

<b>Application Details</b>	
Application Reference Number:	3/24/21/003
Application Type:	Full
Description	Erection of an agricultural livestock building with creation of access track from highway
Site Address:	Land north of Beggearn Huish Manor, Washford.
Parish:	Nettlecombe
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Name and Contact number Briony Waterman 01823 785614  Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a> .
Agent:	Acorus
Applicant:	Mr Moore
Reason for reporting application to Members:	Number of objections contrary to officer recommendation.

## 1. Recommendation

1.1 That planning permission be **GRANTED** subject to conditions.

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal is considered to comply with policies OC1 open countryside development and retained policy BD/6 agriculture with no significantly adverse impacts upon highway safety or visual amenity.

## 3 Planning Obligations and conditions and informative

3.1 Obligations – None

### 3.2 Conditions [full wording in appendix 1]

- Time Limit
- Drawing numbers
- Roofing materials
- Bats
- Reptiles
- Biodiversity net gain

### 3.3 Informative

- Statement of positive working.
- Badgers
- Rights of way

## 4 Proposed development, Site and Surroundings

### 4.1 Details of proposal

The barn is to be approximately 36.6m x 18.3m with a height of 7.3m clad in anthracite (as confirmed by the agent) cement fibre roof sheets and Yorkshire boarding.

### 4.2 Site and surroundings

The site is open pastureland located to the northwest of Beggearn Huish. The access to the site is via an existing field gate, the boundaries are made up of mature hedging, the site slopes away from the road.

## 5 Planning (and enforcement) history

Reference	Description	Decision	Date
3/24/21/004	Erection of 1no. temporary agricultural workers dwelling	Awaiting determination	

## 6 Environmental Impact Assessment

Not applicable.

## 7 Habitats Regulations Assessment

Not applicable

## 8 Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of Consultation: 29/04/2021

8.2 Date of revised consultation (if applicable) NA

8.3 **Statutory Consultees** the following were consulted

<b>Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>Nettlecombe Parish Council (NPC).</b>	<p>The NPC members voted against</p> <ol style="list-style-type: none"><li>1) Volume and expected size of traffic in our narrow lanes with an especially difficult pinch point between high walls near the entrance to site on both approaches.</li><li>2) Very large agricultural building compared to the small area of agricultural land and the number of animals on site at any one time. Large foot print and very high building making it visible for some distance, and from the nearby footpath.</li><li>3) Questions were asked about the viability of the enterprise.</li><li>4) There is a lot of detail about farming in the application but nothing about power supply, water supply or where the meat is to be distributed from. No details are shown of facilities to chill or butcher the meat on site. There is a large workshop, but it is not clear what this is to be used for.</li><li>8) Public footpath crossing the land will need adequate strong permanent fencing to protect walkers from inquisitive young cattle and NOT temporary electric fencing</li><li>9) Initially the night-time noise from each batch of stressed, recently weaned young stock will be disturbing</li></ol>	Officer has removed comments re the dwelling.

<b>Highways Development Control</b>	Standing advice	Further comments sought based on objections, standing advice remains
<b>SCC Ecologist</b>	Initial holding objection pending further information, this was submitted, and Ecology removed their objection imposing conditions and informative.	Conditions and informative added
<b>Rights of Way</b>	Confirm there is a right of way and advises applicant	Informative added

#### 8.4 Internal Consultees

<b>Environmental Health</b>	No comments received	Officer did request via a follow up email
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#### 8.5 Local representation

8.5.1 This application was publicised by 28 letters of notification to neighbouring properties and a site notice was displayed on the 12/05/2021.

8.5.2 The following issues were raised in representation. Those that are material to the determination of the applications are addressed in substance in the material planning considerations sections of this report.

