

TGC RENEWABLES LTD

**INSTALLATION OF SOLAR PV DEVELOPMENT OF 16,020 GROUND BASED RACKING SYSTEMS, MOUNTED SOLAR PANELS, POWER INVERTER STATIONS, TRANSFORMER STATIONS, SUB STATION, SECURITY FENCING WITH ASSOCIATED ACCESS GATES AND CCTV SECURITY CAMERAS MOUNTED ON FREE STANDING SUPPORT POLES ON LAND EAST OF NEW RENDY FARM, OAKE (AS AMENDED).**

Grid Reference: 315809.123715

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed development will generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There will be some slight, localised harm to the visual amenities of the area, however the benefits are considered to outweigh the limited harm and the proposal is acceptable in accordance with Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy. There will be additional traffic during the construction and decommissioning periods, however this will not be significant given the overall traffic levels. The development will not cause harm to wildlife interests, the amenities of nearby property nor highway safety, nor will it lead to an increase in off-site flooding. It is, therefore, considered to be acceptable in accordance with Policy DM1 (General Requirements) and guidance contained in the National Planning Policy Framework.

**RECOMMENDED CONDITIONS**

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) Location Plan

(A3) DrNo PV.100 Rev A4 PV Layout

(A3) DrNo PV1.00 Rev A1 Red Line Plan

(A3) DrNo PV1.00 Rev A6 PV Layout

(A3) DrNo PV1.00 Rev A1 Site Plan

(A3) DrNo TGC/PV001 Rev A1 Fence (as amended by email)

(A3) DrNo TGC/PV002 Rev A1 Gate

(A3) DrNo TGC/PV003 Rev A1 Inverter Cabin  
(A3) DrNo TGC/PV004 Rev A1 CCTV  
(A3) DrNo 2V Rev A Racking System  
(A3) DrNo TGC/PV009/01 Rev A1 Comms Building  
(A3) DrNo TGC/PV010/01 Rev A1 Switchgear Housing  
(A3) DrNo GSC0015-1 Rev 0 Proposed Elevation Based on 33 kW WS  
Schneider Switchgear  
(A3) DrNo TGC/PV004 Rev A1 CCTV System

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 wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ecosulis's submitted report, dated November 2012 and any up to date survey and include:

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

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

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

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

8. No development shall commence until a scheme to limit surface water flows and runoff from the solar panels across the site, from the development during the construction and operational phases has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented and maintained in accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased in accordance with NPPF paragraph 103 and Taunton Deane Core Strategy Policy CP8.

9. 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.

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

Reason: To protect wildlife interests and the visual amenities of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

11. 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 6 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

12. The development hereby permitted shall not be brought into use:

- until that part of the service track that provides access to the solar panels construction site from the highway has been constructed;
- until the existing access has been modified to incorporate sufficient width for vehicles to pass and to improve visibility along the lane to the south;
- until the proposed access has a minimum width of 6 metres and incorporates a 45 degree splay to the south;
- until the existing hedge shall for a distance of 12m, be lowered to and at no time be more than 900mm above the level of the carriageway to the south of the access during the construction period.

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.

13. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented by the approved Contractor. The plan and any contract shall stipulate the size of vehicles to be used for deliveries and the routes to be used. The approved Contractor shall ensure that no vehicle leaves the B3227 at Hillcommon and that no deliveries are made to site before 9.30am and not after 5pm on Mondays to Fridays and no deliveries are made to site between the hours of 2.30pm and 3.30 pm (primary school term times only) Mondays to Fridays.

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.

14. 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 during the construction phase of the site.

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. The Development hereby permitted shall not be commenced until sufficient properly consolidated parking and turning spaces for vehicles have been provided on the construction site itself and across the lane at New Rendy Farm 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.

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect 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. The Environment Agency has given details of its requirements for the consideration of this application. Full site-specific details of flow routes and runoff from the solar panels across the site, especially during construction phase and the effect of compaction are required. In particular, attenuation volumes should be agreed based on the above investigation and taking into account site specific circumstances. Porosity tests are needed. The introduction of impermeable areas within the development should be minimised wherever possible i.e. access tracks should be permeable. Any drainage scheme should be supported by percolation / soakaway tests on site, or pre-cautionary assumptions made as to the ground conditions and likelihood of percolation being achievable. Management of the land, including grass seeding and planting (in line with proposals set out in the FRA) should be considered and confirmed. Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.

4. Somerset County Council suggests that :

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.

