

SOLAR POWER SOUTH LTD

**ERECTION OF PHOTOVOLTAIC SOLAR PANELS AND ASSOCIATED WORKS
AT LAND AT SANDHILL PARK, BISHOPS LYDEARD**

Grid Reference: 316206.129695

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development will generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There will be some significant short term harm to the visual amenities of the area, but the long term harm in both the immediate vicinity of the site and the long distance views of and from the Quantock Hills Area of Outstanding Natural Beauty is not significant. The benefits are, therefore, considered to outweigh the very small harm and the proposal is acceptable in accordance with Policy C12 (Renewable Energy) of the Taunton Deane Local Plan, Policy 64 (Renewable Energy) of the Somerset and Exmoor National Park Joint Structure Plan Review, Planning Policy Statements 1 (Delivering Sustainable Development), the Climate Change Supplement and Planning Policy Statement 22 (Renewable Energy). The development will not cause harm to wildlife interests, the amenities of neighbouring property, heritage assets or the highway safety. It is, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), EN3 (Local Wildlife and Geological Interests), EN10 (Areas of Outstanding Natural Beauty), EN12 (Landscape Character Areas) of the Taunton Deane Local Plan, Policies STR1 (Sustainable Development), 1 (Nature Conservation), 3 (Areas of Outstanding Natural Beauty) and 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review, Planning Policy Statements 5 (Planning for the Historic Environment) and 9 (Biodiversity and Geological Conservation) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with

the following approved plans:

- (A2) DrNo J3570 Sandhill park solar scheme
- (A1) DrNo SPP.1589.3B Concept layout plan
- (A4) Site location plan
- (A1) 1134PRS-01 Site Survey

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme that shall have been submitted to and approved in writing by the LPA no later than three months following the cessation of power production.

Reason: To ensure that the site is adequately restored following the decommissioning of the site in the interests of the visual amenities of the area, in accordance with Policies S1 and EN10 of the Taunton Deane Local Plan.

4. The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity.

Reason: To allow the Local Planning Authority to keep a firm record of the date of operation, to allow effective future monitoring of the development.

5. Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact Assessment report dated October 2010 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage in accordance with Policies S1 and EN3 of the Taunton Deane Local Plan and Planning

Policy Statement 9.

6.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Prior to the commencement of the development hereby permitted the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and in Planning Policy Statement 5.

8. Prior to its installation, full details of the proposed perimeter fence, gates and security cameras shall be submitted to and approved in writing by the Local Planning Authority. The fence shall not exceed 1.8m in height and shall be constructed in complete accordance with the approved details.

Reason: In the interests of the visual amenities of the area, in accordance with Policies S1 and EN12 of the Taunton Deane Local Plan.

9. Prior to the commencement of development an Environmental Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the LPA. The Environmental Management Plan shall include details of the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and

Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.

Reason: To ensure that the site is managed in an acceptable way to protect visual amenity and ecological interests on the site, in accordance with Policies S1, EN3 and EN12 of the Taunton Deane Local Plan.

10. No external artificial lighting shall be installed on the site.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies S1, EN3 and EN12 of the Taunton Deane Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site without the further grant of planning permission.

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies S1, EN3 and EN12 of the Taunton Deane Local Plan.

Notes for compliance

1. The information submitted for condition (5) relating to a wildlife strategy should include a thorough re-survey of the site for potential badger activity.
2. The proposals required by condition (7) should include a full geophysical survey of the site to ascertain areas of archaeological potential with subsequent areas with positive geophysical anomalies targeted by trial trenching.

PROPOSAL

This application seeks full planning permission for the erection of 7000 solar photovoltaic panels. They would be installed in rows of two, mounted on a framework system which is screwed into the ground. The development is proposed to be temporary for 25 years after which the site would be returned to its current position. The panels would generate around 2million kw/hrs of electricity per annum, which the applicant claims is enough to power between 600 and 700 homes per year and equivalent to offset around 130 tonnes of carbon dioxide every year.

There would be a 1.8m black security fence around the perimeter of the installation, with landscaping along the outside face of this fence and a wider area of landscaping to the northern corner. There would be a number of CCTV cameras mounted around the perimeter of the site.

In the northern corner of the site would be a small building. This was initially

proposed to house the inverters, the apparatus required to convert the 'direct current' electricity generated by the panels into 'alternating current' suitable to feed into the grid. However, since the application has been submitted, the applicant has confirmed that these inverters would be housed at the end of each row of panels. The building, instead, would be used for the storage of spare parts and maintenance equipment.

The panels, which each measure 1.65m x 0.85m would be mounted two deep such that they had a combined surface height of 3.3m, at a 30 degree angle, such that they would cover 2.9m of ground. There would then be 4.6m between each panel. The front of each row of panels would be approximately 0.9m from the ground and the back would be around 2.5m high. There may be some slight variation in these heights to account for variations in ground level. The rows of panels would be mounted on a frame and fixed to the ground with 'ground screws'. Thus, no concrete foundations are required and the screws can be easily removed at the end of the installation's life. The frame is made from aluminium and screws are required at the front and back of the frame (1.75m apart) and then along the length of the arrays at 3.1 to 3.6m intervals depending on the ground levels.

