

SOLAR VENTURES

**INSTALLATION OF 5MW SOLAR FARM AND ASSOCIATED INFRASTRUCTURE
AT LAND EAST OF MONTYS FARM, NORTON FITZWARREN AS AMENDED.**

Location: LAND AT MONTYS FARM, NORTON FITZWARREN , TAUNTON

Grid Reference: 318295.126485

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: **Subject to** the submission of further information regarding the archaeological potential of the site and the receipt of no ongoing objection from the County Archaeologist: 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:

(A0) DrNo CW_XXXX_031 Plant Site
(A0) DrNo CW_XXXX_031 Restriction and Constaint Plan
(A3) DrNo CW_XXXX_031 Location Plan
(AO)DrNo ME_XXXX_031 Location Plan
(A3) DrNo S.L.P. Site and Location Plan
(A3) DrNo PL/Array Elev Elevations of Arrays
(A3) DrNo PL/DNO DETAILS/01 DNO Station Details
(A3) DrNo PL/Array Layout And Grid Con./01
(A3) DrNo Rev C Switch Gear Kiosk & Base Design General Arrangment
(A3) DrNo WPD Building
(A3) DrNo A3 TBC GA Sales Drawing
(A1) DrNo PL/Array Section/-01
(A1) Fence Details
(A1) PV Array, Plant and Camera Layout Plan
(A1) Restrictions and Constraints Plan

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

3. Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity

generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.

Reason: To ensure that the site is adequately restored following the decommissioning of the site in the interests of the visual amenities of the area.

4. The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity.

Reason: To allow the Local Planning Authority to keep a firm record of the date of operation, to allow effective future monitoring of the development.

5. No development shall commence until the public footpaths within the application site have been diverted onto the proposed route shown on drawing PL/RESTRICT & CONSTRAINTS/01 and the new routes are full open and available for public use.

Reason: The proposed development has an unacceptable impact upon the public footpaths in their current locations and without the diversion in place, planning permission would not be given.

6. The development hereby permitted shall not be commenced until details of a strategy to protect and accommodate wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the Magnificent Science Company's Extended Phase 1 Habitat Survey Report dated June 2014 and up to date surveys 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 new habitat and resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new habitats and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage.

7. (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the hedgerows and trees to be retained and the method of protection during the construction phase. The scheme shall be based on the "Planting Recommendations, revised issue 3rd December 2014" prepared by The Magnificent Science Company.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

8. Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. It shall include proposals for the ongoing management of hedgerows and landscaped areas over the lifetime of the permission hereby granted. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.

Reason: To ensure that the site is managed in an acceptable way to protect visual amenity and ecological interests on the site.

9. Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the containers, substations, customer MV station and inverter housing hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

10. Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within 3 months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.

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

11. No development shall commence until a detailed surface water drainage strategy has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To ensure that flood risk is not increased.

12. No development shall commence until a pollution management plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include an assessment of the likely impacts of pollution during the construction and operation of the development to surface waters and groundwater abstraction sources. Where risks are identified through the assessment, appropriate mitigation measures shall be identified. The development shall be carried out and maintained in strict accordance with the approved plan.

Reason: To ensure that the development does not contribute to an unacceptable risk of water pollution.

13. Prior to their installation, full details of the proposed perimeter fencing and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected and thereafter maintained as such in accordance with such approved details.

Reason: In the interests of the visual amenities of the area and to ensure that the fencing does not obstruct flood flows.

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

Reason: In the interests of highway safety.

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, fences, 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. No external artificial lighting shall be installed on the site.

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

Notes to Applicant

PROPOSAL

This application seeks full planning permission for the construction of a solar park. The development proposes the installation of around 20,000 solar photovoltaic panels create a 5MW installation over an area of approximately 10.9 ha.

The development would include 3 inverter stations – one in each field, a ‘customer MV’ station that takes the power out of the installation and a separate DNO (Western Power Distribution) sub-station. CCTV cameras would be placed at intervals around the site perimeter adjacent to a 2m high perimeter fence. The panels would be arranged in south facing rows and would have a maximum height of 2.189m above ground level.

Existing hedges on the site would retained. Additional planting would then be provided consisting a double row of woodland trees and a further new hedge to provide a woodland edge style planting belt around the north, west and southern boundaries of the site.

