

24/14/0020

MR MJ & MRS BG DENNIS

ERECTION OF 10800 GROUND MOUNTED PHOTOVOLTAIC PANELS TO PROVIDE A 1242 KWP INSTALLATION ON LAND AT PONDPOOL LANE, HELLAND, NORTH CURRY (AMENDED SCHEME TO 24/13/0044) AS AMENDED AND SUPPLEMENTED.

Location: LAND OFF PONDPOOL LANE, HELLAND, NORTH CURRY, TA3
6DU

Grid Reference: 332909.124391

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) DrNo 001 Rev A Topographical Plan
(A2) DrNo FD 1a Perimeter Fencing and Hedging
(A2) DrNo LSP1b Landscape Plan
(A3) DrNo 200ajc Proposed PV Mounting Framework
(A2) DrNo 402 Rev A Transformer Unit
(A2) DrNo 401 Rev A LV Unit
(A2) DrNo 403 Rev A HV Switchgear Unit
(A2) DrNo 001 Rev A Location Plan
(A1) DrNo BP2b Site Plan

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

3. Within 25 years and 6 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, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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 and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Abbas Ecology's Extended Phase 1 Survey submitted report; dated May 2013 and February 2014, and Kevin Cook's Ornithological assessment report dated February 2014 and include

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
3. Measures for the enhancement of habitat and places of rest for, wildlife

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.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate wildlife.

6. The development hereby permitted shall not be commenced until details of a strategy to monitor the impact of the development on birds and aquatic invertebrates has been submitted to and approved in writing by the Local Planning Authority. The monitoring strategy shall be developed in consultation with specialists and be undertaken for a period of three years post construction. Data from the monitoring should be made publicly available.

Once approved the monitoring strategy 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 monitor the impact of the development on birds and aquatic invertebrates.

7. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) Alongside the above details, a landscape management scheme, which also contains details of the existing hedges and proposed actions to those hedges, shall be submitted to and approved by the Local Planning Authority, and the approved landscape scheme shall be retained and maintained for so long as the development remains in existence.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The fencing around the arrays hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect boundary trees, hedges and wildlife interests during the construction phase, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

9. There shall be no stockpiling of material or ground-raising (temporary or permanent) on any part of the site.

Reason: To ensure that flood risk is not increased as a result of reduced flood storage / conveyance in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

10. 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 in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

11. All new access tracks associated with the development shall be constructed using permeable materials.

Reason: To ensure that flood risk is not increased through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

12. 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.

13. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

14. The Development hereby permitted shall not be commenced until sufficient temporary consolidated parking and turning spaces for vehicles have been provided on the construction site itself to be constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning space shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network in accordance with Policy DM1 of the Taunton Deane Core Strategy.

15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway or public footpath together with an Operational Maintenance Manual, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the commencement of construction of the development hereby approved and thereafter maintained at all times.

Reason: To ensure that surface water is adequately controlled on site and does not discharge onto the local highway network in accordance with Policy DM1 of the Taunton Deane Core Strategy.

16. Prior to the commencement of development a construction traffic management plan providing details on the delivery of the photovoltaic panels and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network in accordance with Policy DM1 of the Taunton Deane Core Strategy.

17. No development 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 in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

18. No development shall take place until samples or details of the colour to be used in the construction of the external surfaces of the structures hereby permitted have been 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy, and as agreed by the agent.

Notes to Applicant

1. The conditions relating to wildlife requires the submission of information to protect and monitor species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process, be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal and be provided with a Monitoring programme developed by specialists.

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.

2. County Highways has requested that:

Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Mrs Maureen Atwell, Transport Development Group, Environment Dept, County Hall Taunton TA1 4DY, or by telephoning him on (01823 355645). Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be

consulted concerning their services.

The applicant should be advised that at least seven days before access works commence the Highway Service Manager Taunton Deane Area Highways Office, Burton Place, Taunton must be consulted.

Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

It is suggested that the use of temporary signage would be beneficial to notify other highway users of the construction operation. Whilst there are no objections to the erection of temporary signage along the proposed route, the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land.

The condition survey will require the involvement of the Taunton Deane Area Highways Office who are contactable on tel: 08453 459155.

3. The Environment Agency advises:-

Please ensure that the proposals accord with Natural England Technical Information Note TIN101 "Solar Parks: Maximising Environmental Benefits".

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

However, since the site is relatively flat, we are satisfied that the proposals will not have a significant impact on surface water drainage patterns and that site-specific mitigation measures are not required in this particular instance.

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- The use of plant and machinery.
- Oils/chemicals and materials.
- The use and routing of heavy plant and vehicles.
- The location and form of work and storage areas and compounds.
- The control and removal of spoil and wastes.

We would expect all works to be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines which can be viewed at the following link:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

In the event of a pollution incident, the site operator must contact the

Environment Agency immediately by calling 0800 80 70 60.

The developer should ensure that the guidance in the Environment Agency: [Pollution Prevention Guidelines 6: Working at construction and demolition sites \(PPG 6\)](#) and [Pollution Prevention Guidelines 5: Works and maintenance in and near water \(PPG 5\)](#) is followed.

Where possible, waste washings from any concrete should be discharge into the foul sewer, with the agreement of Wessex Water. If not, the developer should ensure compliance with the [Environment Agency Regulatory Position Statement 107: Managing concrete wash waters on construction sites: good practise and temporary discharges to ground and surface waters](#).

Any waste generated must be disposed of in accordance with [Waste \(England and Wales\) Regulations 2011](#).

If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to [Waste \(England and Wales\) Regulations 2011](#).

[CL: AIRE sites](#) must be identified and declared prior to construction and all protocols followed, if not Environmental Permits will apply.

