41/13/0004

JUWI RENEWABLE ENERGIES LTD

CHANGE OF USE OF LAND FROM AGRICULTURAL TO SOLAR FARM AND ERECTION OF 14,000 SOLAR PANELS AND ASSOCIATED WORKS AT GROVE FARM, LYDEARD ST LAWRENCE

Location: GROVE FARM, TOLLAND ROAD, TOLLAND LYDEARD ST LAWRENCE, TAUNTON, TA4 3PN
Grid Reference: 311694.131555 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval **subject to**

(a) The receipt of confirmation from the Environment Agency that their objection is withdrawn.
(b) the receipt of a further landscape plan indicating further tree planting in the field to the east;

In the event that the EA uphold their objection, referred to under (a), planning permission should be refused.

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:

   (A3) DrNo 4020 1064 - JR-PL.001 R2 Site Design Plan
   (A3) DrNo 4020 1064 - PL.002 R3 Red Line Boundary
   (A3) DrNo 4020 1064 - PL.004 Double inverter - transformer station details
   (A3) DrNo 4020 1064 - PL.005 R2 Substation building
   (A3) DrNo 4020 1064 - PL.006 Gate, fence and construction road details
   (A3) DrNo 4020 1064 - PL.007 Racking system details
   (A3) DrNo 4020 1064 - PL.008 O&M Storage container
   (A3) DrNo 3546_09: Landscape mitigation strategy

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 and method statement (that shall include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority 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.

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. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of BSG Ecology's submitted report, dated November 2013 and include:

   1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
   2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
   3. 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.

   Reason: To protect wildlife and their habitats from damage.

6. (i) Before any part of the development hereby permitted 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. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase. It shall also include proposals for returning the construction access to its existing condition.

(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 development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, 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.

8. Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the containers, substations, switchgear housing, and inverter housing hereby permitted shall have be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

9. Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and

boundary hedgebanks shall be remedied by the developer within 3 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the access roads are returned to their former condition in the interests of highway safety and the visual amenities of the area.

10. The drainage strategy detailed in the Floord Risk Assessement prepared by Hydrock, reference R/C13202/001.05, dated January 2014 and detailed on drawing 13202 - SK001 appended to that report shall be fully implemented prior to the commencement of electricity generation on the site and shall thereafter be maintained as such in accordance with these details until the site is decomissioned and all equipment/infrastructure is removed from the site in accordance with condition 3.

Reason: To ensure that flood risk is not increased, and where possible reduced, in accordance with NPPF paragraph 102.

11. The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.

Reason: In the interests of highway safety.

12. The construction access shall be returned to its former condition and the construction compound area shall be removed and the ground restored to its former condition (other than where drainage works are required in connection with this permission) in accordance with condition 6 within 1 month of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the visual amenities of the area.

13. 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, other than those hereby permitted, without the further grant of planning permission.

Reason: To protect wildlife interests and the visual amenities of the area.

14. 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 DM1 and CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. 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 negotiated amendments to the application to enable the grant of planning permission.

2. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.

3. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

4. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

PROPOSAL

This application seeks full planning permission for the erection of around 14,000 ground mounted solar panels and associated infrastructure, commonly referred to as a 'solar farm'.

The panels would occupy two agricultural fields and would be surrounded by security fencing. New tree and hedgerow planting is proposed along the northeastern and eastern site boundaries. The necessary ancillary buildings and structures would be provided on the southern site boundary, adjacent to the site accesses one of which would be widened to allow access to the site by construction vehicles. A construction compound area would be provided in the southern corner for the duration of the build.

SITE DESCRIPTION AND HISTORY

The site comprises two parcels of undulating agricultural land, bounded by hedgerows and an area of woodland to the north. Part of the West Deane Way long

distance footpath runs along the northern site boundary and through the field to the east. The eastern boundary hedge is generally lower than the fields either side, such that it is not readily visible in the wider landscape.

To the south, the site is bordered by the public highway that runs from Handy Cross in the east to Tolland in the west. To the east, it is broadly level with the site, offering some views towards the proposed development area; against the western part of the site, it drops away into a deep cutting.

The closest dwelling is a bungalow to the east, about 200m from the eastern site boundary. To the south, an access track from the public highway drops to Bells Cottage.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL - Lydeard St Lawrence and Tolland Parish Council would like to object to this application. The site already contributes to flooding of Halse Water, and there are landslips along the road frontage. Issues regarding surface flooding and damage to the small lanes around the site are a significant risk, and drainage plans need to be seriously considered. The site is also subject to poor access from country lanes. The proposed development would have a significant negative impact on the rural nature of the area.

The development would not be in keeping with the TDBC Landscape Character Assessment to conserve the mix of woodland and farmland, the tranquil, rural character. This development would therefore have a strong negative impact on the local character and sense of place, and is urbanisation of a rural landscape. The site is also visible from the West Deane Way, exacerbating its impact on the local area.