SITE DESCRIPTION AND HISTORY

The site comprises a, broadly triangular, agricultural field that is currently used for grazing horses. It slopes very slightly down from the north to the south, and is bordered at the southern side by dense woodland, which extends along the south west boundary. A public footpath crosses the site along the north western boundary. Beyond this, a hedge/stone wall separates the site from further open land between the site and the main Sandhill Park drive, and the Lethbridge Park housing estate. There is also a footpath link from this public right of way to the Lethbridge Park development.

The site is bordered, on its eastern side by the West Somerset Railway. The railway line at this point is climbing to the north and, due to this incline, and the surrounding ground levels, the track is broadly level with the northern corner of the site. However, as the track moves south along the site boundary, it disappears into a cutting beneath the boundary hedge. The site is, however, clearly visible from the track at the northern corner of the site, where the public footpath crosses the track via a level crossing.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL – The Council objects to this application for the following reasons:

- Adverse visual impact on the surrounding area, which is rural in nature.
- The location of the development is inappropriate and the scale of the development is also inappropriate for its location.
- The development is adjacent to the AONB and is in close proximity to Bishops Lydeard tourism and leisure attractions.

SCC - TRANSPORT DEVELOPMENT GROUP – No observations to make on this application.

HERITAGE AND LANDSCAPE OFFICER – The proposals will have a significant short term impact as seen from the public footpath to the north of the site and the West Somerset Railway when travelling south of the security fencing and the rear of the PV panels. However, subject to planting densities, the proposed planting should substantially mitigate the main impacts within 5-8 years.

‘Glint’ from the wider vantage points such as the higher ground of the Quantock Hills are likely to be limited.

CONSERVATION OFFICERS - The lie of the land, suggests that, only a glimpse of the panels will be had from Sandhill Park (along the drive), will not be visible from Cedar Falls (main house or lodge) but will be visible from the West Somerset Railway. If screen planting, adjacent to the railway, is secured, I do not believe that the scheme will have any significant impact on the setting of heritage assets.

SCC – DEVELOPMENT CONTROL ARCHAEOLOGIST – Awaited.

BIODIVERSITY OFFICER – EAD was commissioned by Solar Power South Ltd to undertake an Ecological Impact assessment of the site in October 2010. The assessment included a desk study and Extended phase 1 habitat survey. Findings of the reports are as follows:

Amphibians - No potential breeding habitat for amphibians occurred within the site boundary. Scrub and tall ruderal areas provide foraging and hibernating habitat.

Reptiles - Field margins and woodland edges provided potential basking, foraging and hibernation habitat for reptiles such as slowworm and common lizard

Breeding birds - Habitat on site such as trees and scrub provide nesting and foraging habitat for a number of birds. I support the surveyors recommendation that any vegetation clearance take place outside of the nesting period and that the developer provide some biodiversity gain for birds.

Badgers - No badger setts were found within the survey area, although the surveyor noted that the grassland provided potential foraging habitat

Bats - Several mature trees on site provide potential roosting habitat for bats. The adjacent woodland and tree lines also provide foraging and movement corridors for bats. I support the surveyor’s recommendation to install 10 bat boxes on retained trees.

Otters - The stream immediately adjacent to one of the fields provide potential habitat for otter and water vole.

I support the surveyor’s assessment that impacts to the grassland and scrub removal could lead to a reduction in habitat for reptiles and nesting birds.

The proposed landscaping however would offset this and provide biodiversity gain to the development by providing habitat for invertebrates, birds, bats and reptiles. I support the mitigation and enhancement measures proposed both during and post construction

In accordance with PPS 9 I would expect to see wildlife protected and accommodated in this development and so suggest a condition that mitigation is submitted to and agreed by the Local Planning Authority.

ENVIRONMENT AGENCY – Awaited.

NATURAL ENGLAND – “Natural England recognises that climate change represents the most serious long term threat to the natural environment because of the damage it will cause to ecosystems, the biodiversity, the landscape value and services to society which they support. The present challenge is to move to a low carbon economy without unacceptable impacts on the natural environment. Different energy developments have different impacts on the natural environment and these vary in terms of significance and reversibility, dependent on their technology, scale and location. Thus, every case will have to be assessed on its merit...

...I have read through EADs Ecological Impact Assessment of the site undertaken in Oct 2010 and note that there are no predicted impacts to designated sites and that the overall proposals are likely to result in biodiversity gains. Natural England therefore support the mitigation and enhancement measures proposed in the report and the further comments made by TDBC’s conservation officer, Barbara Collier on 23 November.

Although the proposed planting should mitigate the main impacts of the construction in 5-8 years, the effects from the glint from the panels is still something of an unknown factor. So although glint from wider vantage points such as the Quantock hills are likely to be limited I would recommend conferring with the Quantocks AONB to ensure optimum planting at an early stage. There are also issues relating to maintaining an open vista both from and to the AONB viewpoints.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005”.

THE QUANTOCK HILLS AONB SERVICE – “Whilst the AONB service is aware of the importance of renewable energy, the primary purpose of an AONB is to conserve and enhance natural beauty. As such, we are concerned with the impact any new development may have on the character and quality of this nationally protected landscape (including its setting). Please accept these comments in this context.