There is the potential for the proposed installation to act as an "ecological trap" for certain types of insect that are attracted to polarised light. This is an area that has been researched with particular reference to aquatic insects. Therefore it is recommended that ponds are placed strategically around the site.

4. The Rights of Way Officer advises:

Any proposed works must not encroach on to the current available width of the footpath. We have no objections to the proposal, but the following should be noted:

The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath 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 footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided.

5. The Drainage Board advises:-

If there is a need to undertake any additional access works to allow the proposals to be carried out or cabling works/fencing near any watercourse then Land Drainage Consent will need to be obtained for any of the watercourses within or abutting the site. Clearly the proposals indicate work will be proposed within 9.0 meters of the riparian watercourses abutting the site and the Board would require consent for any work or fencing or landscaping in the protection zone. The Board would also expect that the surrounding watercourse be maintained to improve the standard of protection before works commence on the proposed development.

6. Regarding the landscaping condition, some details have been submitted, but a plan showing all species, density, plant protection and maintenance is required.
7. 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.

PROPOSAL

The proposal is for the erection of 10,800 ground mounted PV panels to provide 1,242 KWP at land at Pondpool Lane in Helland. This is equivalent to providing electricity to 320 homes. The proposal is for the provision of PV panels on the majority of the field, but allowing for a significant area of landscaping in the southern part of the field. The field area is 4ha, the application site is 3.18ha, the total installation area is 1.8ha and the total area of PV is 1.015ha. The area of panels is approx 340m by 60m, with the fencing and planting being a distance of approx. 9m from the rhyne and 6m from ditches to the north-eastern and south-western of the surrounding ditches. The arrays would be approx. 15m from the south-western boundary and 17m from the north-eastern boundary. Access is from the north via Pondpool Lane.

The frame mounting will support the panels at a 15 degree angle, in order to reduce the height of the panels and allow the arrays to be spaced at 5500 mm centres. It is proposed to install the ground mounted panels giving a minimum ground clearance of 900 mm to avoid any flood risk which will also encourage grass growth and facilitate sheep grazing. It is proposed to fit rows of tables of panels, three high (portrait), across the field at approximately 5.5 metre centres. These will generally follow the existing ground level with an overall height to the top of the panels of around 1.9 metres.

The proposed switchgear housing in a GRP enclosure (2.25m high by 3m by 3.25m), LV gear (2.25m high by 2.5 by 1.8m) and transformer (2.26m high by 2.5 by

1.9m) all placed on a 0.75m plinth as a precaution against flooding, will be to the north of the arrays approximately 30m from the entrance.

This is a revised application following the submission of a scheme for the whole field to have panels, which was submitted without an Environmental Impact Assessment.

The proposed landscaping will comprise an area of willow coppice to provide screening and biomass fuel crop with 50% coppiced in rotation every 2 years in the southern part of the field in an area approx 80m by 30m, with a mix of willow, hawthorn, and field maple to provide screening to the north-eastern boundary, and 9 new trees along the hedge alongside Pondpool Lane. Four bat boxes are proposed on poles along this hedge. There will be 1.9m high deer netting around the site, with new galvanised steel gates to the field entrance.

Application Submissions:

The agent has submitted an Environmental Impact Assessment, a Design and Access Statement, a Flood Risk Assessment, an ornithological Assessment, an archaeology report, a traffic management plan, and an ecology report to accompany the application.

The Environmental Impact Assessment and Statement considers the potential impact on the proximity of the four sensitive sites, these being Curry and Hay Moors SSSI to the north; North Curry Meadow SSSI to the north; West Sedgemoor Ramsar SSSI site to the east and Fivehead Wood and Meadow SSSI to the south east. The first is approximately 2km to the north of the site, will not be visible from the Moors, no construction traffic will pass and there is no environmental impact risk to this area. North Curry Meadow SSSI is approximately 0.7km from the site, will not be visible from this area, no construction traffic will pass and there is no environmental impact risk to this area. West Sedgemoor Ramsar SSSI site is to the east, the closest part being 400m from the boundary. The report considers the installation will not be visible from the site, there will be planting to eliminate any potential glimpses, the LVIA concludes there will be no negative Landscape or Visual Impact upon it. Fivehead Wood and Meadow SSSI are to the south east and approximately 1.5km from the installation site. The statement concludes that the installation will not be visible from the Meadow, and very limited from the Wood, no construction traffic will pass the sites and nor will there be any emissions or light pollution from the installation and therefore it is considered there will be no risk of environmental impact on them.

The Old Somerset Rhyne which is on the southern boundary of the installation site crosses the Ramsar Site and therefore there could be potential risk for pollution should there be a flood during the construction process. However, it is considered by strictly following the measures in PPG6 guidance the risk is minimised and becomes negligible. It is planned that construction traffic will pass along a short section of the Ramsar site boundary perhaps for a distance of some 150 metres. The Traffic Management Plan will ensure there is no environmental impact resulting from that traffic. Because of the limited visibility of the installation and the management to be adopted for the construction, together with the fact that there will be no emissions from the completed installation it is considered that there will be no measurable risk of environmental impact upon the Ramsar site.

The report states that floodlighting has been ruled out and the PV panels do not produce noise, so there is no light or noise potential. The installation will have no impact upon flooding either on or off the site. It is generally accepted that the PV panels will not give rise to nuisance from glint and glare. There will be no excavations within 6m of the drainage ditches, and temporary fences will be erected from the edges of the drainage ditches to protect reptiles. The conclusion is that there will be no measurable adverse impact upon the local environment.

