

MS POWER PROJECTS LTD

INSTALLATION OF SOLAR PV ARRAYS AND ASSOCIATED WORKS WITH A CAPACITY OF UP TO 9.5 MEGAWATTS OF POWER AT LAND NORTH-WEST OF RITHERDENS FARM, BRADFORD ON TONE AS AMENDED

Grid Reference: 318871.124294

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:

(A3) DrNo RITH002 02 PV Layout - Ground Installation Mounting Details Fixed Tilt System

(A3) DrNo RITH005 01 Boundary Fence Details

(A3) DrNo RITH003 01 CCTV Camera Installation

(A3) DrNo RITH004 01 Transformation Enclosure

(A4) Site Location

(A0) DrNo RITH0001 v07 Site Layout Plan

(A1) DrNo TDA1905.01C Landscape Strategy.

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.

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 Wildlife Matters Consultancy Unit submitted report, dated December 2012 and Ecological Management Plan dated 03/07/13 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
 4. A Landscape and Ecological Management plan.

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

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

6. Before the commencement of any development a survey/assessment of archaeological remains on Site (by way of trial trenching) shall be submitted to and agreed by the Local Planning Authority. Thereafter the developer shall afford access at all times to any archaeologist nominated by the Local Planning Authority, and shall allow him to observe the excavations and record items of interest and finds.

Reason: To ensure protection of the archaeology of the borough.

7. The perimeter fencing 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.

8. The development hereby permitted shall be carried out in strict accordance with the following approved documents and plans:
 - Letter from Ambiental to the Environment Agency (dated 18 June 2013);
 - Site Layout Plan (dated 08 July 2013 Ref: RITH0001 Version 06; and
 - Emails from Ambiental to John Herrington dated 15 and 19 July 2013.

Reason: To ensure that there is no increased flood risk to the adjoining land and to prevent pollution of the water environment.

9. Within 3 months of the grant of this permission, an operation and maintenance manual for the development and its associated drainage infrastructure shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be maintained in strict accordance with the details of the approved manual.

Reason: To ensure that there is no increased flood risk to the adjoining land and to prevent pollution of the water environment.

10. Within 3 months of the grant of this permission, a re-instatement plan shall be submitted to, and agreed in writing by, the Local Planning Authority. The reinstatement plan shall include:
 - A timetable for the completion of all temporary construction works and the removal of all associated works and structures from the site; and
 - Details of how the site will be restored to agricultural grazing land, to include planting and any phasing arrangements.The development shall be constructed and maintained in strict accordance with the details of the approved plan.

Reason: To ensure that the site does not increase surface water run-off onto surrounding land as a result of soil compaction and degradation caused by construction activities land and to prevent pollution of the water environment.

11. No development shall take place within 8m of the top of bank of the unnamed watercourse along the eastern boundary of the site.

Reason: To protect the biodiversity value of the watercourse.

12. No development shall commence until a construction environmental management plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall ensure that pollution risks during the construction of the development are minimised. The development shall be constructed in accordance with the details approved.

Reason: To prevent pollution of the water environment.

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

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

14. Temporary visibility splays are to be provided as part of the construction phase. To which, there shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access

and extending to points on the nearside carriageway edge 90metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network.

15. 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.

16. The applicant 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 advance in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the use of the site discontinues.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network.

17. Prior to the commencement of development a 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 fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In addition prior to the commencement of development a site access 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 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.

18. 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 4 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.

19. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, 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 does not discharge onto the local highway network.

20. (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 provides some landscape mitigation and does not harm the character and appearance of the area.

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

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.

In the UK badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

3. Somerset County Council Highways Authority advises:

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.

As part of the development, appropriate temporary signage in proximity of the site should be installed prior to the commencement of construction, to notify all highway users of the potential hazards that will be associated with the development.

Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 12 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

4. Somerset County Council Rights of Way section advises:-

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers 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 cyclepath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the cyclepath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public cyclepath unless the driver has lawful authority (private rights) to do so.

In addition, 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 SCC 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 developer is strongly advised to inform all contractors, workers, agents and all visitors to the site not to use the road in/from Rumwell to access the site due to its unsuitability.