The AONB service is very concerned about the potential impacts of the development on views to and from the AONB and the potential for setting a precedent for similar developments in the Vale of Taunton Deane (surrounding and in very close proximity to the Quantock Hills (AONB).

Protecting the character and visual integrity of the setting of an AONB is essential to ensure the character and quality of the AONB landscape itself is not compromised. Proposals for change within the setting of an AONB should carefully consider the inter-relationship with the protected landscape. In the context of the Quantock Hills AONB, the importance placed on the landscape setting is highlighted in numerous policies from the national to the local scale.

Views from the Quantock Hills AONB

The site is located less than 2km from the AONB boundary and forms part of the impressive and expansive views across the Vale of Taunton Deane enjoyed from high ground – in the context of this application, from the two open summits of Cothelstone Hill and Lydeard Hill. Given that these are two of the most visited and well used sites within the AONB the sensitivity of the location and viewers is *high*. As such it is imperative that the planning application include an adequate and robust assessment of Landscape and Visual Impact. Given that there is the potential for the development to appear as a series of straight lines (conspicuous in the surrounding landscape) the AONB Service is concerned that a thorough assessment of impact on views is provided. The Landscape and Visual Impact Assessment (LVIA does not, in our view, adequately consider impacts on the views and visual receptors from the two open summits for the following reasons:

- The viewpoint chosen for Cothelstone Hill is set back on the summit. The photograph should have been taken from the edge of the open summit (e.g. close to the bench shown in the photograph, which is deliberately positioned to take advantage of the open views). This would ensure the assessment made is of the clearest view to the site and not an assessment made of a view that is obscured by the summit landform in the foreground. The assessment of impact from Cothelstone Hill is therefore misleading.
- The methodology for determining ‘Significance of effects of impacts’ is insufficiently clear. Significance of the effect or impact is determined by considering both the sensitivity of the receptor (landscape and visual) and magnitude of change. Although the report highlights that these factors have been considered in determining conclusions of impact, there is no criteria provided for degrees of sensitivity or magnitude of change. For both Cothelstone Hill and Lydeard Hill the narrative should clearly explain that these are highly sensitive locations – on open access land within an AONB, used by people for recreation who have an expectation of experiencing fine views. The LVIA provided is not transparent or sufficiently detailed.

Views towards the Quantock Hills AONB

The AONB Service is concerned to ensure that the striking relationship between the low-lying vale landscape of the site and the prominent, inspiring backdrop of the Quantock Hills is fully appreciated and considered when determining this application.

As far as views towards the AONB are concerned, the principal views that would be affected would be those from the footpath to the west of the site, which is located within Sandhill Park and appears to be part of a well-used and attractive recreational route. The Quantock Hills form an important backdrop to the designated historic parkland landscape. The contrast between the low-lying farmed and settled landscape of the vale and the rugged and seemingly untamed landscape of the hills beyond are a key part of the attraction of the area. Indeed, mansions and designated landscapes set beneath the dramatic backdrop of the Quantock Hills are very characteristic of the local landscape. Although it is proposed to mitigate the impact on views by screening the solar panels with new hedgerows, the hedgerows themselves would block views towards the Quantock Hills – interrupting the visual

relationship between the two landscapes.

The Quantock Hills are clearly visible from viewpoints 2-6 in the LVIA and we consider that the impacts on the Hills have not been adequately assessed. In particular, the photographs included for viewpoints 4-6 are misleading in that they do not include views towards the Quantock Hills, which are a significant element of the views to the north east from these locations. The importance of the visual relationship between the vale and hills must not be underestimated. The proposed development will result in views to Quantock Hills being blocked – initially by solar panels and security fencing and later by the perimeter planting when matured. Whilst the proposed planting will soften the impact of the development in the vale, it will mean the loss of open views towards the Quantock Hills.

The current Taunton Deane Local Plan to 2011 contains the following policy, the final paragraph of which clearly recognises the importance of views to and from the AONB...[Policy EN10 includes that the protection of views to and from AONB will be an important consideration...The draft South West RSS policy ENV3 indicates that no development should be permitted outside the AONB which would damage their natural beauty, character and special qualities].

Whilst the site of this development is outside the AONB we have concerns over the precedent this might set for further, similar developments in the area – in terms of views to and from the AONB and changes to the landscape character (by changing the visual relationship between the vale and hills). With the feed-in tariff making this type of development an attractive proposition for farmers, there is potential for cumulative impacts from a number of developments and for other applications close to and within the AONB.”

FORWARD PLAN & REGENERATION UNIT –

Reducing the impact of climate change is a corporate and Sustainable Community Strategy priority.

The current Local Plan has a presumption in favour (policy C12) subject to criteria.

My chief concern would be one of glare. However, the Design and Access Statement states that they will be non reflective.

A landscape impact assessment has been undertaken which appears to demonstrate neutral or less impact after proposed screening/landscaping.

The proposal accords with Council policy and priorities. Subject to no adverse comments from Landscape section the Strategy Unit supports this proposal as making a positive impact to mitigating the impact of climate change.

