

41/13/0001

AEE RENEWABLES UK 21 LTD

ERECTION OF 16,632 SOLAR PV PANELS GENERATING UP TO 4.16MW AT GLEBE FARM, TOLLAND (RESUBMISSION OF 41/12/0005)

Grid Reference: 310157.131461

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the scattered, small scale and highly dispersed rural development in the area. This incongruous proposal would be highly visible from a large number of sensitive receptors which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal. The proposal is, therefore, contrary to Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy.
- 2 The application has not satisfactorily demonstrated that the development can satisfactorily mitigate the risks of off site flooding. It is, therefore, contrary to Policy CP8 (Environment) of the Taunton Deane Core Strategy.

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has had detailed discussions and site meetings to consider points of concern. However in this case the applicant was unable to satisfy the Local Planning Authority that the development would not give rise to unacceptable impacts and as such the application has been refused.

PROPOSAL

This application seeks full planning permission for the construction of a solar park comprising around 16,632 solar PV panels generating up to 4.15MW of electricity.

The panels would be arranged on fixed south facing tables in rows with 3 inverters/transformers and a single substation. A new hedge would be positioned at the east extent of the panels and the existing hedge along the north site boundary would be supplemented and allowed to grow up.

Access for construction traffic would be via a temporary roadway from Chilcombe Bridge, a short distance off the western site boundary on the B3188. Construction traffic would be routed from Junction 27 of the M5, via Bampton and Wiveliscombe, arriving at the site from the south.

SITE DESCRIPTION AND HISTORY

The site is a broadly southwest facing hillside set in a natural bowl. The site is steeply sloping, gaining approximately 40m in height over the c.100m width of the site (from southwest to southeast). The main part of the village of Tolland lies over the hill to the north, whilst Brompton Ralph looks out towards the site from the opposite side of the valley to the west.

The West Deane Way long distance public footpath runs along the north eastern site boundary for a distance of about 280m, emerging from a wooded area downhill from to the east of the site, approximately 200m beyond the proposed new hedge at the eastern end of the panels and turning north towards Tolland broadly in the middle of the proposed installation. The northern boundary hedge is currently a relatively low scrappy hedge that does little more than define the edge of the track and field.

The upper reaches of Halse Water run along the south western site boundary and forms the bottom of the valley and Parish/District boundary. The river is lined with mature trees and parts, including that just off the southern corner of the site are identified as a Local Wildlife Site. There is a large number of fairly well connected public footpaths in the area, several of which afford panoramic views of the area and over the application site.

An application (41/12/0005) for around 20,000 solar PV panels was submitted in 2012 on this site, also extending further to the east, to the edge of the existing woodland. The application was withdrawn when your officers expressed concern over the visual impact of the proposal and there were still unresolved flood risk issues. It is no longer proposed to have panels installed on this eastern part of the site and consequently, the current application proposes a smaller installation.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL – “Lydeard St Lawrence and Tolland Parish Council would like to strongly object to this planning application.

We do not agree with the scheme's plan to cover open countryside with PV panels. No landscaping could effectively shield the development from view. The site is in an area of mixed farming and woodland and the scheme would have a detrimental

impact on the character of the landscape. Screening would further negatively impact, rather than enhance, the area.

There are serious concerns regarding the access to the site, particularly in the light of damage to the access track during the construction of a similar scheme at nearby Halse. An additional road leading to the site to accommodate the construction traffic would be of further detriment to the nature of the local landscape. The parish council's planning sub-committee still has concerns regarding the water run-off and potential flood risks arising from this scheme. The local area has suffered from flooding and water run off onto local highways, and the parish council is keen to ensure that this is not exacerbated by any future planning developments. The proposed scheme was brought up for discussion at the Annual Parish Meeting on 22nd April, allowing comments from the local community to be shared with Parish Councillors.

In addition to local councillors there were eighteen members of the public present, and there is widespread concern relating to this application. It was stated that many felt that this application had not dealt with their concerns from the previous application (41/12/0005) and none at the meeting were prepared to offer any support for it. The parish council's planning sub-committee believes the negative impacts of the proposed development clearly outweigh the benefits, particularly for the people who live in the area close to the site. We would encourage this matter to be referred to the TDBC Planning Committee, and for the Planning Committee to listen to strong local opinion and reject this scheme. Should the scheme be approved, however, we would hope that a section 106 agreement could be put in place to ensure some benefits to be delivered back to the wider community who will have to live with the impact of any approved project.

BROMPTON RALPH PARISH COUNCIL - "The meeting was attended by approximately 20 people mainly from the parish of Brompton Ralph. The majority of the attendees wholly objected to the proposed application.