The Design and Access Statement describes the proposal, summarises all the reports, includes a Landscape and Visual Impact Assessment, which summarises the potential visual impact. There are properties at Rock Hill, including Orchard End, at some 1.6km to the South that look towards the site. From these the appearance will not be dissimilar to that of modern crop farming where the ground is covered in a membrane to warm the soil and control pests but it just one field within a vista of hundreds including many farms and houses. There are in fact two arrays of panels already installed in that vista (at Nythe Farm). The photographs accompanying the report/proposal were taken in early April prior to leaf cover so any visual impact should be clear. The site is not in an Area of Outstanding Natural Beauty and the D&AS considers the Landscape Character Area policy designation results in proposals being sensitively sited and designed to respect the distinct character and appearance of that area, there is no landscape designation which would prevent the proposal. The report also concludes that there are public footpaths in the vicinity, but none will be detrimentally visually affected due to existing or proposed planting. The land is Grade 3, has been used for summer grazing or cut for hay, with limited but unsuccessful arable cropping. The field will continue to be used for sheep grazing, and will be part of a farm diversification.

The Flood Risk Assessment states that the site falls within Flood Zones 1, 2 and 3, but as the height of the panels will be at 900mm above existing ground level with the structures being raised on concrete plinths 750mm high, they will be well above any risk of flooding. The site is subject to "splash" flooding on a regular basis to a depth of 100 to 200mm, which normally lasts only a few hours while pumps work to clear the rhynes. The recent flooding event resulted in water depths of up to 400mm, but this is below the proposed height of panels. The road near Fosse Bridge was flooded in part to a depth of 250mm. The conclusion is that the proposal will have no effect on the frequency or amount of flooding on the site, it will not increase the risk of flooding to any other land or property and the proposal is not at risk of flooding. The matter of the sequential test is dealt with in Tables 1, 2 and 3 of the NPPF Technical Guidance. The majority of the site is within Flood Zone 3a. The development will either fall in 'Less Vulnerable' or 'Water Compatible' in the vulnerability classifications and from table 3 it will be seen that Development is appropriate.

This following section is longer than the other sections given the importance of this issue in the determination of the proposal:

The Ornithological Assessment sets out the reasons for the designation of the SPA, which relate to specific bird species being supported by the wetland. The survey of the site consisted of a specialist ecologist visiting the site at 15.00 hours and surveying for 3.5 hours in February 2014. This included some time in the dark. Fly-overs and landings were noted. The area had suffered unusually high rainfall for two months resulting in extreme flooding across the Levels. This flooding extended

across the SPA in the fields east of the site and the water extended into the central low areas of the project field causing about 40% flooding. Additionally it is accepted by the surveyor that a short survey of a few hours at a time when the Levels are flooded to a degree that has not been experienced in living memory may not yield sufficient data for a usable assessment.

The survey did not yield anything unexpected about the site. All species are common although two in the adjacent field are notable as they are highlighted within the SPA description. The flooding was drawing birds into the area, especially lapwing, that probably would not otherwise have been there as they were using the shallow water, that wouldn't normally be there, as a safe overnight roost. The project field does not have any outstanding features that would make it an important bird site (which is why it is not within the SSSI/SPA boundary), however the complex of grasslands, ditches, reeds and trees provides a rich habitat for wildlife that is typical of the Somerset Levels Natural Character Area.

Currently there is no evidence either way that birds are impacted upon by solar arrays in the UK and it is therefore understandable that there are concerns with a site so close to concentrations of important birds. Whilst on site the surveyor visited a bank (approximately 90 metres long) of solar panels a few fields away from the site at Nythe Farm. The owner had not suffered any bird strikes nor were there any corpses around the array. As the site was fenced no foxes would have been in to remove corpses though in theory an adventurous buzzard might. The surveyor also noted that the array was not reflective, being mainly black with just a slight sheen that was not comparable to the reflective nature of the water in the nearby fields. It was also noted that as dusk progressed the water in the survey field became considerably brighter in contrast to the surrounding land whereas the arrays would be much darker. Clearly angled panels will only reflect light from a given direction and will be less like water than structures that include horizontal reflective surfaces such as polytunnels and glasshouses.

It concludes that direct impacts upon birds currently and regularly using the site are likely to be low as the field itself has little diversity. Arrays will not impact upon any birds using the reed lined ditches or roosting in the trees but will impact upon birds that might use the field during wet periods. No nesting birds are likely to be affected. No impacts are assessed for problems of night-time reflections that is currently an unresearched factor.

The archaeology report concludes that the proposal site occupies part of a significant historic landscape characterised by long narrow enclosures formed during the reclamation and enclosure of Hasky Moor by the Dean & Chapter of Wells shortly after 1268. The unique character of this part of West Sedgemoor is further enhanced by juxtaposition the distinctive later enclosures to the south and east of the site formed during parliamentary enclosure of the remainder during the 19th century and the existence of the 'islands' of Thong and Nythe which may have supported early habitation. Little evidence of early occupation of the site or its surroundings has been identified, but Bronze Age pottery recovered during the construction of a pipeline to the west of the site may be indicative of prehistoric settlement in the near vicinity. The nature and scale of the proposed development is considered to have the potential to have adverse visual impact on the historic landscape which currently retains an understandable form and continuity of function. The impact is considered to partially mitigated in the locality of the site by the flat

form of the terrain and low height of the development and the inclusion of extensive planting of trees as a visual buffer; however the development will remain obtrusive and incongruous when viewed as a whole from the elevated land to the north and south and this is likely to moderately affect the significance and understanding of the historic landscape. There is no evidence for the existence of significant buried archaeological remains on the site, but this does not rule out the possibility in the elevated portion of the site to the north. Due to the limited intrusive nature of the groundworks associated with the proposed development the direct impact is considered to be minimal.