BROMPTON RALPH PARISH COUNCIL – No comments received.

ENVIRONMENT AGENCY - We OBJECT to this application because the submitted Flood Risk Assessment (FRA – prepared by Hydrock and dated November 2013) fails to adequately assess the potential risks of flooding from the proposed development. We therefore consider that the application, as submitted, is contrary to the principles of the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

The FRA correctly identifies that the site is located in Flood Zone 1, defined as being at a low risk of fluvial flooding. Taking this into account, and the nature of the development which would result in a renewable source of energy, our objection is not one of principle. However, solar developments and their potential impacts on surface water drainage patterns are not well evidenced. In light of this, we consider that the level of site-specific detail provided in the FRA is not sufficient to assure us

that all potential flood risks (specifically that of increased flood risk through changes in surface water drainage patterns) have been explored and addressed.

We accept the premise that surface water volumes are unlikely to be exacerbated by the proposed development since the overall impermeable area will not be significantly altered. However, it is not clear whether the introduction of 14,000 panels will alter the drainage patterns on site, such that preferential flow paths are created, resulting in increased or altered flood risks off-site. Futhermore, the FRA states that a swale will be created to capture flows from the site; however, no detail is provided on the volume of flows that this swale will capture, or for what storm return periods it may be effective for.

In order to resolve our objection, we recommend that the FRA is revised to include further site specific information to help understand any potential off-site impacts from changes in surface water drainage patterns. Additional information and perhaps more measures to slow and control flows before they leave the site to reduce and improve any existing flood risk issues would also be welcomed. In considering our recommendations, the following information in any revised FRA would be useful:

The total area of panels compared to the total area of the site, and where possible, total area of the river catchment upstream and downstream (for comparison).

We note that the site is shown to be underlain by Vexford Breccia. Have any site specific tests been carried out to verify this?

Is the soil type vulnerable to compaction during construction of the development? How will good soil management / husbandry be achieved following construction of the site and during its operational phase?

The site is currently used for agriculture. Is this arable or grazing? Would the developed site represent a positive or negative change in relation to sheet run-off and pollution control?

Receptors affected by the site that may be sensitive to flooding – this could include roads and houses downhill. Can measures be implemented to ensure that any preferential flow routes are directed away from sensitive receptors and contained on site?

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

<u>Location</u>

The development is situated on land in connection with Grove Farm. Access to the proposed development site is obtained via Tarr Road a designated classified unnumbered highway to which the National Speed Limit applies. Access to the wider highway network is obtained at the junction with Raleighs Cross Road a designated Class 2 highway and also known as the B3224, to which the National Speed Limit applies.

<u>Proposal</u>

The proposed development seeks the change of use of agricultural land and the erection 14,000 solar panels and associated equipment. My comments are made from onsite observations and the information submitted supporting the planning application specifically, the Construction Traffic Management Plan (C13202/CTMP) prepared by Hydrock Consultants Ltd.

Access

It is indicated within the Construction Traffic Management Plan (C13202/CTMP) Section 2.1.1 that vehicular access to the site is to be obtained off of Tarr Road (which has been indicated within C13202/CTMP as 'un-named lane') a designated classified unnumbered highway to which the National Speed Limit applies.

From onsite observations Tarr Road is predominantly single width. However, there are numerous informal vehicle passing places along its duration. It was observed that vehicle speeds along Tarr Road are significantly reduced due to the narrow width of the carriageway and its alignment. It is therefore considered that vehicle speeds in this location are estimated to be approximately 15-20mph. Section 2.7.2 and Drawing No. 13202/T04 rev A indicates the point of access for the proposed development, to which vehicular visibility splays of 2.4m x 25m are achievable.

The provision of these splays is considered acceptable as it is considered that they are commensurate with vehicle speeds in this location (based on Manual for Streets guidance). Drawing No. 13202/AT04 rev B, details that the largest vehicle during the construction phase, 16.5m in length, can manoeuvre into the site due to the increased radii. The access will operate in a one-way system only entering in a westbound direction and exiting the site eastbound, which is considered acceptable.

I would require that the access to incorporate a hard standing consolidated area (not loose stone or gravel) 10.0metres back from the carriageway edge, which would include entrance gates (if any to be included as part of the scheme) set back at this distance. Appropriate drainage will need to be incorporated as part of the proposed access improvements to prevent any discharge of surface water onto the public highway.

As part of the proposal a wheel wash facility will be required to minimise the spread of material from the area of the excavation and in addition the site roads will be regularly cleaned. These steps will ensure that material will not be transferred to the public highway. Access to the wider highway network is obtained via the junction with the B3224 also known as Raleighs Cross Road. Drawing No. 13202/AT01 indicates that the largest vehicle type associated with the construction phase can enter and egress from the junction of Tarr Road and Raleighs Cross Road. Vehicular visibility is an easterly direction is considered substandard. However, this is an existing junction and it is likely that agricultural vehicles (similar to that of the construction vehicles) utilise this access onto the B3224 daily and therefore would not warrant a refusal on visibility from the Highway Authority. It is therefore considered acceptable.