Representations

1 Letter raising NO COMMENT.

21 letters of OBJECTION have been received raising the following issues:

Principle

- An Environmental Impact Assessment was not required and, therefore, there are significant gaps in the technical information upon which a decision will be made. There is insufficient information in the reports. Consultees have only based their responses on information provided and as such the decision may

not be valid. There is no lighting assessment. CCTV monitoring is mentioned, but not night time lighting, where the cameras and cabling would be mounted, and where the output from the cameras would go. The 4m high posts for the cameras will be intrusive.

- Without an agricultural land classification survey, it is impossible to determine whether the entire field is grade 3b or below – so the effect of the loss of the best and most versatile land cannot be determined. This type of development should not occur on land that can be used for food production.
- The site is approximately 10 acres of open countryside, 5.5 acres of which would be covered in solar panels. Such an industrial development is not suitable on this agricultural land, which would be at odds with the landscape character. An industrial scale power generation plant is not acceptable on open farmland, with all the associated noise and pollution.
- We should not accept development in the countryside when this must be contrary to planning policy.
- The proposal is contrary to policy EN6 (protection of trees, woodlands, orchards and hedgerows).
- This is just another example of environmental vandalism driven by misguided pseudo-green thinking.
- An application for a dwelling at Lethbridge Park has recently been refused on the basis that it would extend the development of Lethbridge Park and be visible from the footpath. This proposal would cover in excess of the development of 300 houses.
- Allowing such an incongruous structure in, or at least on the edge of, an Area of Outstanding Natural Beauty seems unrealistic when planning permission was required for a child's playhouse in a garden at Lethbridge Park.
- Allowing such a visible structure would be inequitable, given that the planning department previously required Sandhill Park, including the uses of all fields, to be restored to its original form.
- Any minimal energy benefits are outweighed by ecological, practical and aesthetic considerations.
- This is not a brownfield site. There are many brownfield sites to be used first, before Greenfield ones, such as old warehouses/factories. Panels should be encouraged on private roofs, not green fields.
- The supporting documents suggest that discussions have taken place with TDBC for the field to the north, so it can only be assumed that given success for this application, development will continue on open farmland along the railway all the way to Williton.
- Amazed to see that the 'Strategy Lead' considers that the proposal accords with planning policy. It would seem that anyone can build anything anywhere in Taunton Deane.

Amount of benefit/type of technology

- The site is to provide energy to the National Grid, not to installers or the operative. This is contrary to the intention of the feed in tariff, which was intended to encourage householders and small businesses to 'go green'. TDBC should refer the application to the Energy Minister, who intends to stop exploitation of the feed in tariff by commercial developers.
- The proposal will serve no useful purpose, as it will not provide energy to the local community in any way.
- The power generated would be enough for approximately 600 homes. For solar energy to make any meaningful contribution to the nation's power requirements would mean environmental vandalism on a huge scale. At this

scale it is no more than tokenism. 18,000 new homes are planned in Taunton Deane, 19,600,000 panels would be required to power them all.

- The power generated is low voltage and requires boosting before connecting to the grid – reducing efficiency.
- The *Mail on Sunday* published an article stating that these proposals are driven by Government subsidies and elsewhere in the EU these have been abandoned as uneconomic.
- This is no more than an opportunistic proposal to take advantage of a small window of government subsidy.
- The West Somerset Railway generates soot which will not be conducive to the panels and will require additional cleaning/maintenance.

Ecology

- Statements made in the ecological survey are not supported, a range of potentially significant effects have not been assessed, there is insufficient information on which to base a robust ecological impact assessment in accordance with guidance from the Institute of Ecology and Environmental Management.
- It is understood that the whole of the Sandhill Park estate, including the application site, is a designated County Wildlife Site.
- The ecological assessment found that there were no badger setts, however a local resident identified at least one sett in November 2010. Previous surveys have identified the adverse impact of badger activity on the water vole population. The application states that there are no reptile habitats, but great crested newts can forage up to 500m from a water habitat; it states that there is potential roosting and foraging habitat within the site. A phase II species survey should have been undertaken in respect of badgers, amphibians, reptiles and bats and a decision cannot be made without it.

Heritage

- The field is visible from the façade of the Grade II listed Sandhill Park and the upper stretches of the South Drive.
- The archaeological assessment is disputed. Important site features and potentially important remains (such as the East Lodge which may be approximately on the site of the inverter building) have been ignored. Maps pre-dating the railway indicate the presence of a former turnpike road. The effect on archaeology of the ground spikes is unknown and the quantity required is also unknown. The line of the turnpike road is clearly visible by a depression in the field which continues along the eastern boundary of what is now Lethbridge Park and follows that boundary until it reaches the North Drive.
- It is assumed that the required geophysical and trial trenching would be conditioned.

Landscape

- There would be little space between the panels, and there would also be a structure the size of a triple garage.
- The effect will be continuous land cover from the Greenway estate to the edge of Lethbridge Park, clearly visible from the public footpath. The installation will be visible from many vantage points and the applicants view that it will only be visible at a very local level is contested. Several longer distance views have been ignored, as have a range of residential properties. A full assessment of the magnitude of visual impact is required.
- The site will be clearly visible from the Quantock Hills (Cothelstone Hill and

the viewing point at the car park for Lydeard Hill) and West Somerset Railway and will scar the panoramic views and local visual amenity that everybody enjoys.