Material Planning Considerations	
Objections	Officer Comment
<b>Highways</b> <ul style="list-style-type: none"> <li>• access lane is narrow, curving, and steep with a pinch point at the entrance</li> <li>• Traffic too wide for the lane suggest using wider road through Beggearn Huish</li> <li>• Southern approach through Beggearn Huish is also narrow with pinch points.</li> <li>• Concerns new business will increase traffic</li> </ul>	See paragraph 12.2

<ul style="list-style-type: none"> <li>• Large vehicles will not be able to access the site</li> <li>• Lack of vehicle movement information</li> <li>• Poor visibility before the access gate</li> <li>• Parking and turning area will remove the land from agricultural use</li> </ul>	
<b>Design:</b> <ul style="list-style-type: none"> <li>• Accommodation building is large for a temporary building</li> <li>• Building is large and high for a small holding</li> </ul>	Not relevant to this application for the barn See paragraph 12.3
<b>Noise:</b> <ul style="list-style-type: none"> <li>• Increased number of cattle penned in the shed will generate a great deal of noise</li> </ul>	See paragraph 12.5
<b>Landscape:</b> <ul style="list-style-type: none"> <li>• Include adequate screening</li> <li>• Should blend no other agricultural buildings</li> </ul>	See paragraph 12.3

Non-material planning matters	
Objections	Officer Comment
Nothing to explain what would happen to the temporary building after 3 years.	Not relevant to this application for a barn.
No building at all on the site	The site is bare agricultural land which forms part of a new holding.
No mention of service provision	Not a material planning consideration
Historically grazing small numbers of animals, this activity amounts to a change of use	The historic use of the site is agriculture, the proposed use is agriculture
The lower carbon footprint in grass fed cattle will do nothing to mitigate against the sum of carbon embedded in proposed materials	
States no manure will be stored within 250m of any dwelling the site is within 250m of a dwelling	Manure is not to be stored on site but cleared with the bedding straw.
Impact on ENPA and dark skies from external lighting	A condition has been included in relation to lighting.
Permanent fencing to protect walkers is not mentioned in the application	Not a material consideration. – the PROW is in the adjacent field

Disruption to users of the footpath	The site currently has animals grazing in the field, the footpath would be undisturbed.
Animal welfare	Meet the requirements of the RSPCA
the application details plan for stock to be sent to the local abattoir before returning to the site, a workshop is referenced but does not reference the arrangements or facilities for the storing, butchering, packaging, or selling meat from the premises.	Email from agent has confirmed that the meat is not to be packaged on site but off site by the "Meat Men".
Plenty of 2 bed accommodation locally	Not relevant to this application

Support	Officer Comment
Access to field is adequate for agricultural vehicles	No comment to add
Access is single lane which is common in the area	No comment to add
No issues in accessing the site	No comment to add.

## 9 Relevant planning policies and Guidance

In determining any planning application, the Council is required to have regard to the provision of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The Council's adopted plan for the former West Somerset area comprises the West Somerset Local Plan to 2032. The Local plans for both former Councils are being reviewed with the aim of producing one new Local Plan covering the entire administrative area.

### 9.1 Relevant policies of the development plan in the assessment of this applications are listed below:

OC1 – Open Countryside Development  
 BD/6 – Agricultural Buildings  
 EC11 – Agriculture

### 9.2 Conclusion on Development Plan

The proposed site is within the open countryside, relevant policies include OC1 - Open Countryside Developments and retained policy BD/6- Agricultural Buildings. The proposal relates to the provision of an agricultural building to support a farming business it is therefore considered to be acceptable in principle.

## **10 Local Finance Considerations**

Not applicable.

## **11 Material Planning Considerations**

### **11.1 National Planning Policy Framework**

Government Guidance is contained in the National Planning Policy framework (NPPF) (2021) and provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development requiring that development which accords with an up to date local plan should be approved without delay.

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole."

## **12 The main planning issues relevant in the assessment of this application are as follows:**

12.1 Principle of development

12.2 Highways

12.3 Visual amenity

12.4 Use

12.5 Comments

### **12.1 Principle of development**

The proposed site is within the open countryside, relevant policies include OC1 - Open Countryside Developments and retained policy BD/6- Agricultural Buildings. The proposal relates to the provision of an agricultural building to support a farming business it is therefore considered to be acceptable in principle.