[The Chairman] declared to the public meeting that the Parish Council objected to the application on grounds of visual impact on the landscape and the fact that 30 acres of good useable agricultural land would be lost to farming for at least 25 years.

The proposed application would affect the people of Brompton Ralph, more than those situated within the parish of Tolland. [The Chairman] also recommended that all members of the public should write to their local MP to raise this issue with him. The two key grounds for objection would be that of matters of visual impact and use of agricultural land.

Discussions were made with the public about how controversial planning applications are usually dealt with at District Council planning committees. It was strongly recommended that Taunton Deane Planning committee should be asked to have a site meeting at agreed points within Brompton Ralph to consider the objections raised about the visual impact to such beautiful landscape located within the area of Brompton Ralph located in West Somerset District.

A member of public indicated that the Landscape Officer to Exmoor National Park was informed about the proposed application. It was suggested that the Parish

Council meet with AEE Renewables, to discuss what might be on offer as a potential community benefit if the planning application were to be approved. Many of the members of public objected to this suggestion, however a proposal was made ...which was seconded The proposal went to vote by the Parish Council. A majority vote was made, 3 to 2 in favour of meeting AEE Renewables. It was agreed that the clerk should make contact with the AEE Renewables project manager responsible for the proposal..."

SCC - TRANSPORT DEVELOPMENT GROUP – Awaited.

LANDSCAPE - My main concerns are the visual impacts of the proposal PV's which are an uncharacteristic feature in what would otherwise be a well managed landscape typical of the 'Wooded and Farmed Vale Fringes – West Deane' landscape character area.

I am generally happy with the photo viewpoints chosen but disagree with some of the sensitivity and significance classifications in Tables 4 and 6 of the Landscape Assessment. For example in Table 4 PV6, 7 and 9 are both public footpaths and should therefore have the same sensitivity i.e. medium. I agree the West Deane Way public footpath is high sensitivity. The churchyard as a semi public open space where visitors go to reflect on life should also be high sensitivity. The B3188 should be medium sensitivity given the route is an access route to Exmoor and the area generally which is popular in terms of tourism. The sensitivity of residents should be the same and not different as indicated in PV's 2 and 3. I would agree with residents being medium to high sensitivity.

In terms of significance of the visual impacts, Table 6, the magnitude from PV1 should be high, given the angle of view and distance, but given the potential for mitigation from the small number of viewpoints I agree the impact is low. Similarly in PV2 I consider the magnitude to be high but the impact with mitigation to be medium. I don't agree that any of the views from or near Brompton Ralph are 'long' distance, but consider them 'middle' distance. The only long distance view is PV4.

Given the above qualifications my summary assessment is the middle distance views from many of the properties, churchyard and local footpaths in and around Brompton Ralph will have a significant visual impact given the uncharacteristic features of the PV's which is otherwise a generally unspoilt area of countryside characteristic of the 'Wooded and Farmed Vale Fringes – West Deane' landscape character area.

Local views to the south of the PV's would be significant and those from the West Deane Way would be highly significant but reducing over time as the hedgerow planting establishes. The hedgerow planting could easily take 10 years to be fully effective.

There are several gateway sites where there are clear views to the PV site but generally they are glimpsed views that are going to have a less significant visual impact.

Overall, given the valley shape of this landscape and the west facing slope of the PV site, I consider there to be a significant number of views – public and private -

where the proposed development would be an uncharacteristic feature within the local landscape detrimental to its character and consider the proposals contrary to CP8.

ENVIRONMENT AGENCY - OBJECT to the application because the submitted Flood Risk Assessment (FRA - prepared by H2OK and dated March 2013) does not currently demonstrate that the risks of flooding from the development can be fully mitigated. In particular, the submitted FRA needs to address the following:

Confirm that all the proposed drainage mitigation works fall within the red line planning application boundary. In particular, the proposed swale/bund feature is shown outside the site red line boundary on H2OK drawing 3001B in Appendix B of the submitted FRA. We therefore question the applicant's ability to deliver the construction of this feature if it is not part of the planning application.

Notwithstanding point 1 above, the proposed swale/bund feature appears to terminate near the site's south western corner, parallel with the valley contour. In the absence of any bund feature being returned up the hillslope a short distance, any exceedance flows from the swale would simply enter the nearby watercourse in an uncontrolled manner, with possible implications for downstream flood risk.

Section 6.3 of the FRA states that no allowance for any potential runoff from the site access roads will be made in the swale/bund detention volume. It is not clear which roads will be new construction, or improvement to existing tracks, and the length of road to be retained post construction. We would ask that the FRA further addresses this point in light of the uncertainties over the proposed trackway permeability, should the running surface become bound with fines/mud off the construction vehicles.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – The report includes details of noise monitoring carried out at a solar farm at another site. This found that the transformers/inverters were the main source of noise. An assessment was carried out along the lines of British Standard 4142: 1997 which compares a rated level of noise from a proposed source and compares it to background levels. The report does note that BS4142 is not suitable for when background level and rating level are low, and that this is the case at this site.