The application indicates that two existing public footpaths that cross the site would be diverted, although this needs a separate approval and cannot be done through the grant of planning permission. The proposed diversion would take the footpath out of the development site so that the new screening separated it from the development.

SITE DESCRIPTION AND HISTORY

The site comprises agricultural fields to the west of Norton Fitzwarren. The land is relatively flat and fields are divided by various hedgerows. To the north, a hedge separates the site from a small parcel of land that lies adjacent to the Halse Water. To the east a mature hedge separates the site from the West Somerset Railway.

On the southern side the site is partly enclosed by existing hedgerow (at the eastern side of the site) and partly open to the adjoining land to the south (on the western side). This adjoining land separates the site from the B3227. To the west, a further hedgerow separates the site from an agricultural field that lies between the site and Monty's Lane.

Off the northwest corner of the site lies Monty's Hamlet, a group of 7 dwellings comprising an original farmhouse and converted barns. 3 of the dwellings – the Granary, Shippon Barn and The Hayloft have windows facing towards the proposed development at a distance of approximately 165m from the site boundary at the closest point when viewed at an angle and 260m from the site boundary at a straight line.

Beyond Monty's Hamlet is the dam on the Halse Water. The site is downstream of the dam, but its northeast corner remains in Flood Zone 3.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NORTON FITZWARREN PARISH COUNCIL – Initially commented as follows:

- 1) The Flood Risk Assessment is grossly inadequate; the proposed installation would be situated on land that is in flood zone 3. Experience from other sites is that the run off from the panels will compact the earth and causes runnels which will flow into Halse Water increasing the water level downstream in an area already prone to flooding. This may have implications on the designed effectiveness of the dam.
- 2) The traffic plan included with the application is the wrong plan; it refers to a site in South Wales. A transport plan should therefore be provided for this site.
- 3) There has been little public consultation for an application of this size. Has the second consultation taken place? If so, the Parish Council and residents were not notified of it.
- 4) We understand that solar panels should only be installed on grade 3 land; our understanding is that this land is superior to grade 3.

- 5) The height of the solar panels differs between the application form (2.5m) and the Elevation of Arrays plan (3.678m). This is a marked increase in height, has the proposed screening taken this into account?
- 6) As this application lies along the flight path of helicopters into and out of Norton Manor Camp, has 40 Commando been consulted on its implications to them?

If the above concerns are addressed the Parish Council do not object, but further consultation with the parish should take place before any decision is made.

Following consultation on the revised and additional information, confirmed the PC confirmed that they wanted to stand by their original comments.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – A small quantity of Roman pottery has been recovered from the corner of the of the proposed application area. Further to this, site lies within an area containing several cropmark enclosures, one a possible Roman marching camp. An excavation to the west of the application area also uncovered the remains of two Early Bronze Age

cremations and 11th-14th century activity including metalworking, which may be

associated with a settlement in the vicinity. The site therefore lies in an area of high archaeological potential. There is however 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. In accordance with the National Planning Policy Framework (Paragraph 128) and SCC Heritage Service Guidelines concerning Solar Farm applications (2012), this should comprise a geophysical survey and subsequently, depending upon the results, a trial trench evaluation. These investigations will be used where appropriate to inform a suitable mitigation strategy.

LANDSCAPE – Initially commented as follows:

The application is for installation of 5MW solar farm in three fields covering 26 acres, and associated works, at Monty's farm, Norton Fitzwarren. The Quantock Hills AONB lies approximately 3.6 km to the NE of the site

The site lies within Landscape type River Floodplain LCA 2a The Tone, but LCA 1a Vale of Taunton exhibits influence on the immediate and wider landscape of the site

The Magnificent Science Company carried out a Landscape and Visual Impact assessment of the site dated June 2014.

Plans submitted with the application are unclear as i could not determine if new landscaping was proposed to mitigate the impact of this application on the landscape.

The site is generally flat with good sense of enclosure. The hedges and trees on site and to the immediate north generally help in the assimilating of the panels into the landscape and help to screen and filter views certainly from the east, north and west.

Tree cover and hedge lines to the south are less robust, and so the panels will be viewed from several properties to the south such as Wey house as well from the B3227.

Two public footpaths look directly on to the site or cross the site (although the applicant may decide to legally divert one footpath), so the impact on user's enjoyment of the landscape will be adversely and significantly affected.