### **12.2 Agricultural Appraisal.**

The Council commissioned an independent Agricultural Appraisal to be undertaken by Reading Agricultural Consultants (RAC) in response to the number of objections raised. RAC found the proposals had

changed since the application was submitted with more land being available to the applicants from April 2022 of approximately 172 acres with the potential for a further 60 acres which would increase herd capacity from 22 to around 200. The appraisal found that based on the increased numbers over the three-year period the holding would be treated as a full time holding to support a full-time employee. The report concludes that based on the increase in land and herd sizes the size of the barn is appropriate and based on the evidence submitted and informed expansion plan it is considered that there would be an essential need for on-site accommodation for one key worker in accordance with the PPG and Local Plan Policy OC1.

### 12.3 Highways

Whilst the lanes surrounding the site are narrow the existing agricultural vehicular access provides good visibility for exiting traffic and the proposed yard area will be sufficient to ensure vehicles are able to park and turn and exit the site in a forward direction. There are no alterations proposed to the existing entrance and a consolidated track will run from east to west which will be porous to allow for surface water to soak away into the field. The proposal is therefore considered not to have a significant impact upon the highway network.

### 12.4 Visual amenity

Following discussions with the agent the roofing material is to be "anthracite" rather than "grey" a condition has been included to ensure this remains to better allow the building to assimilate into the landscape. The proposed barn is located in a field adjacent to other farm buildings and the hamlet of Beggearn Huish it is therefore considered that the proposal would be read in context and not form an incongruous feature within the landscape.

### 12.5 Use

The use of the barn is to be for housing of calves and cattle during the winter months, to comply with the RSPCA standards the barn needs to be 680sqm. It is noted that the barn includes space labelled as "storage" and "workshop". Within the submitted details there is mention of a meat packing and meat box business, on seeking further clarification the agent has confirmed that the beef will be cut, packaged and usually sorted into boxes off site by the "Meat Men" before being returned to site to be stored and delivered wholesale by the applicant. There will be no on-site sales at the site.

### 12.6 Comments

The comments received from neighbours and the Parish Council can be broken down into the following broad categories:



- i) Highways - too much traffic using narrow lanes, the views of the Highway Authority have been sought and they have replied with Standing Advice, having sought further clarification based on the objections the Highway Authority stand by standing advice as there is to be no business run from the site, it is already in agricultural use and therefore acceptable for farm vehicles.
- ii) Size/location of the building - within the statement from Acorus, it is clarified that the size of the building is compliant with the RSPCA regulations for animal welfare, the proposal is for an agricultural barn within the countryside within close proximity to the hamlet of Beggearn Huish it is considered that it is an expected feature within the landscape.
- iii) Viability - based on the agricultural appraisal submitted by Acorus the barn is required for the housing and welfare of livestock.
- iv) Agricultural dwelling - not relevant to this application it is being determined under reference 3/24/21/004.
- v) Details of utilities are not a material planning consideration; the agent has provided details stating the meat is not to be butchered on site.
- vi) PROW - there is a right of way through the site, a site which currently holds grazing stock, the applicant is reminded that any works to the right of way would need a separate consent from the Rights of Way team.
- vii) Noise - Within the countryside noise from animals is an expected occurrence, following discussions with Environmental Health they state that have been no complaints received based on the noise from farm animals, it is noted that the noise of the recently weaned animals may be distressing to some.
- viii) Lighting - a condition will be included to ensure no external lighting to maintain the dark skies

## **13 Planning Balance and Conclusion**

- 13.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.
- 13.2 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## Appendix 1 – Planning conditions and Informative

- 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:

(A4) DrNo SMOS Rev4 Block Plan  
(A4) DrNo SMPB Rev1 Location Plan as proposed  
(A3) DrNo SMPB Rev4 Floor Plan and Elevations

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

- 3 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity

- 4 Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October. Written notification of the date of the operations will be submitted to the Local Planning Authority prior to the works being undertaken. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority.