The information from noise monitoring at the other solar farm was used to estimate noise levels at three properties close to the Glebe Farm site. The predicted noise levels at nearby properties are between 16 and 24 dB(LA eq) with a weighting of 5dB added as an “acoustic feature correction” (to take into account that intermittent noise can be more disturbing than a constant noise). No background levels have been measured at the site, however, the report notes that they are likely to be low (below 30dB). The predicted noise from the transformers similar or lower than the estimated background levels for the area. The report concludes that the proposal, with suitable mitigation measures, are considered acceptable.

The measured levels of noise from plant on a solar site seem to be along the lines of what would be expected. The estimate of noise levels at nearby premises is reasonable, although it does not mention the affect of topography. This could affect the predicted levels as the site is in a valley with receiver point 1 below it; also

receiver point 3 would be shielded by the hill. Although no background monitoring was carried out on site the report does take into account that the levels will be low. Based on the information in the report it is unlikely that the noise from the plant at the solar farm will be unreasonably loud at any nearby premises.

There is a solar farm in operation in the district which has inverters/transformers that are closer to residential premises than at this site, and Env Health has no record of any complaints about the noise from this operation.

If there are any problems with noise the Environmental Health Section has a duty to investigate complaints, and would contact the operator to try and resolve any problems. With fixed plant is it normally possible to reduce noise by providing additional shielding or an enclosure. The Council could require the operator to take further action if the noise is bad enough to be causing a statutory nuisance.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – Based on the Heritage Statement submitted by the applicant, I am happy that the archaeological issues associated with this application can be dealt with through a condition.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until 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 by the local planning authority."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

WEST SOMERSET DISTRICT COUNCIL – The Council objects to the application due the adverse effect that the proposed development will have on the visual amenities of this attractive rolling countryside. The panels will adversely affect the enjoyment of users of the local area including walkers, equestrian users and properties within the immediate vicinity and are to be positioned in a location which is too heavily exposed.

It is clear that the proposed panels will be visible from several viewpoints within Brompton Ralph and from the network of footpaths, which are in relative close proximity to the site. The Council considers that due to the topology of the site screening would not be possible as a result no suitable mitigation for the visual impact can be secured.

EXMOOR NATIONAL PARK AUTHORITY – No comments received.

SCC - RIGHTS OF WAY – There is a PROW recorded on the Definitive Map that

runs within the site at the present time. Any proposed works, including the new hedge planting must not encroach on to the width of the right of way. The health and safety of walkers and horse riders must be taken into consideration during works to carry out the proposed development. SCC will not be responsible for putting right any damage occurring to the surface resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority to do so.

Provides advice on when authorisation for works may be required from SCC.

NATURAL ENGLAND - Natural England has previously commented on this proposal under the consultation reference 41/12/0005 and made comments to the authority in our letter dated 04 September 2012. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application relate largely to size, and are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We have received notification from a member of the public regarding the abovementioned planning application, stating that otters are present in the vicinity. Where representations from other parties highlight the possible presence, or the Council is aware of a protected or Biodiversity Action Plan (BAP) species on the site, the Council should request survey information from the applicant before determining the application. Paragraph 98 and 99 of ODPM Circular 06/2005 provides information on BAP and protected species and their consideration in the planning system.

DRAINAGE ENGINEER – No comments received.

BIODIVERSITY - The application is for erection of 16,632 photovoltaic solar panels on land at Glebe farm Tolland. The application is a resubmission of the larger application 41/12/0005.

The site comprises of fields used for arable and pasture. Adjacent to the southern boundary is a stony based stream within a broadleaf woodland strip. SERC has recorded four legally protected flora on or adjacent to the site namely Long stalked crane's bill, Bluebell, Corn Spurrey and Small flowered buttercup.

Nicholas Pearson Associates were commissioned by AEE Renewables 21 UK Ltd to undertake an Ecological Impact assessment of the site in February 2012, which is not an ideal time to carry out surveys. The assessment included a desk study and Extended phase 1 habitat survey.

Findings of the report are as follows

Local wildlife sites(formerly known as County wildlife sites) – There are six LWS designated for their nature conservation value within 1km of the site, which illustrates the wildlife significance of the area. The four closest sites mainly contain herb rich grassland and marshy grassland whilst Cleeve Copse and Gaulden wood are designated as semi natural broadleaf woodland

Badgers – No badger setts were found within the survey area, although the surveyor noted that the hedgebanks provide future sett building opportunities as does the nearby woodland. I agree that a pre- construction check for signs of badger activity should take place prior to any works taking place.