5. Detailed information/specification relating to the vehicles used during the construction phase will need to be provided. The Highway Authority considers the following information necessary:
  - Construction vehicle dimensions;
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors;and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Details of the necessary Condition Survey of the proposed HGV routes along the existing public highway (local lanes) will need to be agreed with the Highway Authority and the survey carried out prior to any works commencing on site. 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. The survey(s) must be agreed in advance with the Taunton Deane Area, Highways Office, Burton Place,

Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. The Area Highway Manager will be able to advise upon scope and coverage of any survey and any particular local features to be taken into account.

The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. The Area Highway Manager will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

## **PROPOSAL**

The application is for the installation of a 3.76 MWp solar PV farm consisting of 16,020 modules on this site which is 3 fields totalling 10.47 ha. This PV farm would be capable of powering approx. 952 houses. The PV farm will be connected and export power to the local distribution network. The proposed PV panels will be no higher than 3m, be of a blue/black colour and be supported on racks. These will be supported on screw piles. The modules will be served by 4 inverter stations, a substation, a Comms Building and switchgear housing; the whole development will be surrounded by a 2.4m high paladin fence with double gate entrance close to New Rendy Farm. The inverter substations are to be installed on a concrete base and will be approx. 9.7m long by 3.06 wide by 3.6m high; the switch room is 4m by 2.58m by 3.1m high; the Comms building is 7.2m by 3m by 2.4m high and switchgear housing is 5.33 by 5.3 with 4.88 m high pitched roof.

The application is accompanied by a Design and Access Statement, a Habitat Survey, a Historic Environment Assessment, a Community Consultation Report, a Flood Risk Assessment, a Landscape and Visual Impact Assessment. Subsequent to the application being made a provisional traffic management information report was submitted.

These reports give the applicant's viewpoints on the proposal, which inter alia state that Central Government is supportive of renewable energy, Local Planning Authorities should be supportive; there is little wildlife impact, that found on the site is within the hedgerow areas, which will be protected anyway; there are no historic remains of interest in the area, and the nearest Listed Buildings or other historic features which would not be impacted upon by this proposal; there will not be any increase in flood risk from this scheme and generally there is little visual impact from the proposal. The areas from which it will be seen are two gateways leading from the adjacent road and a public footpath in a neighbouring field. There will be little visual impact to any dwellings, the one most 'affected' is the applicant's property. The assessment comments that views of the development from the side of the property will be partially screened by intervening vegetation, and views from Lowton Farm, 200m to the northwest will have views from the upper windows also partially screened by intervening vegetation. Other farms in the area would be similarly impacted.

The provisional traffic management information estimates 25 tipper lorries to bring in materials for access tracks and foundations for the structures, 14 flatbed lorries for set up and decommissioning, 30 flatbed lorries for mounting frames and 42 flatbed

lorries for the solar panel modules.....and others for equipment, waste, fences and poles etc., the total being 185. These lorries all to be less than 6m (20feet) in length.

The figures are provisional as these are the estimates, as a contractor has yet to be appointed, thus vehicle movements are liable to change. The frequency of lorries is given as a maximum of 5 per day. The hours suggested are 0800 – 1800 Mondays and Fridays and 0800 – 1300 on Saturdays. All equipment will be stored off the public highway; wheel washing will be cleaned manually before vehicles exit the site, and there will be routine sweeping of the approach roads. The two potential routes are given as M5, Chelston roundabout, A38 towards Taunton, Silk Mills Road, the B3227 towards Hillcommon, then south towards Oake, then to the site. The alternative given is M5, B3187 towards Wellington, then at Cades Farm roundabout turn to go through Nynehead and Nynehead Hollow. The latter route is shorter by distance, but has narrow lanes, sharp bends and the restrictions of the Hollow and passes through Nynehead. The former is a longer route, also has some narrow sections and sharp bends, and it goes through Oake and passed the School.

An amended Provisional Traffic Management Information has recently been updated by the agent, this amends the delivery hours to not before 9.30, no deliveries between 2.30 and 3.30 term times and not after 5.30pm; the frequency of vehicle movements will be 8 -10 per day; the lorry route has been amended to exit the M5 at Junction 25, along the A358 towards Norton Fitzwarren; with contractors' cars and small vans using the Nynehead Hollow route.

The agent carried out public consultation which included a public meeting at which the agent states concerns were generally overcome. One main issue emerged which was cumulative impacts, as Grange Farm Solar Park, which at the time of the public meeting had not been implemented. Grange Farm is approx 1km to the west-north-west of this site. The agent concludes that cumulative visual effects would be limited to some successive and sequential glimpses from Broom Lane and to some distant combined and sequential views from areas of higher ground, which would be too distant to be significant. The agent has proposed a community benefit to Oake Parish Council which equated to £1k per annum per MW installed for the first 10 years. Such scheme has no weight in the determination of this proposal. This offer is made regardless of any consultation response.