Vehicle Movements/Construction Phase

Drawing No. 13202/T01 indicates the proposed construction traffic route, which is

considered suitable. Section 2.3 Construction Traffic Routing of the submitted Construction Traffic Management Plan (C13202/CTMP) prepared by Hydrock Consultants Ltd sets out the route detail, which is considered acceptable.

Construction Traffic Management

The Construction Traffic Management Plan (C13202/CTMP) seeks to minimise the likelihood of HGV/large vehicles meeting along Tarr Road by using a staggered ('call on') in/out, one way arrangement, where vehicle operators will need to clarify, through radio, with the Site Manager there intention to use the proposed route, to avoid large vehicles meeting along Tarr Road. By making use of the existing public lay-by within the construction traffic route along the B3224, vehicles will be able to safely notify the Site Manager. The public lay-by is approximately 1.5km from the site access.

Construction Traffic Volume

Section 2.2 Construction Traffic Type and Volume, details the estimated levels of vehicles during the construction phase specifically Table 2.1: Approximate Breakdown of Delivery Vehicles. It is therefore estimated, based on the anticipated number of deliveries, over a 10 weeks period would result in approximately three movements per day.

Construction Phase Duration

It has been estimated within Section 2.5 Period of Construction and Hours of Delivery that the duration of the construction phase will take place over a 10-12 week period.

Construction Phase Operational Hours

It has been detailed that the delivery and operational hours during this construction phase (HGV) could restrict the movements of vehicles within the peak hours (8am-9am and 4pm-6pm) (Section 2.5 Period of Construction and Hours of Delivery paragraph 2.5.1. This is considered a proactive approach to minimise the potential conflict during the construction phase on the highway network and therefore considered acceptable.

Condition Survey

Section 2.11 of the submitted Construction Traffic Management Plan (C13202/CTMP) indicates that a Condition Survey will be carried out as on Drawing No. 13202/T01. This will require the involvement of the Taunton Deane Area Highways Office who are contactable on tel: 08453 459155. The Condition Survey should be carried out to ensure that any damage that occurs to the public highway and rights of way, can be directly attributed to construction vehicles associated with the construction of the photovoltaic park. In the event of any damage to the public highway, repair costs would need to be met by the applicant.

Internal Site Compound

Section 2.8 and Drawing No. 13202/AT05, show the provision of a suitable

compound area for the unloading of material and parking of vehicles. Drawing No. 13202/AT05, shows the swept path analysis for HGV turning, which is considered acceptable.

Signage

Section 2.6 of the submitted Construction Traffic Management Plan (C13202/CTMP) prepared by Hydrock Consultants Ltd indicates that signage is to be erected in proximity to the application site. Whilst there are no objections to the erection of temporary signage along the proposed route, however the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

Post Construction

In terms of maintenance the photovoltaic park requires minimal attention, therefore traffic associated with the development once completed will be negligible. As a result, the Highway Authority has no objection to this proposal subject to conditions requiring the submission of a traffic management plan, a condition survey of the existing highway network, installation of wheel washing facilities and provision and maintenance of visibility splays.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – No comments received.

SCC - FLOOD RISK MANAGER – Initially raised concerns with the application due to the assumptions made in the Flood Risk Assessment (FRA), although suggested that conditions could be imposed to overcome his objection.

Following receipt of an amended FRA, confirmed that “the amended proposals and Flood Risk Assessment have addressed my concerns with this application”.

SCC - RIGHTS OF WAY – No comments received.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No comments received.

BIODIVERSITY – The site (8.32 ha) consists of two fields- one is a sheep grazed improved grassland field and the other an arable field. The fields are bounded by dense species rich hedges. There are five shallow ponds located within 500m of the site.

Two Local Wildlife Sites with ancient woodland are located within 50m of the site. The proposal includes the removal of two sections of hedgerow in the southern part of the site. Biodiversity gain will be in the form of a new native hedge and strengthening of existing hedges. I consider that a landscape plan should be submitted with this application to show detail of the proposed planting. The proposal does not include any lighting.

BSG Ecology carried out an Extended Phase 1 Habitat Survey in November 2013. Findings of the survey are as follows

Bats

The networks of dense hedgerows within and around the site provide foraging and commuting habitat for bats and connect to further suitable habitat beyond the site. The surveyor noted one tree located at the NW corner of the site which is considered to provide suitable habitat for roosting bats.

Birds

The networks of dense hedgerows within and around the site provide a range of opportunities for nesting birds. The two sections of hedgerow should be removed outside of the bird nesting season. The fields have limited value for ground nesting birds; however this could change in the arable field as different crops are sown at different times of the year.

