



PLANNING COMMITTEE - WEST

Tuesday, 25 June 2024

2.00 pm

**John Meikle Room, The Deane House, Belvedere
Road, Taunton TA1 1HE**

SUPPLEMENT TO THE AGENDA

To: The members of the Planning Committee - West

We are now able to enclose the following information which was unavailable when the agenda was published:

Agenda Item 5 Planning Application 14/22/0051 - Land at Ham Farm, Creech St Michael (Pages 3 - 6)

To consider an application for the installation and operation of solar farm together with associated works, equipment and infrastructure on land at Ham Farm, Creech St Michael.

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PLANNING COMMITTEE AMENDMENT SHEET

Planning Committee Date 25 June 2024.

Agenda Item: 5

Application number: 14/22/0051

Amended Consultation Responses: Internal Drainage Board remove objection and recommend following condition and informative:

Condition: Prior to commencement of development, details of a scheme for the management of surface water should be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be managed and maintained in accordance with the approved scheme for the lifetime of the development.

Reason: In the interests of flood prevention.

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

Amended Conditions: 12 The development shall be carried out in accordance with the submitted Flood Risk Assessment ('Ham Farm, Taunton – Solar Farm – Flood Risk Assessment & Drainage Strategy', ref. 2912_FRD v.2.0 dated 16 September 2022, RAB Consultants Limited) and the following mitigation measures it details:

- Solar panels shall be mounted so that the lowest edge of the panel will be a minimum of 0.8m above ground level, as detailed in section 4.1.1.
- Substations, and other sensitive equipment shall be located outside the extent of a 1 in 100 (1%) flood event (including for climate change) shown in Figure 3, as detailed in section 4.1.1.
- A Flood Management Plan shall be prepared, to guide site operatives in the appropriateness of proactive/reactive site visits when flood conditions are forecast, as detailed in 4.2.2.
- In addition, compensatory flood storage should be provided for any loss of fluvial floodplain volume because of this development.

These mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority and shall be fully implemented prior to the electricity generation use commencing and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development, area and site operatives.

Amended Recommendation:

Amended Representations Received:

1 letter to Councillors advising that the Written Ministerial Statement of 15 May 2024 is a material consideration and BMV land should not be used for solar farms. The need for food security outweighs energy security. The contention is that the use would not be 'temporary'.

1 letter on behalf of CPRE and Ham Conservation Group raising the issue of the WMS of 15 May has changed policy with a greater emphasis on protecting BMV land. Policy DM2 does not support the scheme as the development is not essential utilities infrastructure. The flood risk is not properly addressed and the draft conditions are inadequate and the site is a "valued landscape" and would not be adequately screened from the proposed planting.

General updates and considerations

The recent WMS is a material consideration. It states that the National Policy Statement can also be a material consideration in determining applications under the Town and Country Planning Act 1990 and is broadly consistent with the approach to agricultural land in the National Planning Policy Framework which states that *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development”*. “This means due weight must be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments.” The WMS expands upon how policies should be applied when determining applications i.e. as part of the planning balance. It states that due weight must be given to the use of BMV in that determination and that higher quality land is “least appropriate”. This does not mean such land is inappropriate or that there is a “policy presumption” against the use of such land.

The development is not contrary to policy DM2. The Bagley Road Inspector found as follows: *“.....policy DM2 provides that, outside defined settlement limits, certain uses will be supportedHowever, it does not state that other types of development will be refused. As agreed by the Council the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict.”*

The same principle applies to solar farm uses, as these are not specifically listed in Policy DM2. So the development is not supported by Policy DM2, but neither is it contrary to it. Unless it can be considered essential utilities infrastructure which is supported under DM2. Either way the proposed use must be determined against the other relevant development plan policies including CP1 and CP8.

In terms of landscape impact the Landscape Officer has not raised objection and sought amendments in the form of additional planting. It is for Members to determine if they consider that impact an acceptable one as part of their determination of the application.

A limited area within the site and land beyond the site including the access flood at times and there is clear concern that this should not be exacerbated by the development. With this in mind conditions are suggested to address this and there is scope within the site to provide drainage scheme to address this risk. Conditions are proposed by the EA and LLFA and a redrafted condition 12 is proposed above. The existing condition 17 reflects the requirements of the Internal Drainage Board.

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