The agent has provided some additional information since the submission. The insurance underwriters and police recommend 2.4m high fencing as necessary security measures for protection. The agent has been in contact with the head-teacher of the primary School in Oake and has agreed that we are happy to adhere to a condition that no deliveries be made to site before 9.30am and from 2.30pm – 3.30 pm.

## **SITE DESCRIPTION AND HISTORY**

The site is three fields to the east of New Rendy Farm and to the west of Ford Farm. It is Grade 2 and Grade 3a agricultural land. The land in the area is generally flattish with only gentle undulations. The site itself slopes gently from approx 54m AOD at its western side down to 41m AOD to the eastern side, the typical gradients are around 1 in 40. A row of electricity pylons lies just to the north of the site. There are hedges to each field boundary and a hedge forming the western boundary with the lane to New Rendy Farm. Vehicular access to the site would be either via Broom Lane from the Oake to Bradford Road or through Nynehead and Nynehead Hollow.

There would be no lorry access via Bradford on Tone bridge but to its very restricted width. There is a short line of mature trees to the southern side of the site alongside an access to an adjoining field, but this is outside the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*OAKE PARISH COUNCIL* - the Parish Council is in favour of renewable energy, and in other circumstances would support this application however the application failed to consider the impact on the local community with lack of information about the building programme. The application does not consider or give information on any of the following and without this information the Parish Council cannot support the application. Which roads and routes construction traffic will use to access the site? How many vehicles and the size of vehicles will be used in construction. How long will construction take to finish. The number of journeys that will be made to and from the site and where the vehicles will travel. The times of the day the deliveries will take place at the local school and other businesses on and around Oake will be disrupted. The impact the vehicles will have on the roads and bridges in the area. Without this information the Parish Council is unable to support the application, however with this information and if planning permission was given the Oake PC would like to be involved in minimising these impacts on the community.

*BRADFORD ON TONE PARISH COUNCIL* - Councillors have had an opportunity to consider the application (as an adjoining parish). The Parish Council object to the proposal based on the same reasons as put forward by Oake Parish Council. Councillors were particularly concerned that a traffic management plan should be agreed with Somerset CC.

*NYNEHEAD PARISH COUNCIL* - the Council is generally opposed to the Solar Park – the Solar Park will be in an inaccessible place, with no access to the site; there is no traffic Management Plan and the panels will be occupying valuable agricultural land.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is approximately 5km west of Taunton, south of the village of Oake, it is proposed to install approximately 16,000 solar panels. Whilst it can be approached on lanes from north and south the developer has proposed that large vehicles delivering plant and materials approach from the north from the B3227 and through Oake and that smaller vehicles delivering workers are able to approach via Chelston and Nynehead.

### **Considerations**

The lanes are quite narrow in the vicinity of the site and at Oake the route passes by the village primary school and traffic should be timed wherever possible to avoid the start and finish of the school day during term times. However the developer proposes to limit both the size of vehicles used (20ft lorries max length) and the number of vehicle movements per day to a maximum of 5 per day (10 two-way movements). The developer has also indicated willingness to operate to an agreed Construction Traffic Management Plan to address some of the concerns about

construction traffic.

The TGC renewables document, 'Provisional Traffic management Information for the Solar Development at New Rendey Farm' proposes that HGVs leave the M5 at Junction 26, travel up the A38 to Taunton where they join the B3227 to Hillcommon before turning off this County Route to Oake. It would also be acceptable for the small daily number of HGVs to route from the M5 at junction 25 via the A38, and A358 to the B3227. There are two bridges north of the site, one across Hillfarrance Brook and the more southerly to the north of Rendy Farm. The Highway Authority is satisfied that these will take the proposed traffic loading for access by HGVs to New Rendy Farm from the north.

The developer is required to carry out a pre-construction highway condition survey in case any of the extraordinary construction traffic damages the local roads leading to the site from the B3227, in which case repairs must be made by the developer or at the developer's cost. Post construction the site will generate relatively little maintenance/monitoring traffic and this is not considered harmful to the local lane network. When the site is decommissioned it is expected that materials will be removed in reverse to how they were imported during the construction period. There would be likely to be less material removed as it is common for farms to continually use and re-use a modest supply of aggregate in making repairs to existing tracks, hardstandings etc. The field entrance is on the outside corner of a tight bend in the lane. It should be widened to accommodate two-way construction traffic and also to improve visibility along the lane in both directions. Any gates should be set well back and hung to open inwards away from the highway. Conditions suggested.