Reptiles

The site offers sub optimal for reptiles, apart from the base of the hedgerows

Badgers

The data trawl provided records for badger close by. No signs of badger were noted on site.

Great crested Newts

The ponds close to the site have HIS scores of 0.31-40 indicating poor suitability to support breeding population of Great crested newts.

Dormice

Records indicate the presence of dormice in the area. The ancient woodlands to the north of the site provide a range of suitable nest and hibernation opportunities for dormice; however the surveyor found no signs indicating the presence of dormice during the survey

I accept that the existing hedgerow break in the southern hedgerow will be widened to accommodate the access track but would not like to see a further 25 m of hedgerow temporarily removed to create visibility displays.

Because of the possible presence of dormice ,all hedgerow removal should be kept to a minimum. I agree that hedgerow removal should be undertaken in a precautionary manner as detailed in the report

In respect of revised plans, previous comments continue to apply. The landscape proposals show some tree planting and wildflower planting, but I would expect to see more planting proposed on an application of this size.

LANDSCAPE – Comments as follows:

Designations within and close to site boundaries (TPO, conservation area, listed building): West Deane Way falls within the red line area close to the northern boundary of the site.

Relevant Local Plan policies: CP8 – environment; DM1 – general requirements, DM2 – development in the countryside; and DM4 – design.

Landscape character Area: Wooded and Farmed Vale Fringes – West Deane

Landscape Assessment: provided

Site boundary characteristics: native species hedgerows with some mature trees and woods to the north.

Highway visibility requirement impacts: could be an issue if the highway authority require greater than existing splays. Loss of hedgerow could open up the site and cause significant and detrimental landscape impacts.

Views into and out of site and effect on neighbours: the main views into the site will be from the West Deane Way which crosses the site to the north. An area has been set aside beside the route to maintain significant views and an area of grassland near to the path but some of the existing views will be affected by the proposals. There are other more distant views of parts of the site from local lanes and public footpaths but these are middle distance views of less significance.

Contours and level changes: plans provided.

Existing tree and hedgerow survey: provided

Existing and proposed services: N/A

Drainage and existing water features: N/A

Lighting and potential impacts: no lighting proposed.

Proposed landscape scheme: broad landscape scheme proposed. Detials will be required if scheme approved.

Future management and maintenance issues: management of existing hedgerows to maintain and improve landscape mitigation measures is essential.

Analysis: The proposed development will have some adverse landscape impacts both on the character and visual amenity of the site. These adverse impacts have been addressed to a large extent by giving space and maintaining key views along the West Deane Way and through planting and reinforcing existing hedgerows. Overall the scheme will have a limited landscape impact on the character of the area provided the mitigation measures can be successfully conditioned.

Recommends conditions that hedges are retained, landscaping schemes are submitted, trees are protected during construction.

DRAINAGE ENGINEER - I have concerns over this application not so much with the areas of impermeable surfaces caused by the structure supporting the solar panels, the access track and sub-station building, but by the speed and concentration of surface water run off from the panels and their alignment on this sloping site.

Statements are made in the FRA that it is believed that the site geology CAN have permeable characteristics (3.3) and that rainfall will infiltrate into the ground (where possible) 5.1. No percolation tests have been carried out to ascertain this.

No suitably scaled contour plan has been included with the application. I have concerns that run off from the western end of the site discharges to the west and not to the ditch on the eastern boundary.

I note a swale is to be provided to catch exceedence flows, however, no details of this scheme have been provided and whether this will provide some on site attenuation. On a site visit in early January overland surface water was discharging out of field gates and onto the public highway.

No details of any proposed maintenance regime have been included for the solar farm or the receiving watercourse and these should be provided for the lifetime of the development.

The surface water run off characteristics from the solar panels need to be investigated further, especially in light of the possibility of point source discharge and curtains of water falling on the ground below. This could cause erosion leading to tracking of flow in numerous drainage tracks from the contours and infiltration not taking place.

Therefore at this stage I must OBJECT to this application in its present form.

Representations

CPRE Somerset raising the following points:

- There is a clear conflict with policy EN12.
- The proposal is for a huge commercial development in a deeply rural area. Taunton Deane's Landscape Character Assessment places the site in the wooded and farmed vale fringes and the strategy for this area is to conserve the mix of woodland and farmland, the tranquil rural character and to explore opportunities for landscape enhancement.
- The site is on Grade 3 agricultural land, probably Grade 3a.
- The site is bounded by the West Deane Way. The proposed deer fence that would line the route would completely spoil the attractive views of the countryside and the sense of tranquiliyt and timelessness.
- The site lies in the upper part of the catchment of a valley that is liable to flooding. No provision is made for controlling run-off.