The Traffic Management Plan suggests that the construction will be carried out within a 5 week period, details of the types and numbers of vehicles involved is given, with the route being from the Chard direction, along the A358, the eastwards along the A378, turning north to follow the West Sedgemoor Road, past Chestnut Farm to the site. The largest number of lorries in one week, will be in week three, when 12 will access/exit the site. In addition there will be up to 12 construction workers who will be brought to/from the site by 4 no vans using car-share.

The ecology report concludes that the field was of low ecological value in itself although part of a landscape with field drains and rhyes creating a network of ecological value. It is close to a number of protected sites, the Somerset Levels and Moors Ramsar and SPA sites, Fivehead Woods and Meadows SSSI, the Fivehead Arable Fields SSSI, North Curry Meadow SSSI and West Sedgemoor SSSI, SPA and Ramsar site; the survey concluded that there would not be a direct impact on the adjacent protected areas. The report noted that objections raised 2 main issues, the possibility of wintering birds mistaking the arrays for open water and attempting to land on them, causing injury or death and secondly the possibility that invertebrates seeking water bodies by looking for horizontally polarised light will be attracted to the arrays and deposit eggs on them, thus reducing the breeding success of rare invertebrates known from the Somerset Levels. "It is acknowledged that these are valid concerns, although it must be stressed that there is very little evidence to support either theory." The report suggests that there is more to be gained by monitoring the impact of the development than by refusing it. A post construction monitoring programme will be agreed with interested parties including the RSPB and implemented over a 2 year period.

Agent's submissions in respect of comments raised regarding the application:

A post Construction Monitoring Programme for Invertebrates will be designed, run for a period of three years and results will be made public. An Ornithological PCMP will be put in place, run for three years and results made public. A mitigation strategy to protect and enhance wildlife will be produced. The mitigation measures required by the Drainage Board have been incorporated in the proposal. The operations should not cause damage to the PROW. Regarding comments from neighbours, the 'temporary' installation of agricultural membrane often occurs annually without requiring permission; no hedges or ditches will be removed; the site is well screened even when trees are not in leaf; there is no security fencing; there will be no glint and glare from the installation.

SITE DESCRIPTION AND HISTORY

The field is nearly flat, with the slightly higher land to the north at 7.8m sloping

slightly to the south to 7.2m in the southern corner. The field is one of a series running north-west to south-east. There are some trees along part of the north-eastern boundary and a hedgerow along the north-western side adjacent to the Lane, otherwise the boundaries are marked by reeds and ditches. Pondpool Cottage lies to the north of the site, approx. 80m from the nearest panels. The applicant's property lies further north, approx. 150m from the nearest panels. Greenbrook cottage lies approx. 100m to the south of the nearest panels, with drainage ditches and the proposed landscaping between this property and the panels.

The site is approx 450m to the west the West Sedgemoor SSSI also known as The Levels and Moors Ramsar site/Special Protection Area; The North Curry Meadow SSSI is located approximately half a mile to the north east of the site. The site is in open countryside, not in close proximity to any large settlement, has several footpaths in the vicinity, including one which will be used as the access. There is a small area within Flood Zone 1, but the majority of the site is within Flood Zone 2 and 3. The use as solar array is considered to be a 'water-compatible' development and is appropriate within these zones.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTH CURRY PARISH COUNCIL - This amended application addresses the majority of concerns raised by the Parish Council in relation to the previous application, and North Curry Parish Council now support the granting of permission.

SCC – TRANSPORT DEVELOPMENT GROUP – The Highway Authority has no objection to this proposal subject to the following conditions:

Proposal/History – It should be noted that the Local Highway Authority issued 'No observations' to planning application 24/12/0044 on the 7th October 2013. Whilst it was not felt that the proposal would result in any significant detriment to the surrounding highway network during the construction phase, the current application, which appears to have doubled in size is considered to constitute input on the proposal submitted.

The application seeks the erection of 10,800 ground mounted photovoltaic panels and associated equipment. My comments are made from onsite observations and the information submitted supporting the planning application specifically, the Traffic Management Plan (TMPv1a) prepared by Solar South West (7th April 2014).

Access – It should be noted from the applicant's red/blue-line drawing that the application site does not meet the publicly maintained highway, so technically the proposal does not have a permitted means of access to the highway. Clarification will be needed with regards to the ownership of this section of land and whether the applicant has a right of access over this land. The appropriate notice will need to be served on the respective land owner.

In terms of vehicular visibility the access is positioned on the outside of a bend in a

location where it is considered that vehicle speeds are significantly reduced. As a result it is considered that the visibility available at the site access, which meets the adopted highway is acceptable.

Traffic Management

Construction Traffic Route - Section 7. Traffic Route of the Traffic Management Plan (TMPv1a) indicates that construction traffic is to be accesses off of the A378 at the junction of West Sedgemoor Road.

The A378 also known as Langport Road is a designated class 1 highway to which the National Speed Limit applies. At the junction of West Sedgemoor Road I can confirm having consulted accident data records that there have been no known recorded incidents in this location within the last five years.

Access is then to utilise West Sedgemoor Road travelling north towards Helland. West Sedgemoor Road is subject to the National Speed Limit, however, it was observed onsite that vehicle speeds in this location are likely to be considerably lower that the allocated limit due to the constricted and sinuous nature of West Sedgemoor Road.

It is considered that the local highway network in this location is substandard in terms of width to allow for two-way vehicle flow. Furthermore, there are limited formal passing places along the duration of West Sedgemoor Drove to the application site (approximately 2.5km)

It is noted that there are highway structures along the proposed construction route which have been indicated below (in order from A378 to development site):

<u>Reference No.</u>	<u>Function</u>	
<u>Ownership</u>		
3220404 - Listock SCC	Road over Widness Rhyne (bridge)	
3230104 - Fosse Bridge	Road over Sedgemoor Old Ryne (bridge)	SCC

All highway structures will need to be considered with the proposed construction traffic management plan.