- The security fencing would be an eyesore and details of it are scant in the application.
- The panels would be 2.7m high, so the proposed 1.8m screening and fencing will be insufficient to mitigate this impact, especially as the field slopes upward towards the south. If the application is permitted, the panels should be single instead of double 'storey' in order to reduce the height.
- There is no information on whether the security fencing would be topped with razor wire.
- Other similar developments [a Wind Turbine at Lydeard House (2009) and Solar Panels on the roof at Greenway House (2004)] were refused [due to the impact on the AONB and character of the listed building respectively].
- It may take 10 years for the screening to establish, so there will be an eyesore for this length of time. This is hardly a temporary, short-term impact.

Neighbouring property

- The application fails to mention Lethbridge Park with its amenity areas and public footpaths that connect to the proposed site. The site is visible from west and east sides of Lethbridge Park. The location of the inverter building is of even greater concern.
- The development will be clearly visible from 28 Lethbridge Park. All pictures shown are of the front of the panels, when the rear will be seen from Lethbridge Park and the Sandhill Park mansion.
- There is no justification for downgrading the properties at Lethbridge Park by something which would have the appearance of an extensive industrial complex.
- It will emit a hum which will be audible from nearby houses.
- It is not known how safe the materials are from which the installation is made. Even if they are safe now, there may be long term risks, or risks at decommissioning.

Traffic

- The site will generate a fair amount of traffic – query how this will access the site. The access track will have to be widened and possibly metalled which will cause damage or loss of trees, hedges and other vegetation. Conclusions in the ecological assessment that the development will have a positive impact fails to consider construction effects.
- Traffic would have to arrive at the site via the A358, the site of numerous accidents, and enter via the poorly maintained Sandhill Park Drive. Query why there are no observations from the Transport Development Group.
- The access from the South Drive to the site, through the woodland will have to be widened and cut back, having a huge impact on the character of the area. This track supports a vast array of flora and fauna.

Use of the field

- The field is regularly used by walkers, dog walkers and is grazed by horses. There are two other permissive paths that cross the fields. It is the only footpath from Lethbridge Park to Bishops Lydeard. Walking on a narrow path is very different to crossing an open field. The safety of people using the path will be compromised by the screening which could provide cover for potential attackers. Footpaths will be damaged to an even greater extent if

construction is carried out in the winter – they are very close to the water table, so there may be localised flooding.

- The use of this field will leave neighbouring fields without any natural water, making them useless for grazing animals. Everybody enjoys seeing animals grazing here and they would become overgrown and ragwort-ridden if animals were no longer allowed to graze.

Other matters

- Comments made direct to the applicant in response to their community consultation exercise have not been included with the application.
- Query who will be responsible for upkeep if the company goes out of business.
- Between and beneath the panels will be concrete to provide stability. The field is badly drained and development will lose further permeability with the risk of flooding.
- It is likely to be vandalised by local youngsters and will put further strain on the already overworked local police. Vandalism is prevalent at Sandhill Park. The additional CCTV cameras required will be in infringement of the civil liberties of those using the surrounding footpaths.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN23 - TDBCLP - Areas of High Archaeological Potential,
C12 - TDBCLP - Renewable Energy,
S&ENPP64 - S&ENP - Renewable Energy,
S1 - TDBCLP - General Requirements,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
STR1 - Sustainable Development,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
S&ENPP9 - S&ENP - The Built Historic Environment,
PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues for consideration in this application are considered to be the principle of the development, the visual and ecological impact of the proposal, the impact on the public right of way, the impact on neighbouring residents – particularly those at Lethbridge Park, the impact on historical assets, and the impact on the highway network.

Principle

The opening paragraphs of Planning Policy Statement (PPS) 1 indicate that sustainable development is the core objective of the planning system. The second 'key principle' outlined in the statement is that "local planning authorities should...promote the development of renewable energy resources". Paragraph 22 supplements this by stating that "local planning authorities should promote and

encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy)”.

The PPS ‘Planning and Climate Change’ supplement to PPS1 describes climate change is the greatest long-term challenge facing the world today and states that there is an urgent need for action on climate change. Planning has a key role to play in encouraging renewable and low-carbon technologies in order to tackle climate change. Specifically referring to renewable energy generation, the supplement states that local planning authorities should not require applicants to demonstrate either the overall need for renewable energy, nor question the energy justification for why a proposal for such development must be sited in a particular location.

PPS22 is devoted entirely to planning policies for renewable energy. It illustrates the Government’s commitment to increasing the share of energy provided from renewable sources, stating that “increased development of renewable energy resources is vital to facilitating the delivery for the Government’s commitments on both climate change and renewable energy”. It goes on to state that “the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale are material considerations that should be given significant weight in determining whether proposals should be granted planning permission” and that “local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects”. The statement also states that “small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small”. It is also stated that local planning authorities should not use a sequential approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land).

In terms of local plan policy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purpose or accord with other specific development plan policies. Policy C12 relates to renewable energy development and also states that such proposal will be permitted where relevant policies are met. In this context, those policies are considered to be the ones relating to the other considerations detailed in the remainder of the report.