PROPOSAL

The proposal is for a series of PV modules with a peak capacity of 9.5 Megawatts of power to be supplied directly to the electricity sub station. This is equivalent to the amount of power required for more than 2000 homes. The site is 20.6ha, comprising in three fields, divided by hedgerows, it is currently Grade 3 arable farmland. The panels will be 1.6m by 0.9m mounted in 2 rows, with the max height about 2.5m above ground. The panels will face south, cover less than 25% of the total site area (applicant's figures), be set back from the site boundaries by distances of between 5 and 8m, the latter where the site abuts a watercourse on part of the east boundary. There will be up to 7 green coloured transformer enclosures and a grid connection cabinet; these will be 7.5m by 3m by 3m high. The site will be enclosed by a 2m high green fence which will follow the existing mature field boundaries and public footpaths and a series of CCTV cameras. All fences will allow the passage of larger mammals such as badgers, foxes and hares. A construction compound is proposed at the north east corner of the site, this will be about 1 ha and used for delivery area and compound. This area will return to agriculture on completion of the construction.

Construction is likely to take approx. 10 weeks, with 9 – 10 deliveries per day in the second to fifth weeks. Subsequent to the construction, maintenance and security checks, and panel cleaning will occur through the year. The land will have a grass and wildflower mix, and be used for sheep grazing. Existing trees and hedges will be retained. Landscape mitigation includes allowing existing hedgerows to grow to a height of 3 – 3.5m to improve natural screening, the introduction of new hedgerows, planting of a small new Oak copse to the north of the site. The agent has considered plating hedges on either side of each public footpath, but the views from the public meeting was that such enclosure would create a 'corridor' effect and should be avoided.

The application is accompanied by a Design and Access Statement, Flood Risk Assessment, an Archaeological desk-based assessment, a habitat survey, a landscape character and visual impact assessment, a construction traffic management plan, and a public consultation report. The Archaeological desk-based assessment notes that there are 21 Grade II Listed Buildings within 1km of the site, that there will be no physical effect on any Designated heritage assets as a result of the scheme, that the setting of Grade II Listed Building - Easton Lodge about 130m east of the site will be unaffected. There is potential for buried features of prehistoric and pre-medieval date within the site. There may be some potential for Mesolithic artefacts. The principal heritage interest in the site comprises cropmarks identified from aerial photos.

Amended plans have altered the location of the proposed access road and site

compound, increased the buffer strips alongside the public footpaths to 20m in total width, increased the area of the proposed copse on the northern part of the site to 35 Oak trees, introduced hedges to both sides of 'hedgeless' footpaths and to the south of the middle footpath, reduced the number of panels in the areas to the north east on Greenlands and north east of Huntersmead, and introduced 2m wide swales in 4 lines across the site. The proposed fences will be grey not green. Further technical information to the Environment Agency and the Council's Biodiversity Officer have also been submitted along with a supplementary Traffic Management Plan. The new access to the site will be from the west side, well to the south of properties in Hele. The suggested delivery hours will be 09.30 to 16.00.

The agent has agreed that there will be an additional area undeveloped to the west of the site, south of the middle footpath. This is in order to help protect some of the archaeology. Additional areas around the fringes will have wildflower/scrub 'planting'.

SITE DESCRIPTION AND HISTORY

The site is to the north west of Ritherden's Farm, east of Hele, south of the large electricity substation, south east of Upcott, and west of the road between Upcott and Rumwell. Three public footpaths cross the site. The boundaries to the fields are formed by hedges, with a couple of mature trees. The site is part of a farming estate of approx 240ha.

There is no relevant planning history.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BRADFORD ON TONE PARISH COUNCIL - the Public Consultation process has not been carried out within the parish of Bradford on Tone. A 'Drop-in' session followed by a public open meeting has been arranged. You will appreciate that there has been much opposition to this proposal. The Parish Council suggest this application is deferred for a decision to allow proper and proportionate consultation to take place. Suggest no sooner than August for a Committee decision.

Subsequent to public exhibition and meeting; the Parish Council supports the concerns raised in relation to:

1) The proposed road to be used during construction works is very busy and includes narrow bends. There is a considerable use by horse riders as there are no public bridleways in the parish of Bradford on Tone. Road safety is a genuine concern of local residents.

There are alternative routes of access which have been suggested to the applicants. The route which would cause minimal impact on the environment and residents would be across the fields (opposite Binham Bridge Farm).