The sinuous nature of West Sedgemoor Road does give me some concern, however, onsite observations indicate that agricultural vehicles utilise this network given the operation of farming businesses within close proximity to the development.

As a result there is no objection to the use of this proposed construction traffic route, as the proposal represents an end use which will generate very little vehicle movements once complete. It is acknowledged that there will be disruption during the construction phase of the development however the submission of a detail Construction Traffic Management Plan should be submitted with the Local Highway Authority's approval to minimise any disruption.

Construction Traffic Volume - Within the Traffic Management Plan (TMPv1a) a spreadsheet (Appendix 1: Construction programme spreadsheet) has been provided detailing the levels of movements during the construction phase.

It has been estimated within that the duration of the construction phase will take place over a five week period, weather permitting.

Based on this information the proposal would average approximately 1-2 vehicle movements per day during this time frame. It is acknowledged that there will be spikes in the amount of vehicle movements per day (some more intensive than others), which is considered acceptable due to the temporary construction phase.

Condition Survey – The applicant should be aware that a Condition Survey will need to be carried out along the proposed construction route from the junction of the A378 along West Sedgemoor Drove to the site access (adopted highway). 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.

Signage – There is no mention with the Traffic Management Plan (TMPv1a) on how traffic will be managed notifying other vehicles or pedestrians in close proximity to the site. It is suggested that the use of temporary signage would be beneficial to notify other highway users of the construction operation.

Whilst there are no objections to the erection of temporary signage along the proposed route, 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.

ENVIRONMENT AGENCY - Provided, the Local Planning Authority (LPA) are satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of conditions.

LANDSCAPE - There will be some visual impacts from the PV panels, fencing and ancillary building in the short term as seen from Westfield Lane, Pondpool Lane, the public footpath that runs to the east of the proposals site and West Sedgemoor Road that runs east to west at the southern end of the site. However, the proposed landscape mitigation measures will significantly reduce those impacts over the next five years as the planting establishes. The willow biomass planting at the southern end of the site will provide good mitigation from one of the more conspicuous local vantage points.

BIODIVERSITY - The site is a 4 ha grass field with occasional wet patches with

small quantities of soft rush. As the site is located only a few hundred metres to the west of West Sedgemoor SSSI /SPA and Ramsar site, I suggest that Natural England and RSPB be consulted on this application. The intention is to erect the panels and perimeter security fencing around the site leaving a 9m gap between the development and the eastern and western ditches. Access to the site will be from Pondspool Lane from an existing field entrance.

Abbas Ecology carried out an Extended Phase 1 Survey of the site in May 2013. This report was updated in February 2014 addressing concerns about

- a/ the possibility of wintering birds mistaking the panels for open water
- b/ The possibility that invertebrates will be attracted to the panels.

An Ornithological assessment was also carried out by Kevin Cook in February 2014. Findings of the reports are as follows

Habitat The field is generally species poor - the main ecological interest being in marginal vegetation around the ditches surrounding the site and adjacent to the northern boundary hedge. I agree that the hedges and ditches are not threatened by this development.

Birds Kevin Cook carried out a survey of the site in February 2014. His survey did not yield anything unexpected about the site although he noted that flooding of the area was drawing birds into the area especially lapwing. He concluded that the arrays will not impact on birds using the ditches or trees, but may impact on birds using the field, if flooded.

Badgers The surveyor noted possible badger tracks and signs of foraging but no evidence of setts on site.

Amphibians and Reptiles The surveyor concluded that the ditches are likely to provide good habitat for amphibians. A grass snake was found by the surveyor basking on the margin of the western ditch. To safeguard amphibians and reptiles, a safety fence should be put in place during construction.

Otters and Water voles No evidence was found to suggest that these species are using the habitat in or near the field.

Aquatic Insects There is concern that polarised light from the panels could have an impact on flying aquatic insects, although I concede there is little evidence to date to support the theory. Monitoring of this site would help to provide valuable data, which could then inform future consideration of solar panels.

No invertebrate survey work was carried out on site due to the time of year. A visit to a solar installation close by at Nythe Farm however found no signs of dead invertebrates or debris on the surface of the panels, although it was acknowledged that rainfall has probably kept the panels clean.

I agree that should planning permission be granted, the impact of the development on birds and aquatic insects should be monitored for 3 years post construction.

The Bird monitoring programme should be designed by a specialist ornithological

consultant and developed in liaison with the RSPB. The aquatic invertebrate monitoring programme should be developed by an aquatic invertebrate specialist.

I support the recommended biodiversity enhancements I suggest condition

DRAINAGE ENGINEER - I note the comments made by the Somerset Drainage Board Consortium dated 1 May. Like the Board, I have no objection to the proposal as laid out in the FRA dated April 2014 and concur that a condition should be attached to any approval regarding the provision of an operational maintenance manual.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No comments received

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath T 17/17). I have attached a plan for your information.

Any proposed works must not encroach on to the current available width of the footpath. We have no objections to the proposal, but the following should be noted: The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath 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 footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided.

DIVERSIONS ORDER OFFICER - If the lane known as Pondpool Lane is to be used for constructor's access to the proposed site, please note that the Lane carries the Public Footpath T17/17. As such adequate Health and Safety measures need to be put in place to raise the public's awareness of meeting construction vehicles.