Bats – The surveyor considered that occasional trees to the south and east, which are to be retained, would provide potential for roosting bats.

Dormice – The woodland edge and hedgerows within and immediately surrounding the site offer suitable habitat for dormice.

Reptiles – Field margins and woodland edges provided potential for reptiles.

Breeding birds – Habitat on site such as the woodland and hedgerow network provides nesting and foraging habitat for a number of birds. A local resident states that Barn owl and Red kite use the site. SERC records also indicate the presence of Hobby.

Otters – The surveyor does not mention otters but a local resident has provided evidence that otters use the watercourse.

The surveyor recognises that, there is potential for ecological impacts to arise during construction and operation of the solar farm (as listed in a table) and so has made recommendations for mitigation. I am particularly concerned about the site's proximity to a watercourse.

This is a large site in an area of wildlife value and so I would expect to see more biodiversity gain than suggested. The surveyor has recommended wildflower grass sowing (sometimes difficult to establish beneath the shade of panels), planting of hedges and the provision of bird and bat boxes but has given no detail.

Should permission be granted I would like to see wider buffers to the wildlife features surrounding the site and an area of landscape planting.

In accordance with NPPF I would expect to see wildlife protected and accommodated in this development both during and post construction and so suggest a condition if planning permission is granted.

POLICE ARCHITECTURAL LIAISON OFFICER - The potential for metal theft, vandalism etc. is a very real concern for solar farms, as copper and other valuable metals such as aluminium which form part of photo-voltaic panels and associated cabling transformers etc. are particularly attractive to metal thieves. Further to the above, recent expert advice to the police is that it is estimated that 4-5 tonnes of copper is needed for every Mega Watt of electricity generated at such site, so armed with a figure for the projected power generating capacity of a solar farm, a rough calculation can be made for the total amount of copper likely to be on site

Police advice is that such sites should be viewed no differently to any other energy installation of Substantial size, such as National Grid sites. Information regarding security is, therefore, provided for the applicant.

I note from the DAS that electronic monitoring measures are not being proposed at this stage. Should planning permission be granted, such measures may become essential.

Representations

County Councillor John Wilkins: _

"I object to this application on the following grounds. This is a large scale development of hard landscaping within open countryside and within the Brendon Fringes LCA and in view of Exmoor National Park. There will be an adverse affect on both adjacent and distant views. There will be an increased risk of localised flooding and the potential for a persistent noise intrusion in this quiet and peaceful area. All of these factors will detract from the amenity value and general enjoyment of this attractive rural location. There was strong and widespread local opposition to a similar previous plan and I understand this still prevails for this application and should be taken into account".

Brompton Ralph Parochial Church Council:

"The Parochial Church Council is strongly opposed to the above application on a site in clear view of this very beautiful listed building.

The visual and environmental impact caused by installation of a large array of unsightly alien panels would be very harmful. People coming to the Church for regular services, special occasions or visits would all be adversely affected. The visitors' book indicates that people regularly visit the Church, e.g. tracing family histories, and comments include "... lovely to find an open church in such peaceful surroundings" and "... a sanctuary in such a stunning spot". In the Church's Statement of Significance there is specific reference to the panoramic views from the churchyard, including that towards the Quantocks, as an important part of the character of our Church.

St Mary's has stood as the dominant building here for over 600 years. It would be tragic indeed for this historic building to be overshadowed as a landmark in our beautiful West Somerset countryside by a very ugly industrial complex. Our heritage would be seriously damaged".

West Somerset Group of Ramblers Association:

"The proposal will be obtrusive in the countryside and will be clearly visible from public footpaths in Taunton Deane and West Somerset. Unless screening can be provided, this group objects to the proposal".

Taunton Deane Ramblers

Object on the grounds that it would have a visual impact on walks in the area and

would significantly spoil the enjoyment of the public footpaths, especially the West Deane Way”.

98 individual letters of OBJECTION from both local residents and those that frequently visit the area as tourists have been received, making the following points:

Visual impact

- The development will infringe on the outstanding landscape, upsetting the natural balance and unique beauty of the environment.
- The area is more open and hilly than most other parts of Taunton Deane, so features are evident from a greater distance. The topography means that the overall height would be 17.2m natural ground + 2.8m construction (20m) and would be particularly obtrusive when viewed from the north, west and south.
- The site is a natural bowl, like a public arena which makes it extremely prominent and clearly visible for miles around.
- The aluminium framing will cause an obvious reflection. It should be anodised or coloured a dark colour.
- The footpaths in the area are used regularly by local residents and visitors and the visual impact from many places will be highly significant, particularly from the Brompton Ralph side of the valley.
- All footpaths arising in Brompton Ralph and 2 footpaths in Tolland are spoiled by this development, one of which is the West Deane Way.
- The value of visitors to the area should not be dismissed lightly. There are several B&Bs and holiday cottage rentals in and around the village.
- The development will create an industrial blot on the landscape. It would be an unnatural feature that will not mellow with time.
- Smaller scale and less intrusive pheasant rearing pens a few hundred yards from the site were recently refused by West Somerset District Council on the grounds of visual impact and the incongruity of the semi-industrial aspect being at odds with the open rolling and uncluttered nature of the adjoining fields.
- The industrial character of the development will increase the perceived human influence on the landscape, thus eroding the intrinsically rural character of the countryside. They will appear out of place when viewed from the south and west against the backdrop of the Quantock Hills and Willet Hill. It could never be assimilated into this landscape because of its large industrial scale, in total contrast to the natural unspoilt landscape surrounding it.
- Mitigation is possible on a flat site but it doesn't work on the side of a valley which forms a natural bowl.
- From nearby the security fence will be out of character, so there will be a serious impact on the landscape.
- The development will be visible from the downstairs windows of properties in Brompton Ralph.
- There are fewer and fewer unspoiled areas such as this and the application should be resisted to preserve the beautiful landscape.
- The increasing number of solar parks in Taunton Deane and West Somerset will lead to the cumulative effect of multiple developments resulting in solar PV becoming the overwhelming influence on the landscape.
- The two most serious views from the West Deane Way have been removed from the LVIA. Whilst the reduced site area has less effect on the West Deane Way, the most affected parts with the greatest panoramas are still affected.

- Solar Parks are not objectionable in principle, but they must be appropriately sited. There are others which are hardly noticeable in the landscape and these serve to highlight the total unsuitability of the current site.
- The alterations and reduction in size from the previous panels has surprisingly little benefit: It does not alter the large west facing part of the site visible from Brompton Ralph and still leaves panels visible from footpaths to the north and east.
- The LVIA does not properly follow published guidelines and has recorded impacts less severe impacts than it should have done.
- It is wrong to say that views from public rights of way are transient. People do not want to hurry along PROWs, they linger at interesting views to take picture, gaze a beautiful viewpoints and sometimes stop for picnics.

Highways

- The B3188 is a busy road. The transport of equipment will damage the road and it will fall to SCC to repair at a time when budgets are tight.
- There are gaps in the hedgerows lining the B3188. Drivers heading north could be dazzled by glare from the morning sun through these gaps.
- Query the weight limit on the bridge at Ford and note that the CTMP conveniently omits consideration of the difficult section of road around Ford.
- Damage will undoubtedly occur to the highway and verges at the site access.
- The construction process will require the creation of a site road parallel to the stream in order to reach the site. This will require an amount of material and is not included within the red-line. The CTMP suggests that 8 lorry movements will be used for forming the tracks, but the amount of material suggests that this may be closer to 400.

Flood risk

- The unusually steep gradient will cause extensive run off from the panels resulting in flooding and threatening the rich wildlife in the area.
- Soil compaction will occur during construction, which will alter the way that the site drains.
- The FRA in no way addresses concerns raised and discussed at length for the previous submission. It fails in three significant areas – concerns with the basic hydrological model; there is no attempt to describe or measure the infiltration potential of the ground – a simple percolation test would be a start; experience at Halse suggests that significant soil degradation will occur during construction.
- The sloping tables would mean that standard run-off calculation methods would not apply.
- The proposed bund has been given as a goodwill gesture as AEE do not wish to accept that it is required. However, it has not been taken seriously and is open at the downhill end, rendering it pointless.

Pollution

- Evidence from the construction of the site at Halse indicates that mud will pour into the river and pollute it, destroying habitat and the species that depend on it – in particular otters, although dormice have also been documented in the valley.

Use of Agricultural Land

- The site is prime agricultural (grade 2) land and should be retained as such.
- Evidence from elsewhere suggests that sheep would not graze the land after the panels are erected. It would be more appropriate to consider the application as a change of use to industrial.
- Evidence from the site at Halse shows that post installation, the site is devoid of vegetation. Any attempt at agricultural use will require positive land management, but this will be hampered by the arrays covering 1/3 of the land.
- Evidence from other sites shows that grazing is unlikely to occur. A usable sward will not establish and periodic application of herbicides will be required to control weed growth.
- Farmers should not be allowed to profit from such installations when they should be using their land for agriculture.
- There is no indication about how the site would be restored to agricultural use at the end of the life of the development.
- The UK imports so much food that further land should not be taken out of production.