To conclude I generally agree with the assessment and likely impacts but have concerns that the panels will be viewed from the south and from the public rights of way.

Mitigation in the form of tree planting and infilling of gaps in hedges is required to soften the visual impact. Hedgerow elms throughout the site are showing signs of disease, so the existing screen afforded by these trees is likely to be compromised in the future, once the trees reach their critical size.

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Could consideration be given to using less industrial looking materials for the inverter buildings and substation?

The proposed camera poles are 4m high is this necessary, could they be lower? They should be carefully located so that they are not positioned within the crown of existing trees on site.

In addition I would like to have assurance that the existing hedges (mainly elm) will be appropriately managed throughout the life of the project.

The applicant should also carry out additional mitigation (as suggested in the Extended Phase 1 Survey) such as construction or reinstatement of ponds, and installation of bird boxes etc as this would enhance the site for wildlife.

In respect of the amended plans raised the following comments:

Further to previous comments made in connection with this application, further detail has been submitted which clarifies the situation with regards to proposed landscaping.

I am generally satisfied with the species and planting distances proposed but consider, should planning permission be granted, that the width of the belts of planting should be increased, particularly along the southern boundary.

I agree that a management plan is required to address the elm disease problem.

Could consideration be given to using less industrial looking materials for the inverter buildings and substation?

The proposed camera poles are 4m high- is this necessary, could they be lower? They should be carefully located so that they are not positioned within the crown of existing trees on site.

ENVIRONMENT AGENCY – Initially objected due to the inadequacies of the FRA. Following receipt of an updated FRA withdrew that objection subject to a condition that no development should take place until a scheme for surface water drainage had been submitted to and approved in writing by the Local Planning Authority.

Also made the following comments:

The applicant has estimated an attenuation pond of 1620 m³ is required on site to deal with the surface water attenuation. This has not been specified in the FRA as to how the attenuation will be provided, but has been suggested.

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

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

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

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

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

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

SCC - RIGHTS OF WAY – Confirms that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time. Any proposed works must not encroach on to the width of the footpath.

The proposed development will obstruct the right of way and a diversion will be necessary. The right of way will need to remain open and available until the (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. We would request to be consulted on the surface of any diverted public right of way.

If the route is to be diverted, this will be dealt with by Taunton Deane Borough Council.

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.

Outlines the scenarios where further approval from SCC would be required.

DIVERSIONS ORDER OFFICER – Public Footpath T18/10 will be affected by this proposal. Early consultation is recommended regarding this matter as it is possible that a careful deployment of the panels may obviate the need to divert the footpath.

BIODIVERSITY - The Magnificent Science Company carried out an Extended Phase 1 Habitat Survey Report of the site dated June 2014

The report covers seven fields but recommends that the development is restricted to three arable fields. Two LWS lie within 1 km of the site. Norton Brook meanders along the northern boundary of the site. There are a number of species rich hedges with trees on site as well as ponds present in the area.

Findings of the report are as follows

Breeding birds

Habitat on site such as trees and hedgerows provide nesting and foraging habitat for a number of birds. It appears from the plans submitted that three breaches in hedgerows are required to accommodate this proposal. Clearance of vegetation should not be carried out during the bird nesting season. Breaches in the hedges should be replanted. Data obtained from SERC lists four records of barn owl within 2 km of the site.

Badgers

An outlying badger sett was recorded on the eastern boundary of field no 1525 which is just outside of the area of this application. I agree that a badger resurvey should take place immediately prior to any commencement of development to ensure that no new setts have been formed since June 2014.

Bats

The hedgerows, trees and water on site provide foraging and movement corridors for bats. There are also a number of trees on site with bat roosting potential. If hedgerows or trees are to be severely impacted upon, then I agree with the surveyor that bat activity surveys should be undertaken. I also agree that any lighting on site should be kept to a minimum

Otters

Two otter spraints were seen on Norton Brook as well as two well-worn slides. The surveyor also found a fallen telegraph pole across the river that was well worn and likely to be used by otters to cross the river.

Water Vole

During the survey, the surveyor noted a number of water vole holes along the water bank. As otters and water voles are present, it is important that the brook is buffered.

Great crested Newt

The ponds at either end of the wet ditch in the north of the site were assessed for GCN using the HIS index but the score was low indicating that GCN were unlikely to be present.