Reason: In the interests of UK protected and priority species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 5 The following will be integrated into the design of the proposal
- A.I Installation of 2x Schwegler No. 10 swallow nesting cups, or similar, to be erected on a main beam of the open side of the barn at a height above 3m and maintained thereafter.
  - B. Provision shall be made for barn owls in the form of a barn owl box, a scheme for the installation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme will be implemented and hereafter maintained.
  - C. 1x reptile hibernacula will be created in the retained grassland. Along the north western boundary.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first use.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

### **Informative**

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2 The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
- 3 Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted.

Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

## Appendix 2 – Neighbour representations summary

Ten letters making the following comments (Summarised):

- No objections in general highlight the problem concerning highway access using the lane 'north to Torre Rocks', the lane is extremely narrow and steep
- Problems in the past with traffic that is too wide using the lane causing damage
- Suggestion that any farm traffic resulting from this must use the wider road through Beggearn Huish via Egypt Cottage and out on to the B3224/A39.
- northern approach not suitable for lorry access due to steep and curving nature of the road, high walls and pinch point at the site entrance.
- all traffic will therefore use the southern approach passing all properties in Beggearn Huish, which is also narrow comprising a single lane with passing places, high walls and pinch points
- accommodation building is very large for a temporary building, bigger than many cottages in the area and is noted that elsewhere in the application there is reference to 'permanent residence'
- Nothing to explain what would happen to the 'temporary building' once the 3-year period has expired nor plans for the return of the site to non-residential
- there is no building at all currently on the site.
- The agricultural building is very large and high, will be visible from some distance
- No mention of service provision arrangements such as water, electricity etc
- Should be noted the site is within 50m of the Exmoor National Park Boundary which has a dark skies policy, not clear within the application as to the external lighting arrangements
- regularly use the footpath, temporary electric fencing is currently used to fence off this path when stock is in the field - provision for permanent fencing to protect walkers is not detailed in the application.
- the application details plan for stock to be sent to the local abattoir before returning to the site, a workshop is referenced but does not reference the arrangements or facilities for the storing, butchering, packaging, or selling meat from the premises.
- Object to the scale of planning proposal and its included business
- historically the fields in question have been used for grazing relatively small number of animals - cattle, sheep and horses, the proposal amounts to a change of use for the types of activity going on the fields
- concerned that the new business will greatly increase traffic through Beggearn Huish, the issue of the greater volume is compounded by the fact that neither approach to the property is suitable for large vehicles
- Concerned that the larger vehicles will not be able to access the tight entrance to the fields that the entrance will be enlarged and re-formed by the removal of hedges and trees, any alterations might negatively affect the character of the lane
- proposed building is very large 668sqm., the stated business of grass fed cattle to be supplemented by calf fattening appears inconsistent with the need for such a large building and suggests that the grass fed business will be subordinate to the more intensive calf fattening enterprise