2) Taunton Deane Planning Authority should carefully consider whether this is an appropriate use of a significant acreage of good agricultural land. Certainly without exception all the Hele residents present at the 25 June meeting emphasised that this proposal would have a significant adverse visual impact on the landscape character of the area and would become a dominant and permanently present

feature of life in Hele for the next generation.

Whilst it appears that both national and local planning policies have a presumption in favour of renewable energy developments this must surely be an unacceptable impact on the local landscape and community.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development is located on land associated with Ritherdens Farm. Having carried out onsite observations and studied the information submitted as part of the planning application, I have the following comments relating to the amended Construction Management Plans for the proposed development.

It is noted from the Taunton Deane Borough Council website, there have been objections to the development, specifically relating to the construction phase of the proposed development. The Highway Authority take the view insofar that the development, once works are completed that traffic movements associated with the development would be minimal and that it is in the Highway Authority's interest that guidance is put in place to safe guard the existing highway network.

Originally, the development sought access from an existing agricultural field gate off of Wheaton Lane a designated unclassified highway to which the National Speed Limit applies. The route requires vehicles to travel approximately 4km from the A38 through Hele. The majority of traffic will utilise Hele Road, which has no vehicle weight restriction in place and is sinuous in nature. Furthermore, the Highway Authority had concerns over the junction from Hele Road to Wheaton Lane, given its poor alignment and narrow nature.

Having had consulted with the Transport Consultant on behalf of the applicant, the Highway Authority discussed the potential of providing a temporary access to be used by construction traffic over the period of ten weeks during the construction phase.

This has resulted in the relocation of the site access during the construction phase, to be positioned off of Hele Road approximately 1.5km from the A38 (Wellington Road).

Construction Route: The proposed construction route as indicated within the amended Construction Traffic Management Plan is considered acceptable. Access to the site is obtained via Wellington Road a designated Class 1 Highway. Construction vehicles will then exit onto Lower Stoford Lane a classified unnumbered highway to which the National Speed Limit applies. Vehicles will then exit off of Lower Stoford Lane onto Hele Road again a classified unnumbered highway to which the National Speed Limit applies, to which the proposed site access is situated approximately 1.0km to the North. Additionally, it should be noted that on route to the site there is a designated bridge, reference No. 1280703 (Binham Bridge), I have liaised with the Somerset County Council Structures Team and can confirm that there is no weight restriction on this structure.

The reasoning for amending the site access is to minimise the disruption of the highway network in a rural location where carriageway widths in certain locations cannot accommodate two-way vehicle flows.

Site Access: The amended site access an existing agricultural field gates as detailed within the Construction Management Plan section 2.5, is to be altered to accommodate the vehicles associated with the construction phase. Whilst no detail drawing of the access has been submitted a suitably worded condition can be applied to allow the access to be constructed with the appropriate surfacing, width and radii.

In terms of vehicular visibility I would insist that temporary splays are provided as part of the new access. Given the location of the site and that it is considered to be within a rural location, I would apply visibility splays from DMRB (Design Manual of Roads and Bridges). Temporary visibility splay coordinates of 2.4m x 90m either side of the access would need to be implemented given that the vehicles associated with the development are slow moving HGV's. Once works are completed the temporary splays would be reinstated with the existing hedgerow/vegetation at the same time as the access. Exiting the site vehicles will return to the A38 the same route.

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.

Vehicle Movements: Vehicle movements during the construction phase are to over a period of ten weeks. Section 3 'Construction Traffic' of the Construction Traffic Management Plan details the anticipated level of vehicle movements during the construction phase. It is indicated that the construction phase will result in approximately 300 HGV movements, therefore theoretically the construction phase is likely to generate 600 movements over the ten week period, which would see approximately 12 vehicle movements per day. It has also been discussed that any vehicle movements associated with the site will take place outside of the peak hours to minimise disruption on the surrounding highway network.

Highway Network – Condition Survey I would wish to see a highway condition survey imposed, this 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. I would expect the condition survey to begin from exiting off of the A38 to the site access. I would advise that contact with the Taunton Deane Area Highways Office will need to be made relating to the submission of the condition survey.

Other Considerations: Furthermore, it is noted that my colleagues within the Rights of Ways Team have raised concerns relating to the public rights of way/footpaths in proximity and within the proposed site. It should be noted that the provision within the amended Construction Traffic Management Plan Section 2.9, indicates that these rights of way will continue to be open to the public during construction.