I agree, with the surveyor that the two semi improved fields should not be developed, as they form an important riverside buffer. There is an opportunity for the proposed development to increase biodiversity on site in the form of tree and hedge planting, grassland management and the formation of new ponds as suggested by the surveyor.

In accordance with NPPF I would expect to see wildlife protected and accommodated in this development and so suggest the following condition

MINISTRY OF DEFENCE – The application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

CIVIL AVIATION AUTHORITY – Do not intend to comment, the airport operator is the appropriate consultee for this type of development.

Representations

Cllr J Court-Adkins

“As District Cllr for Norton Fitzwarren, I would like to comment as follows: I note Major Hill’s concerns about helicopters and confirm that movements are almost daily. No permission should be granted unless it can be proved that there would be no hazard to aircraft e.g. dazzling. The revised traffic plan takes no account of the NIDR which will be opening in 2015 and refers to the “Oxbridge” viaduct. I therefore object to this application”.

CPRE Somerset

Object for the following reasons:

- The Government confirms that support for Solar PV should ensure that

proposals are appropriately sited and give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity. This reflects the CPRE's views.

- Climate change is one of the most urgent and complex environmental issues, solar energy can make a contribution to reducing carbon emissions.
- Large scale installations, however, should be sited on roofs of industrial and agricultural buildings, not on farmland and locations where the aesthetic and amenity value of the land is harmed.
- The proposal does not accord with the TDBC landscape strategy for the area to focus on enhancing the quality of the landscape. The overriding openness and simplicity of the landscape pattern should be conserved.
- The proposal is contrary to DM1 and CP8 as it would be detrimental to the appearance and character of the landscape and would not conserve and enhance the natural and historic environment.
- The site is flat and highly visible from adjacent roads and a number of public footpaths in the immediate vicinity.
- The FRA does not look at mitigating the impact of the development on surface water run-off.
- The ad-hoc pattern of solar PV installations across the country suggests that there is no national or regional policy on their location and that the location and number is being dictated by developers and not by a coherent planning policy. There are regional imbalances and a proliferation in the south west and Somerset.
- Agriculture and Tourism are important to the local economy and serious consideration should be given to ensuring that solar installations do not detract from the amenity value and agricultural nature of the countryside.

1 letter of comment from Norton Manor Camp suggesting that solar panels may affect helicopters as they come to the camp on a daily basis. Shine, glare etc. may put helicopters at risk. Also concerned about surface water discharge and the potential for increased flood risk.

1 letter from the Monty's Hamlet management company confirming that they are content that their concerns have been addressed by the applicant.

2 letters of COMMENT raising the following issues:

- The site suggested at pre-application stage has been removed from the western field, adjacent to Monty's Hamlet in accordance with local residents concerns.
- Flooding has been a major issue around Wick Bridge; the construction of the dam has resulted in more flooding downstream of Wick Bridge, with Monty's Lane being impassable for up to a week at a time during the winter.
- The initial FRA did not address the issue of silting of the Halse Water and Norton Brook caused by the dam.
- Query whether there will be any plans to clear up the road following construction.
- The Traffic Management Plan refers to the use of some 6 axle vehicles – Monty's Lane is not suitable for this type of traffic.
- Two banksmen may be required to aid traffic in Monty's Lane rather than the one referred to in the Traffic Management Plan.

- Request that working hours are 08.30 – 17.00 (12.30 Saturdays) rather than the 7.30 – 18.00 given in the Traffic Management Plan.

Other comments were raised that the originally submitted information was inaccurate and conflicting. This has now been corrected.

1 letter of OBJECTION raising the following comments:

- Solar panels were designed for buildings, not open countryside. They should be placed on all new housing in Taunton instead.
- All productive food growing land in Britain should be preserved.
- Tourism is a mainstay to the local economy – there should not be urban blight in the open countryside.

PLANNING POLICIES

EN21 - TDBCLP - Nationally Important Arc Remains (HISTORIC),
 EN12 - TDBCLP - Landscape Character Areas,
 ROW - Rights of Way,
 EN28 - TDBCLP - Development and Flood Risk,
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,
 EN12 - TDBCLP - Landscape Character Areas,
 ROW - Rights of Way,
 EN28 - TDBCLP - Development and Flood Risk,
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

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

Principle -

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

development of renewable energy).

Paragraph 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”.