- the laudable aim of lower carbon footprint product in grass fed cattle will do nothing to mitigate the sums of carbon embedded in the proposed construction materials
- concerned the increased number of animals proposed to be farmed, many of which will be penned in the shed will create a great deal of noise, noise generated by a shed full of animals is different to a field of animals at a lower density.
- Inconsistencies and unclear statements - planning statement states no manure will be stored within 250m of any dwelling, map shows that no field is further than 250m away from a dwelling no plan for waste removal or recycling- Q20 claims that no machinery or commercial activities will take place yet included in the proposal is the explicit aim to process, butcher and sell meat, further to this will the enterprise be operating retail sales from the site?
- No objection in principle to an agricultural outbuilding object to this proposal, it is a small holding of approximately 25 acres comprising of 3 fields with 21 acres of pasture
- Access via a steep narrow lane with a sharp access to the site entrance, even refuse lorries do not attempt it
- Sets out animal welfare, whilst important not a planning consideration
- Application is incomplete due to the lack of vehicle movement information
- The approach from the south would go past every property in Beggearn Huish
- The batch numbers will involve a large number of livestock transport vehicles bringing animals in and removing them for sale.
- It is estimated that the beef box business will also generate large numbers of vehicle movements, likely to produce a further 50 vehicle movements per year.
- Large building for a small holding, the size would confirm that the calf rearing not the beef box business is the primary focus
- The proposal and the linked application would turn an open countryside location into a full farm building/residential setting
- No mention of service provision, some mention of a soakaway and tank but details have not been provided
- Exmoor National Park known for dark skies and this should be taken into account
- No mention is made of noise from housing calves
- Use to be part of Beggearn Huish Farm, and used for horses or sheep, the choice of cattle rearing is not appropriate for a small holding where on-site attention is required
- Long access track across an open field, meaning a significant area of grazing would be lost
- The turning and parking will permanently remove this area from agricultural use
- The trees at the road end are saplings not an established feature
- The highways and traffic considerations outweigh the benefits for agriculture
- House and barn on a small acreage of land
- Narrow corners with high stone walls
- Lanes are all narrow and single track and access to the site is very steep with banks either side
- Poor visibility before the access gate to the site
- Increase the amount of traffic
- There is parking on the side of the road

- Potential for structural damage to residential properties
- Increase in heavy vehicles could damage the culvert
- Like to encourage new agricultural activity but unfortunately the proposed location is on a very narrow country lane with blind bends and few passing places which could cause traffic problems
- Proposed 'temporary' log cabin is a substantial building what makes it temporary compared to a non-temporary building?
- Will create a permanent carbon footprint
- There is plenty of 2-bedroom accommodation available locally
- The building should appropriately blend into the environment, there are no other agricultural buildings seen along here
- Should include adequate screening
- Lighting should be minimal to maintain the "dark skies" as a feature of the area
- Disruption to users of the footpath
- Narrow country land with blind bends cause traffic problems and damage to vulnerable lane banks.

Three letters of support making the following comments (Summarised):

- Access into the fields is more than adequate for agricultural vehicles
- The access is single lane which is common for this area of Somerset with the majority of farmland being served by this type of lane. Therefore, building should use most appropriate materials
- As a local farmer who has transported to the site, can confirm there are no issues in accessing the field
- No problems accessing the field.

### **Appendix 3 – Statutory consultee responses**

*Nettlecombe Parish Council* - At the Monday 10th May meeting of the Nettlecombe Parish Council the 2 applications were considered. Taking into account the views of the Beggearnhuish and Torre residents, who were nearly all against both applications going ahead, and following detailed discussions at the meeting, the NPC members voted against the applications for the following reasons:

- 1) Volume and expected size of traffic in our narrow lanes with an especially difficult pinch point between high walls near the entrance to site on both approaches.
- 2 Very large agricultural building compared to the small area of agricultural land and the number of animals on site at any one time. Large footprint and very high building making it visible for some distance, and from the nearby footpath.
- 3 Questions were asked about the viability of the enterprise.
- 4) There is a lot of detail about farming in the application but nothing about power supply, water supply or where the meat is to be distributed from. No details are shown of facilities to chill or butcher the meat on site. There is a large workshop, but it is not clear what this is to be used for.
- 5) Dwelling is described as temporary, but the application asks for a permanent residence, as the application says it is needed for caring of stock; the timescale is unclear.
- 6) It was pointed out that other applications in the area showed that once the qualifying period expired, the reason for needing the house disappeared, but the dwelling remained. Strict agricultural ties would be required.
- 7) Dwelling is bigger than many cottages.
- 8) Public footpath crossing the land will need adequate strong permanent fencing to protect walkers from inquisitive young cattle and NOT temporary electric fencing
- 9 Initially the night-time noise from each batch of stressed, recently weaned young stock will be disturbing

*Highways Development Control* - standing advice

#### **SCC - Ecologist - Holding objection, pending further information**

The site falls within impact risk zones for Dunster Park Heathlands SSSI and Nettlecombe Park SSSI. Natural England will need to be consulted for perceived impacts.