Finally, I would add that as part of the development appropriate temporary signage in proximity to the site during the construction phase will be erected to notify all highway users of the potential hazard that will be associated with the development.

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 conditions.

BISHOPS HULL PARISH COUNCIL - no response received .

SCC - RIGHTS OF WAY - confirm that there are public rights of way recorded on the Definitive Map that run through the site at the present time (footpaths WG 3/14, WG 3/15 and WG 3/16) Any proposed footpaths must not encroach on to the width of the footpaths.

The health and safety of walkers 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 public bridleway unless the driver has lawful authority (private rights) to do so.

LANDSCAPE - I generally agree with the landscape assessment of the site and the likely impacts. However, there are a significant length of public footpaths that either cross the site or look directly into it that will have significant and adverse impacts on the viewers' enjoyment of the landscape character of the area such as the views from Stonegallows. There are also a number of views from gateways where there will also be significant impacts. The proposed mitigation will reduce the impacts slightly but not in any significant way. I recommend that if the development is acceptable in planning terms, that at least 20m width (eg 10m either side or 20m one side should be allowed free of development where PF crosses the site. These areas should be carefully planted with low scrub and grassland to help maintain some amenity for walkers.

Re amended plans –the revised scheme will help to provide some landscape 'relief' to users of the PROW and soften the impact of the security fencing once the planting is established. My preference is for black rather than green security fencing.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - no response

DRAINAGE ENGINEER - object to the application as the Flood Risk Assessment does not fully address the potential increase in flooding downstream. There is loss of existing permeable grassland across the whole site will occur. Further information required. Porosity tests required.

ENVIRONMENT AGENCY - Initially OBJECTED to the application at this time because the Flood Risk Assessment (FRA - prepared by Ambiental Nov 2012) does not currently demonstrate that the potential risks of surface water runoff flooding from the development have been appropriately assessed and can be fully mitigated.

In particular, the submitted FRA needs to address the following:

Some attempt to quantify the increased impermeable area generated by inverter buildings, access tracks (hardened does not imply fully permeable), and mini piles needs to be made from our experience with dealing with other solar PV developments in the Taunton Deane area. It is not acceptable to simply argue that there is no increase in impermeable area as a result of the development, notwithstanding that construction activity can potentially compact the existing soil horizons.

Given point 1 above, the FRA should at the very least promote some form of swale and / or bund features to facilitate detention capture of any resultant runoff and the slightly concentrated runoff from the PV panels themselves. These can typically follow contours or perimeters of the site, as deemed appropriate.

The FRA should provide some information on soil type, and existing infiltration characteristics. The FRA should promote good soil management practices during construction, and also specify the nature of the vegetation cover reinstatement below the panels at the completion of construction.

Re amended plans - 1

The agent has provided additional information to support the above planning application in various emails between 18 June – 08 July 2013. On the basis of this additional information we WITHDRAW our previous OBJECTION subject to CONDITIONS being imposed upon any permission granted.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - the applicant has submitted an archaeological DBA that indicates a reasonably significant heritage asset is present on the site in the form of a double ditched enclosure identified by aerial photography. Also the applicant states that a geophysical survey will take place. Therefore the proposal is likely to impact on a known heritage asset and potentially as of yet undiscovered assets. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This will involve the geophysical survey and most likely a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128).

BIODIVERSITY - The site comprises of three intensively worked agricultural fields which are species poor. The fields are enclosed by a network of species rich hedges. There are no buildings on site. There are ditches on site but no ponds Wildlife Matters Consultancy Unit carried out an Extended phase 1 habitat survey of

the site in August 2012. Findings of the report are as follows

Protected sites - There are no protected sites nearby, the nearest SSSI being Langs farm 2.2km away.

Badgers - A badger sett was found in the light woodland that has grown up around the north fence of the site adjacent to an electricity station. I agree that a 15m buffer zone should be made around the sett. I do not support the option to erect panels closer to the sett using ballast slabs. I consider that a pre- construction check for signs of badger activity should take place prior to any works taking place.

Bats - The surveyor states that there are no buildings or trees on site that might attract roosting bats, but the photographs show a large oak tree adjacent to fields 1 and 2. This tree along with the hedges will be retained. The surveyor considered it likely that bats forage along the hedgerows. I support the proposal for the site to be unlit.