Ecology

- Wildlife will believe the panels to be water.
- The submitted habitat survey is full of errors and not fit for purpose. It was not conducted at an optimal time, yet there is still a conclusion that no notable species were present. This seems unlikely given that the site is immediately adjacent to a County Wildlife Site. The field margins will remain unimproved and must be relatively rich in species.
- The river adjacent to the site has been completely ignored and is not mentioned in the report. Small rivers are particularly at risk from silt pollution, which destroys the invertebrates and fish that are the basis of the food chain. The development will cause increased run-off and silt pollution which will harm the eco-system of the river.
- There is a nearby bat roost, it is wrong to say that the field margins offer low potential for roosting bats. The woods in the valley are inhabited by large numbers of Tawny Owls.
- The likely use of herbicides to manage weed growth on the site would lead to pollution of the watercourse.

Other matters

- The application site is the same as the previous application, query whether the panels could be extended into this area without the need for a further permission.
- Many of the documents submitted contain 'cut and paste' errors from other sites.
- The application is vague on the exact material for the construction of internal access roads, the exact layout of the site and the number of posts required for the panels.
- Errors, omissions and contradictions do not give confidence in the applicant's submissions.
- Brompton Ralph would not want to have its village green landscaped.
- Somerset should have restrictions on Solar Parks like Devon and Cornwall.
- The topography means that the tables would run downhill from east to west, reducing their efficiency, which would not be compensated in the evening, due to surrounding topography.

- The development conflicts with DECC policy which states “the Department has a strong preference to see large scale solar PV installations developed on brownfield sites and on large roofs. Where agricultural land is used for solar deployment it should only be lower grade land and, where possible, solar panels should be mounted so as to allow sheep and other animals to graze under the panels and between the rows”.
- Noise information has now been submitted, although there has been no assessment of background levels at nearby properties. The valley is likely to amplify noise, although given the distance of panels from site now, it is unlikely to have a significant health impact.
- The Prime Minister and other ministers have repeatedly stressed that brownfield land would be appropriate for further solar development, but green field sites would not.

PLANNING POLICIES

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the landscape impact, flood risk, ecology and the impact on the highway network.

Principle

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This should be with a social, economic and environmental role. In terms of its environmental role, planning should contribute “to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”. As part of the 12 principles of planning, the NPPF states that in moving to a low carbon economy, Local Planning Authorities should encourage the use of renewable resources (for example, by the development of renewable energy).

Paragraph 79 specifically states: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon

sources”, going on to add that local policies “should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

At paragraph 93, the NPPF states that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”. It then states that “this is central to the economic, social and environmental dimensions of sustainable development”. The subsequent paragraphs refer to the need for a positive approach to renewables and the need to approve applications if its impacts are or can be made acceptable. It is true that much of this relates to the need for LPAs to plan positively and put strategies for renewable energy delivery in place, but the principles are still relevant to decision making. The Core Strategy does not include or propose such land allocations, rather it details a criteria based policy within which to assess such applications (Policy CP1). Therefore, each application must be considered on its own merits, largely with regard to its impacts and in accordance with Policy CP1.

In terms of local 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 purposes. Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy does not specifically permit renewable energy installations, although it does permit development for essential utilities infrastructure. This could be taken to include power generating infrastructure, especially in the context of the NPPF which, as in previous planning policy, indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

Strategic Objective 1 (Climate Change) of the Core Strategy states that “Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects”. Policy CP1 (Climate Change), referred to above, states that ‘proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that...[they] can be satisfactorily assimilated into the landscape ... and would not harm the appearance of these areas; [and that their] impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal”.

Some concern has been raised about the loss of high quality agricultural land and reference has been made to various verbal ministerial statements suggesting that greenfield sites should not generally be considered for solar parks, although it should be noted that none of these have translated into planning policy statement or other formal guidance from the Government. No agricultural land classification survey has been carried out for the site, but the general agricultural land classification maps for the area indicate that the site is likely to be grade 2 or 3. Paragraph 112 indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and that LPAs should “seek to use areas of poorer quality land in preference to that of a higher quality”. However, much of Taunton Deane is higher grade (1-3) agricultural land and in this context, if TDBC is to accept renewable energy in principle, it is likely to require the use of higher grade agricultural land. Whilst its removal from production is regrettable, the permission is sought for a 25 year period after which the land could be returned to agriculture. As such, it is not considered that this matter carries sufficient weight to warrant refusal

of the application.

With regard to the foregoing, it is considered that the proposal is acceptable in principle, provided that it has an acceptable impact on the landscape, ecology, highway network and other surrounding land uses.