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

In terms of local policy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purposes. Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy does not specifically permit renewable energy installations, although it does permit development for essential utilities infrastructure. This could be taken to include power generating infrastructure, especially in the context of the NPPF which, as in previous planning policy, indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

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

Some concern has been raised about the loss of agricultural land. No detailed agricultural land classification survey has been carried out for the site, although the application makes an unsupported statement that the land is grade 3b. Paragraph 112 indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and that LPAs should “seek to use areas of poorer quality land in preference to that of a higher quality”. However, much of Taunton Deane is higher grade (1-3) agricultural land and in this context, if TDBC is to accept renewable energy in principle, it is likely to require the use of higher grade agricultural land. Whilst its removal from production is regrettable, the

permission is sought for a 25 year period after which the land could be returned to agriculture. As such, it is not considered that this matter carries sufficient weight to warrant refusal of the application.

Throughout the latter part of 2013, the government made various policy announcements and ministerial statements regarding the impact of renewable energy and large scale solar in particular. This culminated in the publication of the 'solar roadmap' in the autumn of last year. Subsequently, the National Planning Practice Guidance (PPG) has been released and it is considered that this supersedes previous ministerial statements and policy guidance as it provides the most up to date government guidance on interpretation of the NPPF.

The guidance confirms that the responsibility placed on all communities to increase the use and supply of green energy does not automatically override environmental protections and the planning concerns of local communities. It also sets out particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. The PPG favours the use of brownfield land, discouraging the use of greenfield land but also sets out that it is important to consider that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and that the land is restored to its previous use. In this context, it is considered that the sole issue that a proposal is using farmland is not considered to warrant refusal of an application.

The PPG goes on to confirm that the proposal's visual impact, effect on landscape of glint and glare, on neighbouring uses and aircraft safety should be taken into account, and that there may be a need for and impact arising from security measures. That said, planning authorities should also take account of the potential to mitigate landscape and visual impacts through (for example) screening with native hedges.

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

Landscape and visual impact

The application site sits low in the landscape and is generally surrounded by existing hedgerows. To the north, beyond the Halse Water, are areas of woodland and substantial mature tree planting. As such, it is not considered that there would be any significant visual impact in terms of long-distance views from the north.

To the east, the site adjoins the West Somerset Railway. The railway itself has substantial tree planting along the site boundary and it has not been proposed to enhance the planting in this area in any way. Some glimpsed views may be possible from the railway, particularly in winter months, but this is south of the main WSR terminus at Bishops Lydeard and so the frequency of passenger services on this section of the line is limited. Beyond the railway, is further woodland planting between the nearby public footpath and the site, so there are no concerns regarding visual impact from close range to the east, beyond the railway.

Your officers have also viewed the site from Norton Hill Fort, further to the east.

From this location, the landscape is unfortunately dominated by electricity pylons. Looking directly towards the site, the site will be seen in the context of significant areas of woodland and will not be dominant in the area. The additional woodland planting proposed around the perimeter will further help to assimilate the development into the landscape from these more distant vantage points.

To the south, part of the site is currently open and, until the landscaping establishes, the installation could be open to traffic on the B3227. That said, there is an intervening hedge along the B3227 and there are limited opportunities to glimpse the site through the small breaks in hedgerow. Those travelling in higher vehicles may be able to see the site for longer, but the proposed landscaping will, in a relatively short period of time, screen the development from view. The proposed additional planting is substantial, including two rows of woodland trees and a new native species hedge. This is considered to be a well conceived boundary treatment that will work well as an effective visual screen on this fairly level site.

To the east is Monty's Lane and the dwellings at Monty's Hamlet. Consultation responses from these residents suggest that they had been approached by the developer at pre-application stage and had been shown a development that came closer to them than is now proposed. Apart from some technical matters, such as access, they have not raised objection to the siting of the development on this land, now that the closest fields have been removed from the scheme and the development sited further away. It is still likely that residents of the three barn conversions facing directly towards the site will be able to see the development. However, the additional landscaping and separation distance means that it should not be overbearing upon them. As with views from the south, the additional landscaping will mean that from ground level, on Monty's Lane, the development should be well screened.

At the present time, two footpaths run within the site – one along the northern edge of the proposed solar park and one running broadly north-south through the centre of the proposal. Unusually, the developer is proposing to divert these paths to take them outside of the development area and the new landscaping. This would mean that the footpaths would maintain their openness as field edge paths and the solar panels and mitigation planting would not be overbearing on them. In terms of the enjoyment of the paths, the proposal is considered to be a sound one.