Dormice - There was no evidence of dormice on site.

Reptiles - The surveyor concluded that there was little potential for reptiles on site.

Breeding birds - The hedgerow network provides nesting and foraging habitat for a number of birds. The surveyor recorded eleven species of bird on site. There were no Schedule 1 birds present.

The surveyor recognises that, there is potential for ecological impacts to arise during construction and operation of the solar farm and that there are opportunities to increase the site's biodiversity.

This is a large site so I would expect to see more biodiversity gain than suggested. The surveyor has recommended wildflower grass sowing (sometimes difficult to establish beneath the shade of panels), and the provision of bird and bat boxes. Should permission be granted I would like to see wider buffers to the wildlife features surrounding the site and an area of landscape planting.

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

I am inclined to believe the local residents with regard to owls and newts. There should be wider buffers to wildlife features and would expect to see more biodiversity gain.

Further comments on amended plans

I note that the submitted Ecological Management Plan contains additional biodiversity enhancements. However I still consider there should be significantly more landscape planting proposed on site. I concede that an Ecological Clerk of Works will not need to be on site throughout the installation of the whole contract.

HERITAGE - The submitted archaeological desk based assessment (DBA) does include the historic built environment in the locality and identifies 21 listed buildings

within the study area. The closest to the development site is Stone House/Easton Lodge, which is 130m to the west.

Having studied the position of the nearest listed buildings and assessed the proposed development against the criteria set out in *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* and English Heritage *The Setting of Heritage Assets*, I can find no reason not to concur with section 8.1.7 of the DBA. On the basis of the material submitted I therefore consider that the setting of the nearby listed buildings would not be affected by the proposed development to a degree that would harm their significance.

DIVERSIONS ORDER OFFICER - the public footpaths WG3/14 and 3/15 will be affected if planning consents are granted. There is a possibility that Public Footpath WG 3/16 will also be affected.

Representations

21 Letters/emails of OBJECTION (some residents have sent 2 or more submissions)

Visual impact/amenity

- Significant visual impact to a wide area;
- Visual impact to the many users of the public footpaths;
- Loss of agricultural landscape;
- Change to industrial landscape;
- Views of the Blackdown, Quantock and Brendon Hills would be lost as footpaths are enclosed;
- This area already has the electricity sub station and 19 associated pylons, further industrial type development should be refused;
- There are 21 Grade II Listed Buildings in the area, these must be affected;
- Brownfield sites should be used;
- The policy of commitment to renewable energy targets is noted, but it shouldn't be at the expense of "our beautiful countryside";
- This will be an eyesore for 25 years;
- This area is a part of a special landscape area;
- The views taken for the submitted report are very selective, and minimise potential impact;
- The Planning Committee should come and view the area from Stonegallows and the footpaths;
- High security fencing and CCTV cameras will turn this area into a prison camp;
- It is unlikely that sheep will be kept to control the grass, so it is likely to be sprayed off, so more herbicides into the watercourses;
- The panels will dominate the area;
- This area which separates Taunton from the countryside and Wellington should be designated as Green Belt;
- The proposal is contrary to much of the NPPF;
- The area has remained similar for over 150 years, the field boundaries are those of 1897 OS map;
- Greg Baker the Energy and Climate Change Minister states that Central Government is preparing to introduce new guidelines to prevent inappropriate developments on green field land;

- The whole area is rural and is needed for the expanding population of Taunton, not to forget the addition of the massive Comeytrowe development;
- Concern that if this goes ahead, the land will be industrially allocated land;
- Not only are there the panels, but also the CCTV poles, the Grid Connection Cabins and Transformation Enclosures;

Traffic

- Local roads totally unsuitable;
- Accidents are bound to happen on the narrow lanes;
- There is a designated cycle route, and these lanes are used by cyclists, horse riders and pedestrians;
- The development at Halse resulted in 10 more than the estimated figure of road movements;
- The reports do not mention the HGV deliveries of stone, hardcore for access and storage area, and labourers' cars;
- In addition there will be deliveries of plant, machinery and equipment;
- The roads are not wide enough for two HGVs to pass;
- There are blind bends on the lanes;
- As contractors have not yet been appointed, the estimates of traffic will be inaccurate;