*LANDSCAPE* - The Landscape Assessment (GLVIA) appears robust and covers the full landscape impacts. The proposals will have some landscape impacts especially from the close up viewpoints such as the entrance way and footpath just to the west of the gate. There are also significant views from the Bradford on Tone to Oake Road. However these could be overcome to an acceptable level with the following mitigation measures:-

- Allow existing hedgerows to grow and be maintained at higher levels
- Maintain the southern boundary trees in good management.
- Plant a new hedgerow and bank on the new main entrance to cut off any direct views of the site
- On northern boundary hedgerows selected and allow trees to grow onto maturity at 20m gaps.

*ENVIRONMENTAL PROTECTION TEAM* - there is another solar farm within the district and no noise complaints have been received relating to the operation of that site. With this application the inverters are several hundred metres from any residential premises, which is further than on existing sites. Therefore, it is unlikely that noise from the inverters will disturb residents, However, to provide a more detailed comment a noise assessment would be needed to be provided by the applicant.

*ENVIRONMENT AGENCY* - comment:

the application does not demonstrate that flood risk will not be increased elsewhere. The application is therefore contrary to the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

The FRA considers that the impermeable area on the site will be the solar panel's legs and various kiosks on the site. However the solar panels themselves could contribute to the impermeable area to some extent. We are therefore concerned that the surface water attenuation provided for the site has been under estimated.

On the current proposal, the swale located at the north of the site has been designed to follow the solar panel array instead of the site contour; therefore we are not convinced that this swale would be very efficient at attenuating flow.

In order to resolve our objection, the FRA should be revised to include more site-specific details of flow routes and runoff from the solar panels across the site, especially during construction phase and consider the effect of compaction. Ideally we would want the applicant to take the same approach as they have at Halse Farm (TDBC Ref: 06/12/0034) and Grange Farm (TDBC Ref: 23/12/0032), and to bear the following in mind:

In the absence of any specific guidance on how to assess run-off from solar developments, a range of methods and scenarios to calculate run-off rates (and thus, attenuation volumes) should be investigated. Attenuation volumes should be agreed based on the above investigation and taking into account site specific circumstances. The introduction of impermeable areas within the development should be minimised wherever possible i.e. access tracks should be permeable. Any drainage scheme should be supported by percolation / soakaway tests on site, or pre-cautionary assumptions made as to the ground conditions and likelihood of percolation being achievable. Management of the land, including grass seeding and planting (in line with proposals set out in the FRA) should be considered and confirmed. Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.

*SCC - RIGHTS OF WAY* - no reply

*DRAINAGE ENGINEER* - I have concerns regarding overland flow routes of surface water runoff from the proposed solar panel arrangements. With previous developments of this nature and similar size more thorough investigations have been carried out to assess run off rates, flow routes and erosion. These investigations were then used to assess storage volumes to ensure flooding is not increased downstream. I note that porosity tests have not been carried out. The porosity of the soil should be assessed so that any attenuated volumes can be arrived at with some certainty. With regard to the ongoing maintenance of drainage features, I note that they are to be carried out by the site operator. A planning condition should be attached to any planning approval that a full maintenance regime needs to be agreed and in place before any works commence on site. I note the Environment Agency also have similar concerns and have requested more information. At present I have to object to this application till further information is forthcoming.

*DIVERSIONS ORDER OFFICER* - no comments

*BIODIVERSITY* - The site comprises of arable land, hedgerows standing water and ditches. Ecosulis carried out an extended Phase 1 Habitat Survey of the site in November 2012. Findings are as follows.

Bats - The hedgerows and trees, on site provide potential foraging and commuting habitat for bats. A dead tree stump on the western boundary provides roosting opportunities for bats. I agree that lighting should be kept to a minimum and directed away from hedgerows.

Birds - The site is likely to support nesting birds. Any clearance of vegetation should take place outside of the bird-nesting season.

Badgers - The surveyor noted two outlier setts within the hedgerows on site, as well as mammal paths. I support the proposal to carry out an update badger survey prior to works commencing on site to establish activity levels. If works are to be undertaken within 20 m of a used sett, which from the drawings looks likely, then a NE licence will be required

Reptiles - The hedgerows, which are to be retained and protected by fencing, are considered to offer potential to support reptiles. The scheme includes the retention of the hedgerows and ditches (the most ecologically valuable habitat on site)

I support the biodiversity enhancements proposed but require detail. In addition I consider that there should be an element of landscaping in the scheme

*AVON & SOMERSET POLICE*: suggest some anti-vandal measures, which the agent should note.