Somerset Wildlife Trust

Agree with the comments of the Council's Biodiversity Officer, but wish to object to the application due to the extremely close proximity of a Local Wildlife Site. Despite any conditions for the timing of the construction, there would inevitably b e some disturbance to the Local Wildlife Site. If the objection is disregarded then as a minimum the conditions proposed by the Biodiversity Officer should be included.

89 letters of OBJECTION raising the following points:

Principle of development

- Greg Barker, Minister for Energy has stated that solar should be installed on industrial buildings and brown field sites, not on our beautiful countryside.
- Planning guidance clearly states that the views of the community should not be overridden in the case of renewable energy provision.
- The fields may be grade 3a agricultural land or even 2. Neighbouring fields are classified as 1. The land classification maps do not distinguish between 3a and 3b, so it is always assumed by the developers that it is 3b. They should be retained in agricultural use. The grading of the land should be properly checked. Agricultural land should be used for producing food, not solar panels and high grade land should not be used where there is lower grade 4 and 5 land available for such purposes.
- Solar should be installed on every new south facing roof.
- The cumulative impact of all of the proposed solar farms in the vicinity will gradually turn the rural area into an industrial one. If this goes ahead, evidence from other parts of the country is that more will follow.
- The NPPF indicates that planning decisions should recognise the intrinsic value and beauty of the countryside.
- Solar panels should be confined to brownfield sites, factory roofs, alongside motorways and roofs of new builds. Guidance states that brownfield land should be prioritised and that if greenfield sites are considered, they must be of poor quality land.
- Any benefits are outweighed by significant environmental harm.
- There is doubt over whether grazing/agricultural activities will continue on the site.
- Permission is only requested for reasons of financial gain.

Landscape

- This is an almost unspoilt part of Somerset, near Exmoor. People chose to live here because it is away from development.
- The development will be a blot on the landscape and very visible from the Pitsford Hill area, including residential properties in this area.
- This is an industrial development in a very rural landscape. It is not in keeping.
- The site borders the West Deane Way. Visitors come to the area for the rural setting, not industrial development. People will stop visiting, the cumulative impact of all proposals needs to be assessed.
- The panels, fence, substations and other paraphernalia will be clearly visible from the adjoining road and West Deane Way footpath.
- The panels are impossible to screen in a rolling hilly landscape such as this.
- It is understood that the cables are not going to be placed underground due to the expense. This is the responsibility of WPD and out of the scope of the

application.

- The area is heavily reliant on tourism.
- The footpath, part of the West Deane Way will be unusable during construction. What other provision will be made?
- The site can be seen from the Exmoor National Park and some of the footpaths on the hills.
- The site will be seen from the road between Handy Cross and Tolland, at times rising above the hedge. This is the main route into the village.
- The large substation at 4.6m high, 8.3m long and 5.2m wide is close to the road and seems excessive.
- The angle of the panels and elevation of the site means that glint and glare will be a problem when viewed from Tolland, Pitsford Hill and Brompton Ralph.
- The policy for the area in the Taunton Deane Landscape Character Assessment is "to conserve the mix of woodland and farmland tranquil, rural character and explore opportunities for enhancement through appropriate landscape".
- At first sight, this may seem a better location than some for solar, the extent of public objection suggests that it is not well screened enough.
- The development particularly affects footpath T16/30, but with significant glimpses from T16/29.

<u>Flood risk</u>

- The development would seriously increase flood risks to the properties below the site including Bells Cottage and beyond, especially at Hoccombe. .
- The soil is very sandy and runoff already causes the road banks to collapse. It is only suitable for arable use.
- The road on the edge of the site is already subject to considerable waterflow from the site on wet days.
- Water running off the panels will cause rivulets and trenches which will prevent the natural soak-up of water.
- The lower area of the site used to be used for water storage for supply to Lydeard St Lawrence.
- None of this is noted in the FRA, suggesting that it has not been properly researched and assessed. It is not based on a through assessment of the path that rainwater takes from these fields.
- All of the surface water from the site discharges to Bells Cottage to the south and then down to Hoccombe/White Hill, Westleigh which also experiences flooding.
- The water discharges to a private ditch in the grounds of Bells Cottage. It may contaminate their water supply.
- The water must run-off the panels and the presence of the panels will alter the way that the surrounding ground deals with the water. This will be dependent on the conditions of the site such as gradient and soil type. It can only be assessed through site-specific analysis, not the generic concept which has been undertaken.
- The argument that the run-off could be absorbed during dry conditions is irrelevant as flooding is only a risk during flood conditions when the soil is saturated. Flood conditions would be reached more quickly in the presence of solar panels.
- The site has two natural gullys that cause both lead to the road to the east of the site. The northerly one discharges to Bells cottage, where the existing flood defence works would probably be overwhelmed by any additional run-off.

- The proposals to provide open swales every 50m, 300mm deep and 300mm wide will require maintenance or they will not remain for 25 years. If sheep graze the fields, then the ditches will be trodden in.
- Query who will be responsible for maintaining the drainage infrastructure.

