on the 16th June prior to the decision being issued where it was stated that footpath 117 had not been shown as in his view it would not be affected. Upon receipt of confirmation from LCC Highways that the definitive route of footpath 117 would be adversely affected by the proposal the decision was issued.

Jane Tucker

From: Holt, Kelly [REDACTED]
Sent: 16 June 2023 16:41
To: Kathryn Hughes
Subject: RE: 3/2023/0221 Lower Barn Farm Whalley Road Sabden

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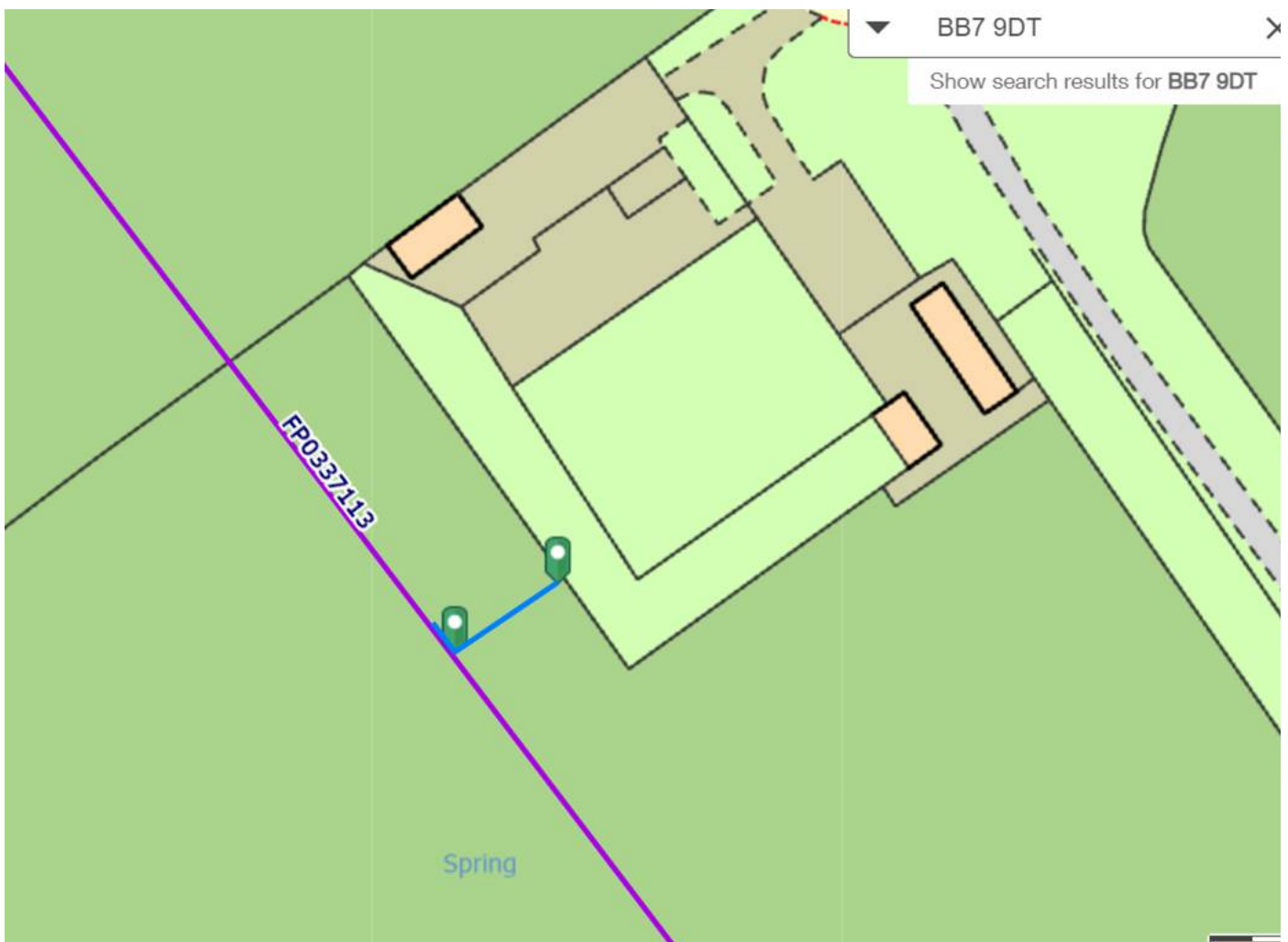
Hi Kathryn,

FP113 is shown on our mapping system, screen shot below, and it's approximately 14m between the existing boundary and the footpath – shown with the blue line.

The solar panel site boundary looks to extend out about 19m so it would be encroaching across the official line of the footpath.

Hope that helps.

Kelly



From: Kathryn Hughes [REDACTED]
Sent: 16 June 2023 16:26
To: Holt, Kelly [REDACTED]
Subject: 3/2023/0221 Lower Barn Farm Whalley Road Sabden

Hi both

Wonder if you could help please? I have tried LCC Footpaths but had no response.

FP113 would appear to be affected by development proposed under 3/2023/0221. However, the agent is claiming that the actual route is not as plotted on Mario Maps.

Originally this footpath was not shown on the plans only FP96 further away.

I have attached a plan which the agent has just submitted showing where he believes the footpath line is in relation to the proposed solar panels. I believe the footpath is either affected by the proposal or will lie directly adjacent to the west.

Any help would be appreciated as I need to refuse this one on Monday.

Regards

Kathryn Hughes

Kathryn Hughes
Principal Planning Officer
Economic Development and Planning



Further information and additional advice on permitted development rights and submitting planning applications can be found at www.planningportal.co.uk

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