Agricultural land issues

- The land is grade 3, which should be retained as agricultural;
- Profit motives of the farmer;
- Loss of farmland in exchange for an annual subsidy for a solar PV company;
- Will increase need to import fodder crops from other areas;
- There should be a policy on the Grade of agricultural land on which PV arrays are acceptable, as in Devon;
- The loss of 50 acres of land just to supply 2,000 homes is a high price;
- Cereal production in the UK is down and imports are up, the land should be retained as agricultural land;

Consultation

- Bishops Hull parish were notified and a public meeting held, but the Bradford on Tone Parish Council was not notified;
- Local residents did not know anything about the proposal;
- Additional time is required to consider the scheme;

Wildlife

- Disturbance to wildlife;
- No mention of the River Tone in reports, with its wildlife;
- There are Barn Owls in the area, not reported;
- There are newts, including great crested newts, in the area;
- There are little owls and woodpeckers in the area;
- Wildlife will be disturbed and hindered by the fencing;

Flooding issues

- There is a history of flooding in the area, which is contrary to the submitted

- report;
- Flooding impact;
- There should be an independent flood report;
- The footpath and track leading to it by Huntersmead floods and is impassable at times, so the report is misleading;
- The panels will increase run-off and add to flooding in the area;

Noise

- No noise survey has been submitted;
- Low frequency disturbance will occur which can affect sleep patterns and have other health impacts;
- Noise from construction works;
- Noise of pile driving;

other

- Theft of the panels;
- In order to deter thefts the site would have to be constantly floodlit;
- Impact on Health;
- Children's bedroom is less than 100m from panels – possible impact from radiation and other health issues;
- It is understood that value of homes is not taken into account, but this will severely impact values;
- All new homes should have PV panels;
- Archaeology is important, the full survey is needed prior to any decision;
- The panels will be coming from China and the labour from Germany – what about the local economy;
- There has been little research on effects of PV panels on the health of people living nearby;
- If the panels are damaged; chemicals which are a health issue will be released;
- The Council has a duty of care when considering how such developments affect residents;
- No benefit to the local community;
- Who pays for any damage to residents' property if damage is caused?;
- The efficiency of converting solar energy to electricity is poor, being less than 20%, the Planning Committee should send a message that destroying productive agricultural land and replacing with inefficient technology is wrong;
- Forthcoming technology built into new houses will be more efficient than PV panels;
- MS Power Projects operates from a serviced office not its own property, and has not filed any accounts, so is without substance or history;
- If permission granted, there should be a legal agreement to ensure compliance with conditions;
- No one in the area is in favour;
- Potential damage to gas main and water mains under the roads;

1 letter of SUPPORT received

- Renewable energy is for the benefit of the environment and future generations;
- The proximity to the National Grid power station is the obvious location;
- This is preferable to a nuclear or coal fired power station;

- Wildlife will thrive in the undisturbed 50 acres.

Other respondents

Somerset Wildlife Trust:

There are some inconsistencies in the Ecological reporting terms of creating buffer strips, request the detailed recommendations in Appendix if permission is recommended.

CPRE:

Is not opposed to solar PV installations, but believe that their scale and location must be considered against their environmental impact. Concern about the loss of the best and most versatile agricultural land, grades 1, 2, or 3a; Local Planning Authorities should seek to use the areas of poorer land in preference to that of higher quality. Central Government has reaffirmed the importance of protecting our soils in June 2011. An independent agricultural land classification should be completed before the application is considered if the grade of land is in dispute. Such a large scale and intrusive installation cannot be regarded as an enhancement to the landscape character of the area. The proposal is contrary to Policy CP8. There are 3 public footpaths crossing the site, the proposal which provide valuable access to the open countryside for the community at a time when such access is recognised as making an important contribution to physical and mental wellbeing.

Additional comments – energy minister Greg Barker has stated that the Government intends to provide guidance... solar farms should “not be in any place and not at any price. I want UK solar targeted on industrial roofs, homes and brownfield sites, not in our beautiful countryside... we mustn't lose support by deploying enormous arrays in the wrong places. Our new planning guidance will make this clear” the proposed site is in open countryside, in view of the Minister's statement and the forthcoming Government guidance on solar farms the CPRE believe that it would be inappropriate for this development to proceed and that it should be refused.