Transport

- The lanes are in a dire state without construction HGVs making them worse. They are liable to flood and large vehicles will make the road less stable.
- The Friendship Junction is a totally inappropriate place for lorries to 'park up'.
- The junctions are not suitable for large vehicles.
- Experience at Halse showed that heavy traffic during construction caused considerable damage and inconvenience for a substantial period of time.

Other matters

- The applicant's representative was unable to tell local residents whether power cables would be underground or who would be managing the site once constructed or what would happen in terms of decommissioning in 25 years time.

- JUWI is not a local company, there may be no local benefits to offset the considerable harm.
- The substations will generate noise. Low frequency noise is known to have a significant impact on sleep patters and health.
- The panels will release dangerous chemicals if they become damaged. The applicant has no long term interest in the site and there is no ongoing management plan to prevent contamination and/or damage to health.
- The timing of the application, running up to Christmas has irritated local residents even more.
- The proposal is flawed in many respects.
- There should be a legal document ensuring that the panels are removed at the end of their life. The council should not be left to clear up the mess.
- Even with subsidies, the long term viability is questionable. It may stop being maintained, leaving a derelict site that will quickly become a blot on the landscape.
- There are 17 non-statutory wildlife sites located within 2km of the site – 2 within 50m of the proposed development.
- The site is remote from consumers so will suffer losses in transmission.
- The need for CCTV suggests that metal theft and sabotage is an increased likelihood in the area. The community should not be subjected to an increase threat of crime.

Whilst not prejudicing their objections, if permission is to be granted, the following suggestions are made:

- Cabling to connect with the grid should be underground.
- Frames should be anodised to a dull green/brown – not bright metal.
- The new hedge to the south of the footpath should be regularly cut to allow walkers to enjoy the extensive views to the south.

- There will be considerable noise during construction works.

In respect of the amended plans

4 letters raising the following points:

- Reiterate previous concerns.
- The amendments will not overcome the visual impact and blight that the development will cause to local residents and tourism.
- Query why more effort has been spent screening the development from the West Deane Way than from the adjoining lane. The trees would be better placed along the roadside.
- If the development is to go ahead, it must be screened from all public areas.
- Given the topography, no screening can mask the development, a few more trees will not help.
- The amendments to the FRA are unlikely to overcome the drainage problems and the swales will need regular de-silting.

PLANNING POLICIES

CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

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

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, sates 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. The application suggests that it would be grade 3, and many local residents and farmers suggest that it would be at least grade 3a, placing it amongst the best and most versatile agricultural land. Paragraph 112 of the NPPF 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.

Throughout the latter half of 2013, there were a number of central government ministerial statements and policy documents relating to renewable energy generally and large scale solar installations in particular. In July 2013, the Department for Communities and Local Government published "Planning Practice Guidance for Renewable and Low Carbon Energy" to sit alongside the more formal policy guidance in the NPPF. At paragraph 27, the practice guidance outlines a number of guiding principles and important considerations for determining applications relating to large scale solar farms as follows:

- "encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare…and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect".

The guidance also makes it clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. Such statements were repeated in Greg Barker MP's ministerial statement of October 2013 which preceded the launch of the Department for Energy and Climate Change's 'Solar PV Roadmap'. Here, it is stated that it is important that the concerns of local communities are properly heard, the need for renewables does not automatically override environmental protections, heritage assets should be conserved, proposals in national parks, AONBs and close to them will need careful consideration, and that protecting local amenity is an important consideration that should be given proper weight in planning decisions.

The 'roadmap' itself sets out four guiding principles for solar PV. The 3rd of these is that proposals should be appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity and provide opportunities for local communities to influence decisions that affect them. It goes on to repeat calls that sensitive landscapes should be carefully considered and confirms that the planning system already provides a vehicle for local communities to influence decisions. It repeats the earlier statements that the "need for renewable

energy does not automatically override the need for planners to properly scrutinise the effects of renewables deployment…the need…to ensure that the impacts of proposed renewable energy deployments are acceptable, including the impact on visual amenity and effects on cultural and heritage landscapes"

The roadmap goes on to confirm that brownfield land is more desirable, but that where greenfield land is required, Local Planning Authorities will need to consider that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use, echoing the guidance in July's Planning Practice Guidance. .

It is important to note that nowhere in this recent guidance is an embargo placed on large greenfield solar developments. The guidance tends to encourage the placing of greater weight on community wishes, but also encourages due consideration of environmental issues such as the landscape and visual impact, particularly in 'sensitive areas'. That said, your officers have never considered that the need for renewable energy automatically outweighed landscape and visual impacts and in this regard, little has changed through the recent guidance. The practice guidance and roadmap's references to the 'temporary' nature of solar panels and the fact that the ground beneath them can easily be returned to agriculture reinforces your officers opinion that the particular grade of the agricultural land in question carries little weight in the decision making process. Concerns in the representations, therefore, that this land may be grade 3a rather than grade 3b have not been explored further with the applicant.