However, the acceptability of the proposal upon the footpaths is predicated upon their diversion and this must be confirmed through other legislation; the grant of planning permission cannot confirm the diversion. It is, therefore, considered necessary to impose a Grampian condition that no development can be carried out until the footpath has been diverted. In the event that the path is not diverted, the development could not be implemented – this is reasonable since as currently proposed, the development would have an unacceptable impact upon the enjoyment of the public footpaths.

With regard to the above, and with necessary conditions in place, the impact of the development upon the visual amenities of the area is considered to be acceptable.

Flood risk

The eastern part of the site is within flood zone 3 – the highest risk area. The PPG contains ‘Flood Risk Vulnerability Classification’ and Flood Risk Vulnerability and Flood Zone Compatibility’ tables which indicate the types of development that are appropriate in the various flood zones. However, the tables do not make any mention of energy infrastructure other than that which must be sited within flood risk zones to operate properly, so there is no specific national guidance on whether other installations such as solar parks are appropriate within flood risk areas.

The FRA information that has been submitted with the application is not in a standard format, with the background information having been provided by a separate company and a drainage assessment report being in a separate document.

That said, the assessment confirms the likely size of required attenuation ponds and the EA confirm in their consultation response that this is appropriate. No information has been submitted regarding the proposed location of any attenuation ponds, but the EA have confirmed that it should be possible to provide it.

A condition should be imposed to secure a detailed drainage design for the site prior to the commencement of the development. With that in place, the EA have confirmed that there would be no increase in off-site flood risk as a consequence of the development. The elevation of the panels above the ground means that in the event of a flood event, the flood water would be able to flow relatively unimpeded under the panels. Again, the EA have raised no objection to the site’s partial location within the high risk area.

Ecology .

The removal of the site from active agriculture and the additional planting along the site boundaries means that the proposals would generally benefit wildlife. The Biodiversity Officer has confirmed that this should be the case and that with conditions to protect wildlife and submit an ongoing environmental management plan for the site, wildlife would be protected.

Highways .

The site is accessed from the B3227 via a relatively short length of Monty’s Lane. The Junction of Monty’s Lane with the B3227 is an acceptable one, although Monty’s Lane itself is a single track rural road with a tight bend outside Monty’s Farmhouse. In order to access the site for construction vehicles, the applicant proposes to create a temporary storage area at Northam’s Yard a short distance to the west and accessed directly from the B3227. This would allow smaller vehicles to be used to deliver items directly to the site.

Some concern has been raised that the submitted Construction Traffic Management Plan indicates that some 6 axel vehicles would still be required to access the site and that Monty’s Lane cannot support such a loading and that additional banksmen would be required to the one suggested at the site access. However, it is considered that given the short length of Monty’s Lane involved, the submitted traffic management plan is acceptable.

Conditions are recommended to secure wheel washing facilities and repair of any damage to the public highway and on this basis, the proposal is considered to be acceptable in highway terms.

Other matters

The Parish Council have raised concern that solar panels could adversely affect aircraft safety – particularly with regard to helicopters traveling to Norton Manor Camp. This has been echoed by a Major at the camp; however the MOD has confirmed that it has no objection and it is considered that the MOD's central representation should carry greater weight than the Major's. Furthermore, there are examples around the country where large solar installations have been provided directly alongside runways, so seems unlikely that such installations would have a significant impact upon aircraft safety.

The submitted traffic management plan suggests potential hours of operation and one local resident has suggested that this ought to be reduced. However, it is considered that if there is significant noise or disturbance arising from construction activities, this would more appropriately be dealt with through Environmental Health legislation. The construction period has been stated to be between 4 and 6 weeks and on this basis it is not considered that specific restriction on hours of working should be imposed on any planning permission granted.

Conclusion

It is considered that the development of the solar park in this location is acceptable in principle. With the proposed mitigation in place and following diversion of the footpaths as suggested in the application, there would be no significant adverse impact upon the visual amenities of the area from close range or greater distance viewpoints. Subject to an appropriate drainage scheme, the development would not lead to an increase in flood risk, nor would it cause harm to wildlife or highway safety interests. The impact upon the closest residential properties is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

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

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