NATURAL ENGLAND - Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

This application is in close proximity to the West Sedgemoor and North Curry Meadow Sites of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

SOMERSET WILDLIFE TRUST - We have noted the above mentioned Planning Application by Mr & Mrs Dennis as well as the supporting Environmental Impact Assessment and Statement provided by James Carthy & co. Ltd. We have also noted that both Natural England and the Council's Biodiversity Officer have commented on the Application. We would support their comments and particularly those by the Biodiversity Officer and her proposed Condition for Protected Species should it be decided to grant Planning Permission. We would request that this proposed Condition is included.

RSPB EXETER - We note that the proposal lies very close to West Sedgemoor Site of Special Scientific Interest (SSSI), which also forms part of the Somerset Levels & Moors Special Protection Area (SPA) and Ramsar site. West Sedgemoor forms a critical part of the SPA's internationally important non-breeding waterbird assemblage. The SPA as a whole regularly supports over 100,000 wintering waterbirds, of which West Sedgemoor regularly supports up to 60% of the total. In addition, the RSPB itself owns and managed over 550ha of the site as a nature reserve.

Our main concern with the proposal relates to potential collision risk impacts on waterbirds moving within the SPA and Ramsar site. The applicants still do not appear to recognise the importance of West Sedgemoor for waterbirds nor the potential sensitivity of the site in relation to this proposal. We have read the accompanying ornithological report and agree with the author that a single site survey on 19/2/14 is not adequate to determine use of the site and flyover activity by waterbirds using the adjacent Somerset Levels & Moors SPA and Ramsar site. We agree as well that winter 2014 was not a typical year for West Sedgemoor because of widespread, deep and prolonged flooding, and therefore waterbird activity would not have been typical of normal years.

We are conscious that the science regarding the impacts of solar arrays on birds and other wildlife is still in its infancy, yet there is growing evidence that waterbirds may be attracted to solar panels in some circumstances. Given the close proximity of the site to West Sedgemoor we would like to see a post-construction monitoring programme (PCMP) required as a condition of any planning consent. This should run for at least three years to allow any potential risks to waterbirds to be assessed.

We would be happy to help develop a PCMP with the applicants. This would need to include a regular search for bird corpses during the key winter months of December to February. We can supply an outline monitoring programme based on a previous Monitoring & Mitigation Agreement (MMA) agreed for a proposed Somerset wind farm. This will need input from a qualified ornithologist and the setting up of a steering group to oversee and evaluate the results of the monitoring programme.

In the meantime, the RSPB wishes to submit an objection to the proposal, though we feel confident that this could be overcome with an agreed PCMP.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - no reply to date.

SCC - ECOLOGY - no reply to date.

SOUTH SOMERSET DISTRICT COUNCIL - This authority does not wish to raise any objection to the proposal. However, the following comments by our Ecologist might be useful:

I've noted the recommendations of TDBC's Biodiversity Officer (Barbara Collier) that include a condition requiring a monitoring scheme for birds and aquatic invertebrates. For the latter, I recommend the design of any such scheme will need to be given careful consideration if it is to be considered scientifically robust and worthy of sharing the results with any renewable energy industry bodies as proposed. Making casual observations (such as at Nythe Farm installation as noted in the Ecology report by Abbas Ecology) is unlikely to stand up to any scrutiny. The use of formaldehyde filled collecting trays (or lengths of gutter?) placed below some of the panels, and subsequent identification of collected specimens by an invertebrate specialist, would be more informative. However, with 10,000 panels, I don't know how one would decide which ones and how many to sample (perhaps the southernmost row that is closest to a greater number of ditches of potential importance to invertebrates?). The sampling would also have to ensure suitable timing in connection with likely invertebrate flight dispersal during suitable weather. A continuous 3 months over the summer may be the best way to ensure this.

Should the scheme go ahead with such an invertebrate monitoring condition, I'd be interested to see the proposed monitoring methodology and also the results in due course.

SOMERSET DRAINAGE BOARDS CONSORTIUM - The site is located wholly

within the boundary of the Parrett Internal Drainage Board area and any surface water run-off generated will discharge into the Board's area, within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively.

The Board does not object to the application if a Condition and Informative can be secured.

The Board has had limited contact from the applicant or the developer's agent to ascertain the Board's requirements and the Flood Risk Assessment (FRA) states access to the watercourses will be protected. The Board would have expected contact would have been made to confirm the Board's requirement for access to ID watercourses to be protected. If there is a need to undertake any additional access works to allow the proposals to be carried out or cabling works/fencing near any watercourse then Land Drainage Consent will need to be obtained for any of the watercourses within or abutting the site. Clearly the proposals indicate work will be proposed within 9.0 meters of the riparian watercourses abutting the site and the Board would require consent for any work or fencing or landscaping in the protection zone. The Board would also expect that the surrounding watercourse be maintained to improve the standard of protection before works commences on the proposed development.

Representations

4 Letters of OBJECTION

Policy

- Contrary to Policy CP8;
- Contrary to planning practice guidance for renewable and low carbon energy (DCLG) specifically – take into account the potential impacts on the local environment, including cumulative impacts;
- There is no plan for solar parks in the Local Plan;
- DCLG guidance is clear that the need for renewable energy does not override environmental protections;
- Cumulative impacts, topography, heritage assets, and protecting local amenity need to be taken into account and are all detrimentally affected;

Character

- One of a number of historic fields which form a coherent group and strong feature –this should be preserved unaltered;
- Creeping industrialisation of the countryside;
- Precedent for other fields to be developed;

Alternative possible locations

- Should be at Nythe Farm along with the existing arrays;
- Should be on brownfield sites and/or roofs;
- Nythe Farm has light industrial uses including car repairs and has overhead electric supply, so is a more appropriate location;

Views/visual impact

- Will be visible from surrounding hills;