13 Additional or altered comments on application as amended (3 responses from previous objectors, 10 new objectors).

- Amendments make no difference to the objections;
- Potential damage to properties with vehicles using the lane from the A38 to Ritherdens Farm;
- Believe that the new route is via A38 and Rumwell to Ritherdens Lane – this is a very narrow lane with bends and no overtaking areas, a parked or broken down vehicle on this route would cause chaos;
- Drivers often travel too fast on these narrow lanes which have restricted visibility;
- It is difficult to turn into/out of this lane;
- Pointing out the debate in Parliament in respect to large scale solar arrays, this should be taken into account;
- The need for green energy does not override the planning concerns of local communities;
- Regarding the Nynhead site, there have been problems with lorries larger than the passing places, the site is an eyesore, looks like an industrial estate;
- Cheap manufacture causing pollution in China;
- Need to keep power stations ticking over to support the grid when cloudy;
- Need to use industrial buildings' roofs or brownfield sites;

- Impact on Listed Building and its setting;
- The amended proposal will do nothing to mitigate the serious detrimental visual impact on the site itself and the surrounding area;
- The soil is clay based and if the rain is not allowed to land evenly, the soil becomes channels and flooding will occur;
- Having visited a Solar Farm site, the ground under the panels was barren and dried up;
- The application is being rushed through prior to changes in Central Government policy.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 ROW - Rights of Way,

July 2013. DCLG “Planning practice guidance for renewable and low carbon energy”.

LOCAL FINANCE CONSIDERATIONS

These do not apply to this development

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.

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. Policy CP1 relates to Climate Change, Policy CP8 relates to Environment and DM2 relates to Development in the Countryside.

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”. 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.....”

CLG has just published “Planning practice guidance for renewable and low carbon energy”, which is a series of guidelines, which are broadly similar to those existing. 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. The proposal does allow for sheep grazing and the buffer zones should encourage biodiversity.

Visual Impact

There will be significant visual impact to existing residents of several properties in Hele. The site is a matter of metres from their boundaries. Amendments to the areas of arrays have taken the nearest arrays slightly further away, but the residents will still look out from their dwellings and their gardens and see the arrays. The nearest arrays would be 100m away from Greenlands (dwelling and 80m to the garden) and 100m to no 4 Stonehouse Cottages. This cannot be further mitigated unless a substantial tree belt were to be introduced and this in itself is likely to be overpowering to those residents and has not been sought. Other dwellings are at various distances further away, but will see the arrays across the fields. There are

some intervening trees and hedges, but in winter when there is no vegetation cover, the arrays will be clearly seen.

There will be significant visual impact for users of the three public footpaths. Whilst the developer has agreed to have wider buffer zones, and to retain existing hedges, the visual impact will still be significant. There will be views of the site from various field gates, but the most noticeable viewpoint will be from Stonegallows Hill. The whole site will be visible from this elevated point, and when viewed from the public footpath which runs from Stonegallows Hill towards Wheaton Farm.

Whether this visual impact will be detrimental will depend on perception. The local residents who have objected all consider the impacts to be detrimental.

If granted the area will change its rural character. The solar farm will have an "industrial" appearance rather than a rural appearance; there will be small structures within the site, fencing, CCTV cameras and associated poles. In the Taunton Deane Local Plan Stonegallows Hill was designated as a Special Landscape Feature. This designation, along with the other Special Landscape Features, do not appear in the Taunton Deane Core Strategy. The site itself is not in an Area of Outstanding Natural Beauty, and although it may be possible to see it from both the Blackdown Hills and Quantocks Areas of Outstanding Natural Beauty, this in itself does not make the proposal unacceptable. Given the distance to individual Listed Buildings there will be no detrimental impact on those buildings or their setting. The Archaeology is being further investigated, and can be conditioned. The agent has been in direct discussion with SCC Historic Environment Officer, and is agreeable to a condition as the results of the trenching has not yet been submitted.

Visual impact is important, and the effect of a large area of altered landscape cannot be underestimated. There is a balance to be struck between the need to protect local landscapes, the detrimental visual amenity for some local residents, local walkers and ramblers and the need to provide a renewable energy supply.