## **Representations**

1 letter of CONCERN received

- Head teacher of Oake, Bradford and Nynehead CE Primary School;
- Supports the concept of renewable energy, there are grave concerns regarding transport proposal route 1;
- There needs to be an enforced restriction on the timings of deliveries;
- Concerns about the safety of children;
- Traffic in Oake is becoming increasingly congested at the start and end of the school day;
- Parking is a major issue;
- Many cars need to drive through the village, turn and drive back along the main road;
- There is severe congestion on the road between 08.40 - 09.10 and 14.45 – 15.20;
- There are 110 pupils and a busy pre-school, so up to 130 young children,

- parents and younger siblings walk along the narrow path through the village;
- There is no clearly marked crossing;
- There is a blind corner outside the school gate.

## **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,

**LOCAL FINANCE CONSIDERATIONS** are not relevant to this case.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues raised by this proposal are:-

- The impact of construction traffic on the highways leading to the site;
- Landscape impact;
- Flooding/run-off issues.

### 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 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.

### Traffic

The agent has submitted a provisional traffic management information report, but advises that this is not a guarantee of types and numbers of vehicles to be used, as the contractor has not yet been appointed. However the figures give a good idea of the numbers and sizes of vehicles involved. The size of lorry is given as 6m (20feet), in order to negotiate the highways in the area. Since the objections have been received the agent has been in contact with the County Highway Authority and the headmaster of the school and has agreed to a condition which would restrict deliveries to avoid the school drop-off/pick-up times. Whilst this is welcomed and would contribute to the acceptance of the scheme, this cannot be in an enforceable condition. Instead, there is a condition that the contract with the contractor must specify that the lorries will be no more than 6m long and that they will avoid the school drop-off/pick-up times.

Discussions have been ongoing between the agent and the Parish Councils in respect to the traffic issues and it is expected that the outstanding matters have been resolved.

### Landscape Impact

Generally the impact is likely to be negligible. There will be views of the panels from the public footpath to the west of the site, views from different points on the surrounding highways and there will also be some distant views. None of these views are likely to be detrimental to visual impact and thus from this aspect, the proposal will be acceptable. To help mitigate the proposal, the Landscape Officer has asked for some additional landscaping in terms of allowing the hedges to grow higher to 2.5 to 3m, with some sections of the northern boundary being allowed to grow to 20m. The agent has agreed to this, but not to additional planting beside the main access point. This is considered to be sufficient mitigation as the site is quite well screened at present. A section of hedge beside the entrance is likely to be lowered or removed to allow for the access for lorries, but this hedge will be allowed to re-grow following construction. The County Highway Authority's officer has asked that this hedge be retained at the lower height; this is considered to be extreme, as only occasional maintenance will be undertaken subsequent to the completion of the construction.

### Flooding /runoff

The Environment Agency has raised objection to the proposal on the basis that the flood risk will not be raised elsewhere, that the impermeable area may increase and that run-off needs to be further addressed. Other details also need to be addressed.

As these issues can be overcome by a suitable worded condition; this is suggested.

### Other

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. 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.

The fences and the buildings will be visible from the adjacent road, but these will be in the context of existing hedges, and it should be noted that agricultural buildings often have more significant visual impact. It is considered that the proposal is acceptable subject to confirmation that the fence and buildings will be grey rather than green as such colour is more easily incorporated into the background.

Cameras will be located on poles around the site, but these will not impact on neighbours or users of the nearby footpath. The wildlife on the site will be protected, and there should not be any adverse impact on wildlife.

### Conclusion

There will be impacts from the traffic/lorries used to construct the site and the worker's vehicles, this is inevitable with any construction site. The agent has agreed that the contract will specify the times of vehicles such that they will not pass the primary school during its drop-off/pick-up times. This agreement will significantly lessen the 'impact' of vehicles going through Oake at sensitive times, although there will be some disturbance from vehicles at other times of the day. Other issues raised are not considered to be significant in the consideration of this application. Whilst there are outstanding objections from the Environment Agency and Drainage Officer, the matters raised can be overcome by condition and there is no significant issue in respect to flooding.

It has been shown above that, with the exception of some landscape impact the other impacts detailed above can be adequately mitigated and controlled by condition. It is accepted that there will be some permanent (for the life of the permission at least) harm to views from the public footpath which lies to the west of the site. 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**