Visual and landscape impact

The site is within the 'Wooded and Farmed Vale Fringes - West Deane' Landscape Character Area. The Landscape Character Assessment notes the following key features of the landscape:

- A varied landscape with an undulating terrain of narrow valleys, slopes and hillocks.
- Elevation ranging from approximately 75m and 170m AOD.
- Underlying geology defined by Permo-Triassic and Lower Sandstone, Lower Marl, sands and gravels (Pebble Beds (bunter) and Breccio-Conglomerate).
- Farmland interspersed with significant areas of woodland, including a number of ancient woodland sites.
- Forming part of the River Tone catchment – numerous springs issue within, and streams run through, the landscape.
- Some areas of marshy/wetland flush habitats in areas of high water table – Langford Heathfield, Holme Moor and Clean Moor SSSI.
- A settled landscape containing the ancient market town of Wiveliscombe and the predominantly Georgian-influenced village of Milverton.
- Red sandstone geology reflected in the buildings throughout the area with slate, thatch, painted stone and render also common.
- Agricultural land use predominantly defined by both pasture and arable.
- Small to medium sized fields of irregular shape - predominantly ancient (pre 17th century) enclosure with some later modifications.
- Strong native hedgerow network punctuated with hedgerow trees

Less formally, the site is within an undulating landscape of striking scenic beauty. The hills generally roll gently forming an ever changing set of views, vistas and open panoramas. The landscape is generally defined by open farmed fields, small settlements and dispersed farmsteads, with some areas of woodland. This ever changing, very rural landscape is apparent to anybody driving through or walking on the many paths in the vicinity of the site.

The closest impacts would be felt by users of the section of the West Deane Way designated and promoted long distance footpath that passes along the northern edge of the site. It is proposed to plant a new hedgerow to screen views from the east and this may be partly successful from around 200m away. However, the closer one gets to the site, the more apparent the installation is likely to become. The path would change from being one affording a wide open panorama of the surrounding landscape to one hemmed in between two hedgerows and would be a relatively uninteresting length of footpath to walk. It has been nicely encapsulated in one of the representations that people do not want to hurry along the enclosed footpaths and bridleways; "people want to enjoy these paths, pause, take pictures, gaze a beautiful viewpoints and sometimes even stop for a picnic". The development, with or without the proposed hedgerow would take views away a from significant length of path that offers impressive panoramas on this stretch of the

West Deane Way which follows on from a stretch that has been enclosed and wound through the wooded valley bottom, reducing the overall enjoyment of walking on the path.

Further to the east, views are available from a path dropping steeply down the side of the valley to Watersmeet Farm, before it climbs back up to the site. At this point, the walker is high up above the site and the development would appear highly intrusive in the landscape, in the foreground of the wider panorama. The proposed eastern boundary hedge would do nothing to mitigate the impact from this elevated position. This path is not part of the West Deane Way and as such, it is likely to carry fewer walkers than the promoted path. However, it does connect to the West Deane Way and could be linked into other circular walks in and around Tolland.

To the west, the prominence of the site in the landscape becomes even more apparent. The site faces broadly southwest, and from a field gate opposite Courtlands Farm/Gandstone House, the full extent of the site is clearly visible as a very dominant feature in the landscape. Whilst one has to leave the public highway and stand in the access to see the full impact, the installation may be glimpsed from this location when passing and the full effect of these views would be a constant feature for the occupiers of Gandstone House whose outlook would become dominated by the development.

Further to the northwest are a number of public footpaths originating in Brompton Ralph village. From various points on these paths, the application site is once again clearly visible and the installation would appear totally at odds with the rural farmed character of the landscape. It would add a very large alien feature that would be incongruous with the otherwise open and undeveloped appearance of the area. In particular, the site is highly visible from a lengthy stretch of the footpath running from the village alongside Rock Cottage and out to the southeast. It is also visible from the footpaths adjacent to Cridlands Barn and Town House and from the footpaths running out of the village, up the hill past the church to the west. Other more distant views are available from roads and footpaths further away. It has been commented in the representations that two paths in Tolland parish would be severely affected, together with at least 6 in Brompton Ralph. From your officer's own observations and extensive site visits, there seems to be no reason to disagree with this assessment. These footpaths, being so close to the village are likely to be regularly used by walkers and local residents.

In addition to views from the footpaths, the site is also visible, albeit not so easily as from the footpaths, from Brompton Ralph Churchyard and from the area of land outside the church, which is understood to be occasionally used as a village green for community activities. The site is also visible from a number of residential properties within the village and it is considered that this is a further demonstration of the prominence of the site from Brompton Ralph. In considering all of these matters, it is considered that the development would have a significant adverse visual impact on the landscape character of the area and would come to be a dominant and ever present feature of life in Brompton Ralph for the next generation.