Traffic

Concerns have been raised about the use of the lanes to and from the original site entrance, (turning south in Upcott just after passing the electricity station). This route was considered to be too long and use an unsatisfactory 'sinuous' route including the junction of Hele Road to Wheaton Lane which has a poor alignment. The amended route is only approx. 1.5km from the A38, as compared with 4km for the original. It also avoids Upcott and some of the right angle bends in the area. The site compound will be close to the entrance. This area will be reinstated at the end of the project. This revision will help overcome some of the concerns from residents. Some objectors have thought that the new access will be through Rumwell, this is not and has never intended to be a route to the site. All construction sites have associated traffic generation. Such traffic is a consequence of such sites, and is temporary in nature. The new access and site compound are considered preferable to that originally proposed. Appropriate conditions are recommended, with a note regarding the use of other routes, but the Local Planning Authority cannot ensure that workers use only one route.

Agricultural land

Some concern has been raised about the loss of high quality agricultural land and that the reduction in carbon emissions would be off-set by an increase from food importation. The Taunton Deane Core Strategy does not have a policy on the use of particular Grades of agricultural land. In this case the agent has stated that sheep grazing could take place within the fields. Neither local nor national planning policy makes any meaningful reference to the quality of agricultural land and whilst its loss 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.

Consultation

A small area of the southernmost field only is within Bishops Hull Parish, the remainder is within Bradford on Tone Parish. The agent held a meeting with the Bishops Hull Parish Council and Borough Councillor for that area, and did not consult Bradford on Tone Parish Council. As a result the first local residents knew of the proposal was the consultation letter from Taunton Deane. Residents have now had since mid May to respond to this planning application and their comments have been reported above. Although applicants are encouraged to carry out pre-submission public consultation, it is not a requirement and the quality of any consultation is not a material consideration.

Noise

Noise has not been raised as an issue on any of the existing operating sites. The Environmental Health Officers have not raised noise as an issue for previous applications for solar farms.

Wildlife

The Biodiversity Officer considers larger areas should be set aside for mitigation and that these should be for wild flowers. The area set aside for the badger and other mitigation measures are accepted.

Flooding

The agent has been in direct contact with the Environment Agency and the council's Drainage Officer in order to resolve the drainage issues. The amended plans which include swales are acceptable.

Other issues

Theft is an issue for the operators, there will be security fencing and CCTV cameras. Environmental Health Officers have not cited any Health issues with this type of application. There may be alternative acceptable site, but each application is dealt with on its merits. The Local Planning Authority cannot insist that the jobs are for local people or that the panels are manufactured locally or even in Britain. Effect on

property value/price, any damage to individuals' property or underground services, the 'standing' of the applicant are not matters the Local Planning Authority can take into account. The application has not been rushed through ahead of possible changes in Central Government Policy. Whilst all (but one) letter is an objection, this in itself does not mean a proposal is unacceptable, the determination of applications is based on adopted Planning Policies. This does not mean that objector's comments are ignored, local opinion is important, and is taken into consideration, but Members need to give weight to all relevant aspects.

Conclusion

At present Central Government's policy is to encourage the use and supply of renewable and low carbon development; Taunton Deane Core Strategy CP1 accepts large free standing installations subject to certain criteria, including potential impact on the landscape. CP8 seeks to protect the environment. The newly published Government "Planning practice guidance for renewable and low carbon energy" does not change the overall policy on Solar Farms, it sets out guidelines, which are broadly similar to existing. Reports have indicated that Policy may be about to change, but as yet there is no agreed new Policy. Therefore a balance has to be struck between the overall benefit of renewable power installations to society as a whole and the visual impact to local residents and walkers using the three public footpaths which cross the site.

It is considered that there will be little visual impact on the local roads and users of those roads. Most residential properties in Hele, Upcott and Stonegallows Hill 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. The visual impact of the installation will be significant to some residents who are close to the site.

It has been shown above that, with the exception of visual/landscape impact the other impacts detailed above can be adequately mitigated and controlled by condition. The revised access and construction compound will help alleviate some of the earlier objections to the traffic impacts of the proposal. It is accepted that there will be some permanent (for the life of the permission at least) harm to views from some dwellings and their gardens, the public footpaths which cross the site, and the other footpaths in the area. However, this must be balanced against the wider carbon reduction that would occur nationally from the increased uptake of renewable energy. A development of this scale would produce an amount of electricity and, as such, it is considered that the benefits are significant and, in this case, outweigh the identified, limited, harm. With regard to these matters, it is recommended that planning permission is granted.

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

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460