- New planting will be alien in this landscape;
- Dense and uniform hedges will be obvious;
- The fencing will be intrusive;
- The area is unspoilt and rural/will be an eyesore;
- The area is used by walkers and tourists whose interests will be damaged if the nature of the area is changed by this industrial installation;
- Loss of view;
- Environmental and visual impact on this Moorland;

Traffic

- The single track lane into Helland is unsuitable for contractor's vehicles;

Other

- Will not use local suppliers or local materials or provide local jobs;
- Applicant has been opposed to others' applications;
- The bird survey was insufficient to properly assess the situation;

1 letter of SUPPORT (from Pond Pool Cottage, the nearest dwelling to the proposal)

- Fully in favour of the proposal;
- This property is most directly affected, there will be some initial disruption and some impact on my view, but neither is a threat to quality of life or to the property;
- Wildlife will quickly re-colonise;
- There is already heavy agricultural machinery working the fields, and fertilisers in use in modern farming, there may be a benefit to animals and insects without ongoing interruptions;
- There is a need to find alternatives of producing electricity which do not destroy the environment;
- Need to be able to use renewable sources, and these solar panels have to go somewhere to be in a position to achieve energy.

The CPRE has objected to the proposal;

- It notes that climate change is a complex environmental issue, and solar energy can make a key contribution to reduce carbon emissions;
- Concern that the scale and location is at variance to TDBC policies;
- Concern that the Landscape Character assessment identifies the Clay and Peat Moors as an area to focus on conserving the distinctive wetland landscape but enhancing individual elements that contribute to landscape character;
- It will be contrary to Policy DM1 as the development will be detrimental to the appearance and character of any affected landscape due to the incongruous appearance of a large installation of solar panels;
- The site is adjacent to West Sedgemoor SSSI, large number of birds use this area particularly in the winter months;
- The high security fence will be a hazard;
- There should be detailed research on the impact of the proposal on birds in this area;
- Contrary to policy CP8;
- The site is flat and will be highly visible from the surrounding countryside.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
ROW - Rights of Way,
EN12 - TDBCLP - Landscape Character Areas,
EN28 - TDBCLP - Development and Flood Risk,

LOCAL FINANCE CONSIDERATIONS

Not applicable

DETERMINING ISSUES AND CONSIDERATIONS

Policy/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 97 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”. As in previous planning policy, the NPPF indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

DCLG has also published “Planning practice guidance for renewable and low carbon energy”, which is a series of guidelines, the main points are that the effective use of previously developed land is encouraged, that if a proposal involves greenfield land, that it allows for continued agricultural use and /or encourages biodiversity improvements around arrays.

Taunton Deane Core Strategy states at Strategic Objective 1 (Climate Change) that “Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects”.

In terms of Taunton Deane Core Strategy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purpose or accord with other specific

development plan policies. The site is and within Flood Zones 1,2 and 3 and in the vicinity of the West Sedgemoor Site of Special Scientific Interest and the Somerset Levels and Moors Special Protection Area. Policy CP1 relates to Climate Change, Policy CP8 relates to Environment including the SSSI designation and DM2 relates to Development in the Countryside.

Policy CP1 (Climate Change) 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...their scale, form, design, materials and cumulative impacts 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'. Policy DM2 Development in the Countryside gives the types of development which would be supported in the countryside, subject to specified criteria.

Policy CP8, Environment - "The Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of towns and rural centres unless other material factors are sufficient to override their importance.....Unallocated greenfield land outside settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. Development outside settlement boundaries will be permitted where it will:

Be in accordance with national, regional and local policies for development within rural areas.....

Be appropriate in terms of scale, siting and design; and

Protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements....."

In addition Landscape Character Assessment applies, along with the policy that within National conservation designations, it is not anticipated that any development proposals would adversely affect any SSSI designations.

There is a balance to be made between the need to provide renewable energy and the need for the protection of wildlife, the countryside and the nature and character of rural areas. There are occasions when the relevant policies are not in strict accord with each other and any assessment will result in the amount of weight given to a particular stance being questioned. Central Government has encouraged the provision of renewable energy and has emphasised the need to consider brownfield sites and roofs, but this does not prevent the consideration of other sites. The site is within one field, will have mitigation in terms of additional landscaping and bat boxes, and will be integrated within the immediate area.

Drainage

The application site lies within an area that falls within all three zones of flood risk as the site slopes gently to the south. The aim of the Sequential Test is to steer development to areas with low probability of flooding and the basis for applying this is the Strategic Flood Risk Assessment (SRFA). The Taunton SFRA makes no

specific provision for renewable energy development as the former PPS25 guidance on flood risk did not require renewable energy schemes to undergo the Sequential Test. There are no identified sites for such development across the Borough. The flood risk vulnerability of the use is considered to be 'less vulnerable' and so the use would be acceptable in this location. In addition a site specific flood risk assessment has been submitted which locates any switching gear and transformer in an area out of the risk zone. The Environment Agency, Internal Drainage Board and Drainage Officer are all satisfied with the content of the Flood Risk Assessment and raise no objection subject to conditions.

Impact on Wildlife

This is an important aspect of the proposal. Concern has been raised that the submitted survey of birds is insufficient to properly assess the potential impact on birds. The CPRE has raised several concerns, summarised above. Natural England has stated, that this application is in close proximity to the West Sedgemoor and North Curry Meadow Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. "We therefore advise your authority that these SSSIs do not represent a constraint in determining this application." On that basis the Local Planning Authority would appear not to be in a position to object to the proposal on the matter of potential detrimental impact on the SSSI.

The conclusion is that the installation of the proposal will not be to the detriment of wildlife in the area. The agent has agreed to three years of monitoring to fully assess this issue.