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 after those environmental impacts and community concerns are attributed sufficient weight.

Landscape and visual impact

It is considered that the landscape and impact on the visual amenities of the area are the most important material consideration in assessing this application. This area is a very rural landscape, with small settlements and scattered farmsteads being the dominant features of the landscape. There are certainly no large scale industrial developments, and agricultural buildings are generally relatively small scale and, where they are large, tend to assimilate acceptably into the landscape. It is considered, therefore, that the scale of the development and its rigid industrial form does not reflect the prevailing landscape character.

That said, the impact of the development must be considered with regard to its visibility and this will be considered below. Following concerns raised by your officers, the substation building has been reduced from a 4.6m high building to two 2.3m high buildings that would be of a similar height to the panels themselves. The main impact, therefore is from the expanse of panels; the external appearance of the buildings, which should be dark in colour to make them recessive in the landscape, can be controlled by condition.

Although the surrounding landscape is undulating, with an ever changing set of

vistas and viewpoints, the site itself is relatively high and, therefore, there are limited opportunities to look down at it from nearby roads and footpaths. The most significant impact is on the West Deane Way footpath to the north of the site. The footpath passes through the eastern of the two fields where development is proposed and continues to the east. Where the path passes through the application site, it is proposed to provide a 20m gap between the woodland to the north and the security fence to the south. Within this area, a wide hedgerow would be planted to screen the development from view. It is considered that the wide gap would mean that the footpath would not feel 'hemmed in' and once the landscaping had established, this length of path would be largely unaffected. There would be some loss of the more distant views from this location, due to the presence of new hedge planting, but this is over a relatively short length (approximately 140m) on a much longer walking route.

Moving to the east, the path becomes separated from the proposed development by a triangular shaped field such that the distance between the development and the path increases as the walker travels east. Unfortunately, the boundary between these two fields is in a dip in the landscape, such that the existing hedge would provide no screening of the development from the footpath. In response to this, the applicant proposes to plant semi-mature trees in groups (up to 6m in height) along the line of the hedge in an effort to screen the development. A photomontage prepared by the applicant indicates that within 5 years, the development would be screened to a significant degree from the footpath. Given that this would be some distance from the footpath, the screening would not be overbearing on walkers, although some views would still be available between the trees. In light of this, the Landscape Lead has recommended additional planting within the eastern field and the applicant has agreed to this in principle. It is considered that with the additional planting in place, only glimpsed views would be available and the Landscape Lead is satisfied that the visual impact would not be significant.

Another path runs to the east of the application site, offering views back towards the proposed development. The proposed planting of a small copse in the south eastern corner, together with the proposed new tree planting along the eastern site boundary will greatly reduce the impact of the development from this viewpoint. That said, the footpath is elevated slightly above the application site, so some views of the panels may still be possible even once the planting has established.

Some local concern has been raised about potential views from the highway to the south. However, the proposed copse and tree planting will mean that the impacts from here will be similar to that from the West Deane way and will be largely screened once the planting has established.

From further afield, there are a few places where glimpses of the site may be seen, such as the road towards Handy Cross from Tarr, but the undulating landscape means that these will be brief in winter and probably non-existent in summer once the surrounding trees have a greater amount of foliage. There is a footpath that runs east from the narrow lane to Tarr, and the development will be clearly visible from here. Your planning officer walked this path in the middle of summer 2013, the stile giving access to the eastern end of the path was largely overgrown and there was no identifiable trodden line on much of the path. It is, therefore, considered that this path is seldom used, so despite the significant views of the site from this location, it is considered to carry limited weight.

From further afield, the site is visible from Pitsford, both from the cricket ground and from a number of field gates, including at Mount Pleasant Farm, where it is reported that visitors to the area often stop to admire the view. However, whilst the site can be seen, it is at some distance and will appear as a thin sliver in the landscape. Furthermore, it is against a backdrop of trees and woodland, such that the dark panels would not be overly visible against the dark background albeit that there may be some glint at certain times of the day. As such, it is considered that any harm from these locations is limited.

In summary, then, the distant views towards the site are not considered to be so harmful as to warrant the refusal of planning permission. The greater harm comes from the closer views from the West Deane Way. These close views will mean that the development causes localised harm to the visual amenities of the area until the proposed landscaping establishes – probably in around 5 years. Policy CP1 states that the impacts of the development must be capable of being made acceptable and it is considered that the proposed landscaping meets this requirement, albeit that its effect will not be immediate. Importantly, your landscape officer is not objecting to the proposal, considering instead that the proposed landscaping provides acceptable mitigation. It is, therefore, considered that the landscape impact and the impact on the visual amenities of the area is acceptable.