Running through all of the above local and national policy documents are general concerns with the protection of the environment, both in terms of ecological impact and the visual amenities of the area. PPS1 indicates the importance of protecting the character of the rural area and PPS22 advises that the visual impact of renewable energy proposals should be fully considered. However, providing that these matters can be adequately addressed – and this is the subject of the remainder of the report – your officers consider that there is a clear steer in both local and national planning policy in favour of the proposed development, in principle.

There have been a number of comments regarding the alleged inefficiency of the proposal or the limited contribution that this installation would make towards meeting the Country’s renewable energy targets. Whilst the contribution is small, neither this or the efficiency of the installation are factors which should be given significant weight in reaching a decision – this stance is firmly confirmed in PPS22. There is a perception that the development is only viable due to government subsidy. Indeed,

the terms of the 'Feed in Tariff' are such that the installation would have to be operational by April 2012 and this is no secret. However, regardless of the previous or current Government's intention with the Feed in Tariff, it is available for installations up to 5MW and the funding or commercial viability of the scheme should not be given any weight in this decision.

Comments have also been raised that brownfield sites should be used. PPS22 advises that there should be no 'sequential testing' of sites and renewable energy developments should not be constrained by such restrictions as they need to be provided where the resource and grid connections are available. Accordingly, the fact that this is a greenfield site is not considered to weigh heavily in the determination of the application.

The application states that the land is 'low-grade' agricultural land and, as pointed out by some of the objectors, there is no evidence to support this. However, the site is currently in use for grazing and this use is not intended to stop through the lifetime of the development as it is an efficient way to maintain the site. After 25 years, it will be possible to return the site to any agricultural use, so even if the stated assumption over the land classification is incorrect, this is not considered to carry significant weight.

Visual impact

The visual impact must be assessed in terms of local and wider impacts and, in particular, the impact on the nearby Quantock Hills Area of Outstanding Natural Beauty (AONB).

The development will cover a large part of a currently open field in solar panels. Whilst the gap between the panels is substantial at just under twice the area actually covered by the panel, the perception will be that this once open site is now covered in development. Furthermore, the 1.8m perimeter security fencing will formally enclose the panels and the public will no longer be able to deviate from the defined public right of way when crossing the field.

The submitted Landscape and Visual Impact Assessment (LVIA) concedes that there will be a significant short term impact on the visual amenities of this area whilst the proposed landscaping takes effect – the Council's Landscape Officer anticipating this to be between 5 and 8 years. There has been a significant amount of objection about this aspect in particular and it cannot be denied that the perception of the area will change greatly. However, whilst the impact here is great, it is only a very short length of one footpath and views are maintained through the trees towards Lethbridge Park on the opposite side of the path. Given that the proposed landscaping will, in time, mitigate the impact of both the fence and the panels themselves, it is not considered that significant harm would arise from this immediate visual impact, in the long term.

The east side of the site is bordered by the West Somerset Railway. This is, obviously, an important tourist route through the area and a large number of visitors will pass. As the railway passes the northern part of the site, the development will be visible from the train, but as the railway descends into the cutting towards the south, views will be lost. As with the footpath, the views are limited to a very short stretch of the railway and, in time, the proposed landscaping scheme will provide substantial mitigation. In this, exposed, corner of the site, the storage building will be located.

This is a small (4m x 6m and 2.5m high) timber building with a curved corrugated sheet roof that will not necessarily look out of place in the rural landscape and will shield most of the panels from view. In addition, the proposed landscaping at this point is at its widest, accounting for the current lack of planting in this strategic location. Accordingly, in a relatively short period, the panels will no-longer be significantly visible from trains passing on the railway.

From slightly further afield, it is considered that the railway embankment will mask views of the site from the footpath to the east. To the west, the public footpath approaches the site through a wooded area and the site is not directly visible until one arrives at the stile into the field. In some ways, this approach reinforces the acceptability of the landscaping/hedge planting proposed along the footpath across the field, simply continuing the enclosed nature of the path into the site. Further to the east, glimpses of the site are available from the footpath along the southern edge of Lethbridge Park and from the main Sandhill Park drive. However, as with the close views, the planting along this boundary of the site (beyond the trees which currently form the boundary to the field) will be strengthened and it is not considered that the impact on the visual amenities of this area will be significantly harmed by the relatively low-level development.

In terms of the wider landscape impact, the site sits in the relatively flat Vale of Taunton Deane at the foot of the Quantock Hills. Due to surrounding ground levels, the site is not readily visible from more distant locations within the vale, being relatively low-rise. The greatest concern is the impact on the Quantock Hills Area of Outstanding Natural Beauty (AONB). Despite giving a presumption in favour of renewable energy developments, PPS22 indicates that in sites with nationally recognised designations (such as Areas of Outstanding Natural Beauty) planning permission for renewable energy projects should only be granted where the objectives of the designation will not be compromised by the development and that any significant adverse impacts are clearly outweighed by the environmental, social and economic benefits.

The site itself is not within the AONB and, therefore, would not actually harm the protected landscape directly. The main issue here is the impact on views into and out of the AONB and whether those would be harmed to the point that the setting of the area and the integrity of the landscape as a whole is compromised.