Character of the area

In terms of the current proposal, it does allow for sheep grazing and the new areas of planting along with the boundaries should encourage biodiversity. The structures are now dark grey rather than green and these should integrate into the landscape. There will be a new hedge within the field which will be parallel to the public footpath on Pondpool Lane, which over time will help screen the arrays. The public footpath runs along the north-western boundary for approx 100m, and it is considered that the immediate visual impact will be minimal for that distance given the existence of the boundary hedge, the overall impact in the area is relatively limited. The arrays may be just visible from other footpaths in the area in both the near and far distance; any visual impact is much more limited. It is not considered that the proposal is detrimentally intrusive or will significantly alter or impact on the character of the immediate area. This site is in open countryside and this area is both open and also has areas of tree cover. Planting could take place at any time by landowners, and there are examples where clump and copse planting have occurred, especially around dwellings, and thus the implementation of the planting scheme may alter the immediate character of the area, but is it not considered to be to its detriment.

Alternative sites

Whilst comments have been raised in relation to the suitability of this site and that other sites should have been chosen in preference. The Local Planning Authority has to consider each application submitted, and whilst other sites may appear more suitable they may not be under the control of the applicant. Large scale industrial roofs are often suitable, but the Local Planning Authority has to determine this scheme. There is no specific allocation in the Taunton Deane Core Strategy for locations for solar farms.

It is considered that this is a “large scale” installation in that it is a commercial development, not a scheme to supply an individual or specific building, however it is not as large scale as some schemes as it will be on a field approx. 4ha in area and the installation area is 1.8ha, and it is not on several fields. Nonetheless its potential impact has to be considered as stated in Taunton Deane Core Strategy Policy CP1, it is considered that the scale, form, design and materials are acceptable and can be satisfactorily assimilated into the landscape by means of the proposed additional landscaping. In this case it is not considered that there are cumulative impacts, as although there is small scale array east of Nythe Farm (196 in an area measuring 100m in length) this array is situated about 100m to the south of the current site, the sites are some distance apart, and the latter is on a much smaller scale. There is an array in the form of two rows of approx 54m in length with a total of 207 panels, these are immediately to the south of one of the large chicken sheds, to the south-west of the Farm. Given the relative small size of the Nythe Farm arrays and the distances between them, it is not considered that there is an adverse cumulative effect.

Visual impact

There will be opportunity to view the arrays from the public footpath along Pondpool Lane, which is adjacent to the north-western boundary of the field. It is proposed to include the planting of a section of hedge to help screen the backs of the arrays from this position. The proposal is not considered to be visually intrusive from this location. There may be views from East Deane Way, but these will be interrupted views over some distance, and it is not considered that there is serious detrimental visual impact for users of this path. Users of the footpath which runs to the east of the site, may have glimpses of arrays as the intervening vegetation, including the reeds which can grow to over 2m in height, but on the whole there is unlikely to be any detrimental visual impact in the longer term as the proposed planting starts to grow. The residents in the property to the south, Greenbrook Cottage will have an area of willow coppice as screening to the north which will help screen the arrays. This, along with a distance of approx 100m from the arrays, is considered to mitigate any potential visual intrusion. In terms of views from further afield, there may be glimpses of panels from the hills to the south, but these will not be dominant in the landscape given the nature of the small fields and intervening vegetation. The arrays will not be noticeable for drivers using the road network due to intervening vegetation. The neighbour commenting on a loss of view is situated approx 230m away, and there are intervening trees to the site, and there are views over other fields which are unaffected. The proposal is not considered to be detrimental to the amenities of any residents nor to users of the footpaths or highways in the area. The proposal is not considered to have any detrimental impact on visual amenity.

Access/traffic

Access to the site will be via A-class roads until the last section which will be on unclassified road running past Nythe Farm to Helland and thence North Curry. This lane is single track in places and not unlike other routes used by HGVs and other vehicles to access similar types of proposal. Agricultural vehicles frequently use these highways with few problems. The County Highway Authority has considered the proposal and notes the substandard access in part of the route, but does not object to the proposal. Conditions as requested have been added.

Other

Construction jobs and use of local materials are not planning matters. Whilst the bird survey is limited and the RSPB is not content, English Nature (EN) has not objected, and EN is the statutory body responsible for the consideration of such matters. In the circumstances it is not considered that the Local Planning Authority would be reasonable to have an objection in this case. Each application is treated on its merits. There is usually objection to solar farms and often there is some impact to a section of the community, a balance has to be struck unless there are clear policy objections.

Conclusion

Central Government's policy is to encourage the use and supply of renewable and low carbon development; Taunton Deane Core Strategy policy CP1 accepts large free standing installations subject to certain criteria, including potential impact on the landscape and CP8 seeks to protect the environment. Careful consideration has to be given between the overall benefit of renewable power installations to society as a whole and the visual impact to local residents and walkers using the public footpath which runs to the north-west of the site. There may be intermittent views of the arrays from nearby footpaths, but very limited views from further footpaths. It is considered that there will be little visual impact on the local roads and users of those roads. Most residential properties in the immediate area or other areas surrounding the site will not be directly affected, as the distances are such that the visual impact is significantly less than for walkers using the public footpath network. Thus it is considered that there will be no significant visual intrusion in this case.

It is considered that there will be insignificant change in the character of the area, given the size of the proposal and the proximity of Nythe Farm with its various buildings. The traffic generation will not be significant and not dissimilar to agricultural traffic. There is support from the Parish and the nearest neighbour. It is not considered that there will be any harm to the amenities of the local residents, and there will be a benefit in terms of renewable energy. It is considered that the scheme as supplemented is acceptable on this site.

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

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