Flood Risk

There has been much said in the representations about the inadequacies of the flood risk assessment, including representations from specialists in the field. At the time of

writing this report, the Environment Agency (EA) have objected to the proposal. Whilst they believe that flood risks have been correctly assessed, they are not yet convinced that the development has adequately demonstrated that the flood risk impacts can be mitigated. Those making representations have commented that the FRA does not adequately assess the site characteristics and makes false assumptions about the likely permeability of the access roads and the behaviour of water as it runs off the panels. The EA objection does not go so far, taking more issue with the impact of the access roads than run-off from the panels. However, at the present time, it cannot be considered to have been adequately demonstrated that the development will not lead to an increased flood risk downstream.

The applicant has confirmed an intention to submit further information to address the EA concerns and, therefore, this matter may be resolved ahead of the committee meeting. Members will be updated accordingly.

Ecology

The site is currently managed agricultural land which, in the main has limited capacity to support wildlife. There is, however, wildlife interest in the hedgerows and the adjoining watercourse downhill of the proposed panels. Your Biodiversity Officer has noted shortcomings in the submitted ecological assessment, but is satisfied that conditions can be imposed to prevent any unacceptable harm to ecological interests on the site.

Local residents have objected on the grounds that the development during construction and ongoing management is likely to lead to pollution of the water environment. In this regard, the EA have also mentioned that they would want to comment further on potential measures to ensure that this did not occur. In this context, your officers are satisfied that it would be possible to adequately control pollution through the imposition of conditions in this regard in the event that planning permission was granted.

Highways

Concern has been raised about the potential impact on the highway network from the construction of the development. In this instance, the site would be accessed directly from a B road that has no weight restriction. Whilst there are difficult sections of the highway – such as through Ford, to the south – the Local Highway Authority do not doubt its ability to accommodate the construction traffic, regardless of whether additional vehicles are needed to transport stone for the temporary access road. Your officers consider that inconvenience that may be caused during construction should carry little weight in the determination of the application, especially given that post construction traffic generation would be very low. In this context, the impact on the highway network is considered to be acceptable.

Other matters

The development would be visible from Brompton Ralph churchyard and immediately around the church, which is a listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to

the desirability of preserving the setting of a listed building when considering whether to grant planning permission. The church has a prominent position in the landscape and this represents its historic position at the centre of the local community. It also enjoys expansive views out around the surrounding countryside. Taken generally, views towards the church would not be significantly affected by the development. There would be an intrusion in terms of outlook from the church, but it is difficult to argue that this has a particular impact on the setting of the listed building, it merely contributes to the severity of the landscape impact: The church would maintain its connection with the landscape, albeit a landscape that had been harmed as a consequence of development.

Great play is made in the representations about the contribution that tourism makes to the local economy. Indeed, many representations have been received from regular visitors to the area. The precise contribution is difficult to quantify in the absence of detailed information, but from casual observation, there appears to be little else (other than agriculture) in the way of local industry.

It is then suggested that tourism would be adversely affected by the proposals. Again, in the absence of a detailed analysis of why people visit the area, it is difficult to quantify what any impact might be. However, again, there is little by way of formal 'visitor attractions' in the area, so it seems probable that a good many people may visit the area in order to enjoy the peace, tranquillity and attractive scenery, mainly by walking in the area on both local footpaths and the West Deane Way. It has been shown above that most of the local footpaths would be affected to some extent or another by the development and, accordingly, it would seem entirely possible that there would be a reduction in visitors that come to the area specifically for walking. Others staying nearby may also be deterred from visiting the area for a one-off day's walking with the consequent benefit that that may bring to local pubs and tea rooms. All of this is very difficult to quantify in the absence of a detailed analysis, so refusal is not recommended on these grounds, but on balance, it does seem unlikely that the development would bring any benefit to the local economy and it may well have an adverse impact.

Conclusions

National and local planning policy presents a presumption in favour of renewable energy development where it has an acceptable impact on the local landscape and local communities. Policy CP1 of the Taunton Deane Core Strategy states that renewable energy installations will only be permissible where they can be satisfactorily assimilated into the landscape, would not harm the character of the area and where any adverse impacts on the local community and economy are outweighed by the wider economic and environmental benefits of the proposal.

The foregoing report has found that the development cannot be satisfactorily assimilated into the landscape and would have significant adverse visual impacts on the landscape character of the area by introducing an incongruous structure into a prominent location. The significant number of places that the installation can be seen from means that the local community, particularly those living in and around Brompton Ralph would be detrimentally affected by the proposal on a daily basis as a result of a reduction in the quality of their local environment. Objectors have commented that the development would bring nothing to the local economy, even during the short construction phase due to the specialist construction involved.

There seems little to contradict this opinion and it is entirely possible that the local economy may be harmed. The overall national benefits of increasing the supply of electricity from renewable sources clearly weighs in favour of the application, but in this case your officers do not believe that this is outweighed by the substantial and demonstrable local harm. It is, therefore, recommended that planning permission is refused.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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