In their representation, the Quantock Hills AONB Service raise significant concern over the LVIA that has been submitted, suggesting that photographs are misleading due to the vantage points that they have been taken from. In terms of views into the AONB, the Service are keen to ensure that the contrast between the low-lying, 'settled' vale and stark, rugged, 'untamed' AONB landscape is maintained. It can be accepted that the LVIA could have included photographs that showed the hills in the context of the site, but this omission does not in itself make the proposal unacceptable. Indeed, as noted above, the hills form the general backdrop to the wider landscaped formal parkland of Sandhill Park and the network of public footpaths in the area. The impact in terms of views to the Quantock Hills are very local to the application site and, whilst the proposed security fencing in the short-term and landscaping in the long-term would undoubtedly mask views of the hills whilst on the site itself, this is only for a very short length of footpath. From further back – even as close as the Sandhill Park drive – the hills would still be the dominant backdrop landform in the area. Accordingly, it is not considered that views into the AONB are harmed significantly.

In terms of views out of the AONB, the site is distant and viewed as part of a small component of the relatively large-scale landscape of the Vale. There are two main vantage points that are visited by a high number of visitors – the open summits of Cothelstone Hill and Lydeard Hill. Again, the AONB Service are concerned that the photographs in the LVIA are misleading and that views further forward on the summits should have been used. Again, this is an arguable point but does not, in itself, make the proposal unacceptable. Despite covering an entire field in solar panels, that field is adjacent to a wooded area, an existing 'dark' component in the landscape and is not considered to be unduly prominent.

Natural England have commented that the development could lead to glint (the sharp, intense reflection from a small point) and glare (a more widespread general reflection) when looking down from the AONB and that the views of the AONB Service should be sought. Although the panels are 'matt' in finish (reflective surfaces would be less efficient) any large expanse can be slightly reflective when the sun is at certain angles. It is not accepted, therefore, that there would be no glint or glare from the development although the extent of this is almost impossible to measure. However, it is considered that where glint or glare does occur, this would be limited in both time and location as the sun and any resultant reflection move through the course of the day. Any reflection would be limited to the early morning (in the vale) and afternoon (in the hills), as the panels are positioned to directly face the sun when it is at its most intense.

Taking all of the above considerations into account, the landscape impact is considered to be measurable, but not significant in terms of both the local and wider landscape impacts. The Natural Beauty of the Quantock Hills would be maintained, in accordance with policy EN10 of the Taunton Deane Local Plan.

Ecological impact

Part of the Sandhill Park estate is designated as a local wildlife site, however this does not extend to the site itself. In any case, the designation is based on the veteran trees in the parkland, which will not be affected by the proposal. The submitted wildlife survey found that there were no protected habitats within the site itself. It found that the field margins and woodland hedges provided potential basking, foraging and hibernation habitat for reptiles such as slowworm and common lizard. Trees and scrub could provide nesting and foraging habitat for breeding birds and the surveyor recommended that site clearance takes place outside the nesting season. Several mature trees on the site provide potential roosting habitat for bats. The adjacent woodland and tree lines also provide foraging and movement corridors and 10 bat boxes are proposed to be installed on retained trees. The adjacent stream provides potential habitat for otters and water voles.

The Council's Biodiversity Officer supports the surveyor's assessment that impacts to the grassland and scrub removal could lead to a reduction in habitat for reptiles and nesting birds. However, she considers that the proposed landscaping would offset this and, in general provide biodiversity gain to the development by providing habitat for invertebrates, birds, bats and reptiles. The proposed measures are also supported by Natural England who consider that the impact on wildlife interests will be acceptable.

Some objectors claim to have seen badger activity on the site and, at the time of

writing, have been asked to confirm where this activity was. As it stands, the surveyor appointed for the applicant is convinced that there was no such activity at the time of the survey and the Biodiversity Officer considers that, in any case, the ability of badgers to forage on the site will not be compromised. A phase 1 survey, such as that submitted, is considered to provide sufficient information to allow the application to be determined, concluding that there were no protected species on the site. It is possible that badger activity has started on the site since the survey was undertaken and given the comments from the neighbouring resident, a condition should be attached to ensure that further survey work is undertaken prior to the construction of the development. Ultimately, if a badger sett (or other protected species) is found, then the applicant will need to apply to Natural England for a derogation under the habitat regulations. At the time of writing, your officers are completely satisfied that the application contains sufficient information in order to make a decision.

Public right of way

The impact on the amenity of the public right of way has already been discussed in the consideration of the visual impact of the proposal. Accordingly, whilst the character of the path along the field will be changed, it is not considered that it would be significantly less desirable as a walking route (as part of a small component of a large footpath network) than the existing path. The actual usability of the path would not be altered at all and it would remain open along the existing definitive line without modification. As such, the impact on the public right of way is considered to be acceptable.