I believe the size of the site exceeds 0.1ha. I am also slightly concerned about the proposed access track so close to the hedgerow, with regards to any possible badger setts and damage to the root protection zones of the hedge itself.

Therefore, the applicant will be required to commission a Preliminary Ecological Appraisal, which may recommend further surveys and mitigation, as required. Surveys shall be undertaken in accordance with nationally recognised guidelines (BS 42020:2013 Biodiversity - Code of practice for planning and development and CIEEMs Guidelines for Preliminary Ecological Appraisal 2017, with the Ecologist being a member of the Chartered Institute for Ecology and Environmental Management (CIEEM).

This action is required in line with:

- Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*
- The Government circular 2005/06 on biodiversity and geological conservation states that *'Use of planning conditions to secure ecological surveys after planning permission has been granted should only be applied in exceptional circumstances.'*
- Natural England advice requires that all developments likely to affect European Protected Species should have surveys carried out to inform the planning decision. They cannot be conditioned. This was confirmed in case law through Woolley v Cheshire East Borough Council and Millennium Estates Limited in 2009.
- Establishing presence of/implications upon protected species/habitats in the National Planning Policy Guidance (NPPG) (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>) and Standing Advice/Gov.uk Guidance <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#when-applicants-need-a-species-survey>

This consultation response should be recorded as a: **No Objection subject to inclusion of specified condition and informative**

Dear Briony,

An Ecological Appraisal of the application site (for both 3/24/21/003 and 3/24/21/004) was carried out in July 2021 by Quantock Ecology. The results of which are relevant to both applications and inform the conditions that are also valid to both applications:

**Habitats:**

- The footprint of both buildings will be situated on Poor Semi-Improved Grassland. It was determined that the hedgerow and all of the trees on site will remain physically unaffected by the proposed developments.

**Bats:**

- Commuting and foraging opportunities only.

**Badgers:**

- Commuting and foraging opportunities only.

**Reptiles:**

- The report determines low suitability due to the shortness of the grass. However, if unmanaged suitability will increase.



## **Recommendations**

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, please attach the following conditions to the planning permission if granted.

### **Bats**

As no bat activity surveys have been submitted, I have to assume the presence of light adverse species. It is unclear if external lighting will be included, if so, the proposals should avoid lighting boundary features, please attach the following condition (if lighting is required):

- Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

### **Badgers**

Due to the potential for badgers to use the habitat on site the following informative will be attached:

- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

## Reptiles

In order to avoid harm to reptiles the grassland area must be maintained short. Due to the possibility of the grassland growing in the interim period before implementation the following will be conditioned:

- Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October. Written notification of the date of the operations will be submitted to the Local Planning Authority prior to the works being undertaken. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority.

Reason: In the interests of UK protected and priority species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

## Biodiversity Enhancement (Net Gain)

As compensation and enhancement measures, and in accordance with National Planning Policy Framework (NPPF) and draft Environment Bill, please apply the following conditions to any planning permission granted.

- The following will be integrated into the design of the proposal
  - A) Installation of 2x Schwegler No. 10 swallow nesting cups, or similar, to be erected on a main beam of the open side of the barn at a height above 3m and maintained thereafter.
  - B) Provision shall be made for barn owls in the form of a barn owl box, a scheme for the installation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme will be implemented and hereafter maintained.
  - C) 1x reptile hibernacula will be created in the retained grassland. Along the north western boundary.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first use.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

Provided the above conditions are applied as worded, I have no objection to this application.

*Environmental Health Team - Chased*

*Rights of Way Protection Officer* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site at the present time (public footpath WL 16/20). The long-distance trail, the Macmillan Way, runs along the adjacent road. I have attached a plan for your information.

The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit. Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to the following:

1 General Comments

Any proposed works must not encroach onto the width of the PROW. The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted.

- 2 Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW 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 footpath, public bridleway, or restricted byway unless the driver has lawful authority (private rights) to do so.

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

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the 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. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporary-closure-of-a-right-of-way/>