Flood risk

The drainage officer, SCC's Flood Risk Manager and the Environment Agency all initially objected to the application. This is because the submitted Flood Risk Assessment (FRA) made certain assumptions that the consultees did not agree with. Consequently, an updated FRA has been submitted, which has resulted in the removal of the objection from the Flood Risk Manager.

There is evidence of nearby off-site flooding to Bells Cottage and much of the water traversing that property appears to drain from the application site and around. The application now proposes to put a number of swales at 50m intervals in place to control the flow of water across the site and prevent an increase in the rate of run-off from the site and encourage infiltration similar to the existing situation. Deeper 'cut-off swales' would also be provided along the western and southwestern boundaries to intercept any flow.

At the time of writing, the EA and drainage officer's comments on the revised FRA are outstanding, but given that the Flood Risk Manager's concerns have been addressed, it seems likely that those other consultees will also be satisfied. This recommendation is, however, made subject to the removal of the EA and drainage officer's objections.

Ecology

It is generally accepted that large scale solar developments such as this can have a positive impact on biodiversity as the agricultural use becomes less intense and the hedgerows are managed specifically for the benefit of wildlife and landscape. Therefore, despite the proximity of local wildlife sites, your Biodiversity Officer is

satisfied that the development would not cause harm to wildlife and that conditions can be put in place to prevent any adverse impact.

Some concern has been raised about the removal of hedgerow to create visibility splays and this is shared by the Council's landscape officer. This matter is considered further, below, in relation to the highway impact.

Highways

The site is accessed by a narrow rural road and existing field gate. However, the site is not far from the main road network at Handy Cross to the east and as such the potential for conflict on the rural road network is limited. A submitted Construction Traffic Management Plan (CTMP) indicates that a 'call-on' procedure will be used to ensure that delivery vehicles do not meet each other on the narrow lanes. Concern has been raised by local residents thtat this would involve parking up lorries at nearby Friendship Junction in an 'informal' layby, but the Highway Authority are not concerned about this.

Your officers consider that it is not enforceable to impose conditions requiring the CTMP to be implemented, however, it would be in the developers interest to ensure that it was. Also, given the relatively short length of affected highway and short construction period (around 3 months), it is not considered necessary in this instance to impose further restrictions.

The transport assessment and highway authority consider that some hedgerow should be removed to improve visibility splays at the site access, however, this meets with concern from your biodiversity and landscape officers. Some hedgerow removal will be necessary to enable the large vehicles to make the turn into the site, but given that most delivery vehicles to the site will be high and flat fronted, it is considered that the highway safety impact of not providing the splays would not be that great. With the construction period being relatively short, it is considered that the harm to the visual amenities of the area and wildlife would outweigh the highway safety improvements and it is recommended that the hedge is not removed to provide the visibility splays at the construction access.

Once operational, traffic movements are likely to be negligible with around one visit per month. In light of this, the highway impacts of the development are considered to be acceptable.

Other matters

There are a handful of nearby dwellings, but none of them appear to directly overlook the site, certainly not at close range due to the surrounding topography. It is, therefore, considered that the private amenity of individual dwellings would not be adversely affected by the development.

The inverter and substation buildings are unlikely to generate a significant amount of noise. Given the distance from the site boundaries to the closest nearby dwellings, it is not considered that there would be any adverse impact resulting from the proposed development in terms of noise disturbance.

Some concern has been raised about the cumulative impact of the development if the nearby Glebe Farm site were allowed at appeal. However, that appeal has just been dismissed and accordingly, such cumulative impact will not occur.

Concern has been raised about the connection to the National Grid at Lydeard St. Lawrence and whether this connection would be made above ground. The applicant has pointed out that this is a matter for Western Power Distribution. Since the required connection would be outside the application site and involve land not in the applicants control it is not possible to impose conditions requiring the connection to be underground. However, even if an overland connection were to be made it is understood that this would be supported on small wooden poles, similar to those which already traverse the site; there would not be a need for large pylons.

Conclusions

The provision of large scale renewable energy installations is considered to be acceptable in principle. Core Strategy Policy CP1 indicates that applications should be supported where their impacts on the local community and landscape impact are or can be made acceptable. The foregoing report has indicated that the main areas of visual harm will be limited to a relatively short length of the West Deane Way running to the north of the site and that these impacts can be satisfactorily mitigated in around 5 years.

Recent government guidance confirms that the need for renewable energy should not automatically outweigh the concerns of local residents nor the other environmental (e.g. landscape) impacts of the proposal. Members are, therefore, advised to place significant weight on the impact on the West Deane Way and the other footpath that links to it to the east of the site. That said, in light of the landscape officers opinion, it is still considered that with the proposed mitigation, the impact of the development can be made acceptable within the relatively short term and that, on balance, the harm would not outweigh the benefits.

It is, therefore, 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 1998.

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