Neighbouring residents

The closest, and arguably most affected, neighbours are those on the southern fringes of the Lethbridge Park estate. The panels themselves are considered to be fairly benign structures that face away from this housing development. As such, residents of Lethbridge Park will not be affected by glint or glare from the panels. The height of the panels is low – on average 2.5m from the ground and as such, although they may be visible, they will not be obtrusive or overbearing when viewed from the closest (or any other) resident – the face of the dwelling being some 80m from the site boundary. Again, the additional landscaping proposed along this site boundary is considered to soften any impact. It is of interest that of the 13 letters of objection from Lethbridge Park only 3 have been received from residents of the 10 properties along the southern edge of the estate (although 3 have not specified which property they live in). All 51 residents of Lethbridge Park were notified of the application. It would seem, therefore, that even amongst those closest to the site the majority of the nearby residents are not in objection to the proposal.

There are other close neighbours to the east of the site – in particular Castle House, Barton Grange and Grendon House on Minehead Road, the closest of which is around 110m from the eastern site boundary. However, these dwellings are on the opposite side of the railway line at the southern end of the site, which is descending into a cutting at this point and where there is existing boundary screening. Accordingly, these properties are not considered to be unacceptably affected by the proposal and it is noteworthy that none of the properties in this area have commented on the application.

Some concern has been raised about noise from the panels. The panels themselves

are silent, although the inverters could create a very small amount of noise. According to the applicants information, this would be so quiet as to be barely audible standing next to the unit and inaudible off the site. Accordingly, it is not considered that there would be any noise disturbance from the development.

Concern has also been raised that there are no known health impacts of the installation. However, by implication, there is no evidence one way or the other on this matter and accordingly such concern is not considered to carry significant weight.

Historic assets

The site sits within the Sandhill Park estate, the mansion being Grade II* listed. The surrounding parkland, a deliberately landscaped area is, therefore, part of the setting of the main house. However, the application site is on the edge of the grounds, visibly separated from the main site by the trees along the south western site boundary and tree line along the north western boundary. This area is also already compromised by Lethbridge Park and, as such, the mansion no longer sits in open 'parkland'. When approaching the mansion up the south drive, the site is not visible, it is only when looking back from the mansion towards the site, or heading back down the drive that glimpses will be possible. As such, the mansion and panels are not seen in the same view and it is not considered that the glimpses from the main drive and mansion itself are detrimental to the setting of the listed building – especially given the landscaping that will establish over time. The duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 – to ensure that the listed building and its setting are preserved when making any planning decision – is, therefore, satisfied.

There are further listed buildings to the east, on the opposite side of the railway line, but it is not considered that the setting of these would be prejudiced by the proposed development due to the separating agricultural land and railway line.

The site, being part of the former estate does have some archaeological potential, although this is not acknowledged as a formal designation. The proposed fixing method of ground screws to a depth of around 1m has less potential to cause ground disturbance than other more traditional methods such as excavation and concrete pads. An archaeological assessment has been completed, and concludes that, whilst each individual ground screw would not have an undue effect, the collective impact could lead to the potential for substantial disturbance, particularly in the area of the possible 'chantry' site to the north. The report recommends that the site be the subject of a geophysical survey to ascertain areas of archaeological potential with subsequent areas with positive geophysical anomalies being targeted by trial trenching. At the time of writing, the comments of the County Archaeologist are outstanding and members will be updated at the meeting, but given the conclusions of the applicant's own report, it is considered reasonable and necessary to impose conditions requiring further survey work prior to the commencement of development.

The West Somerset Railway could also be considered a heritage asset but, as discussed above, it is not considered that the proposal would significantly impact on this route.

Highways

The highway impacts of the proposal will be very small. Vehicles will be attracted to the site during the construction and decommissioning of the installation, but aside from that it is only routine maintenance vehicles that will visit. At construction, the applicant anticipates that around 10 articulated lorries will be required, with around 25 deliveries in total. A tractor and flat bed trailer would move the panels from the drive into the site, so that full access for lorries is not required along the public footpath. Accordingly, the applicant has confirmed that no widening or surfacing of the access route, along the public footpath would be required. Once the site is operational, a maintenance van is expected to visit approximately 5 times per year. Based on this low level of traffic generation, the Local Highway Authority do not wish to comment on the proposal.

Other matters

It has been suggested that the development will require concrete foundations and that this will impact upon the drainage of the site. With the exception of the small building in the north corner, which will sit on a concrete pad, this is incorrect with the development being anchored to the ground with screws. The panels will be allowed to drain naturally to the ground and, as there will be no increase in surface water falling on the site, such proposals are considered to be acceptable.

Conclusions

Government policy, in the form of PPS1 and the 'Climate Change Supplement' gives a clear steer in favour of renewable energy development. Like the local plan policy, this is couched in the caveat that landscape impact must be carefully considered. In this case, it is accepted that there will be some short term harm to the landscape in the area very local to the site, particularly along the route of the public right of way across the field. However, as the landscaping establishes, this harm will reduce year on year. It is also considered that there would be some interruption of the views to the Quantock Hills AONB from the footpath, however, this is over a relatively short distance and is not considered that the harm is significant. Likewise, the development is not considered to be intrusive in the Vale landscape when viewed from the Quantock Hills. As such, given the wider environmental benefits to be achieved from producing electricity from renewable sources, it is considered that the balance between these issues falls firmly in favour of granting permission.

In other regards, the development is not considered to have a detrimental impact on local wildlife interests, the usability of the public right of way, neighbouring residents, heritage assets or the highway network. The proposal is, therefore, considered to be acceptable and it is recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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