

| Application Details | |
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| Application Reference Number: | 3/39/21/028 |
| Application Type: | Full Planning Permission |
| Earliest decision date: | 02 nd May 2023 |
| Expiry Date | 24 th March 2022 |
| Extension of Time Date | 24 th March 2023 |
| Decision Level | Planning Committee |
| Description: | Installation of a ground mounted solar farm with battery storage and associated development |
| Site Address: | Land to the north of the Transmitting Station, Washford, Williton. |
| Parish: | 39 |
| Conservation Area: | Not applicable |
| Somerset Levels and Moors RAMSAR Catchment Area: | Not applicable |
| AONB: | Quantock Hills |
| Case Officer: | Mr J Holbrook |
| Agent: | Mr S Chapman, RPS Consulting UK & Ireland Ltd |
| Applicant: | Mr D Meehan, Elgin Energy EsCo Ltd |
| Committee Date: | 20 th June 2023 |
| Reason for reporting application to Committee | Inline with the Council's Scheme of Delegation due to the number of objections received and the Officer's recommendation for approval. |

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The principle of development is considered to be compliant with Policy SD1, the overarching policy in the Local Plan, and it complies with the Local Plan when taken as whole given that the development plan supports a move towards renewable energy.

2.2 The scheme is also supported by national planning and energy policies. It is noted that the proposal would lead to a loss of an area of best and most versatile agricultural land, but the report sets out the reasons why it is considered that, on balance, this particular proposal cannot be refused exclusively under Policy NH8 of the Local Plan. The proposed development would be sited on high quality agricultural land; however it should be noted that Solar PV proposals are classified as ‘temporary installations’ ensuring that there would be no permanent or irreversible loss of high quality agricultural land with the ability to potentially provide a less intensive agricultural activity on the site being retained. The proposal therefore accords with the National Planning Policy Framework (2021) and Policy NH8 of the West Somerset Local Plan.

2.3 The proposed development will have impacts on the both the local landscape character and visual amenity of the area, but this proposed site has been selected as it is not within a designated area (i.e., National Park or Area of Outstanding Natural Beauty (AONB)). New landscaping secured through planning conditions would mitigate the impact on the Public Right of Ways to an acceptable level whilst delivering a form of energy from a renewable resource in accordance with Policy CC1. The development would therefore contribute towards addressing the reliance on fossil fuels and offsetting associated environmental impacts.

2.4 The proposal would conserve and enhance the biodiversity value and nature conservation interests of the site providing measurable net biodiversity gains. The proposal would therefore comply with the National Planning Policy Framework and Policy NH6 of the West Somerset Local Plan.

2.5 The proposal would result in less than substantial harm to the significance of Kentsford Farmhouse as a listed building. The harm is balanced by the public benefits of the proposed development in accordance with the NPPF. Having regard to the duties of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the less than substantial harm is considered acceptable when balanced against the public benefits in accordance with the NPPF and is acceptable in this regard, in accordance with Policy NH1 of the West Somerset Local Plan.

2.6 Subject to conditions, the development would also not give rise to adverse impacts upon archaeological potential within the site. The proposal would therefore comply with the NPPF and Policy NH1 of the West Somerset Local Plan.

2.7 The proposed development would not generate an unacceptable impact on highway safety subject to conditions and would provide adequate access and egress

to and from the site in accordance with highway requirements. The proposal would therefore accord with the NPPF and Policy SD1 of the West Somerset Local Plan.

2.8 Appropriate consideration has been given to matters of flood risk and drainage to ensure that the development would not give rise to new risk to property or the environment. The proposal accords with the NPPF and Policy CC2 of the West Somerset Local Plan.

2.9 The proposal would not result in any adverse harm to the amenities of neighbouring or nearby properties in terms of undue loss of privacy or cause undue overlooking, overshadowing, overbearing or noise and disturbance impacts. The proposal would therefore accord with NPPF and Policy NH13 of the West Somerset Local Plan.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Time Limit (3 years) for commencement
- Temporary permission of 40 years
- In accordance with Approved Plans
- Restoration of site following the cessation of works
- External materials
- Hardsurfacing for site access junctions
- Adequate facilities for construction traffic to site
- Offsite Highways Conditions Surveys
- Programme of Archaeological works in accordance with a Written Scheme of Investigation (WSI)
- Biodiversity Management Plan in accordance with the Biodiversity Net Gain Assessment
- Landscaping details and planting within five-year period.
- No external lighting
- External colour of plant, equipment and buildings
- Submission of Construction Environmental Management Plan (CEMP) prior to commencement
- Works carried out in accordance with Construction Traffic Management Plan (CTMP)
- Submission of Battery Storage Management Plan (BSMP) prior to commencement.

3.2 Informatives (full text in appendix 1)

- Proactive Statement
- Wildlife and the law
- Additional covenants and easements relating to other infrastructure providers

3.3 Obligations

Not applicable

4. Proposed development, site and surroundings

4.1 The site is located to the northeast of Washford and the A39 with the B3190 to the east. To the north of the site lies the access road to Kentsford Farm and agricultural fields. To the east lie agricultural fields, Crossyard Business Park and Washford Transmitting Station with the B3190 beyond. To the south lie agricultural fields and the village of Washford. To the west of the site are agricultural fields and the course of the Washford River which flows from south to north entering the Bristol Channel at Watchet. On the opposite, western side, of the Washford river is a footpath which follows the course of the old Mineral Line railway and is now also acting as a temporary diversion for the England Coast Path, due to unstable sections of cliff near Watchet.

4.2 The West Somerset Railway line which runs between Bishops Lydeard and Minehead, also runs parallel to the river and footpath. Vehicular access to the site is proposed from two points: off the A39, approximately 230m west of the Washford Cross roundabout and Tropiquaria Wildlife Park and Zoo complex and off the B3190, approximately 690m north of the Washford Cross roundabout. Both access points would utilise existing field accesses, which it is proposed would be upgraded to serve initially construction and subsequently maintenance and eventually decommissioning traffic. A number of internal access tracks are proposed within the site to enable servicing of the equipment.

4.3 The proposal is for the construction of a free standing, static solar photovoltaic (PV) farm and battery storage, together with associated development over approximately 39.7 hectares (98.1 acres). It is anticipated that it will generate approximately 25 million kilowatt hours per annum (average consumption of 7,500 homes). The proposal also consists of an energy storage (battery storage) facility with a capacity of approximately 20MW and will consist of twelve units. A typical storage unit measures approximately 12.2m x 2.4m and approximately 2.6m in height.

Security fencing would be erected around the site and would be approximately 2.5 metres in height.

4.4 The proposed scheme also comprises of additional separate elements as follows:

- A number of CCTV security cameras (approximately 3m high);
- Associated access works and internal access tracks;
- Primary substation.

Solar Panel Modules

4.5 The proposed scheme will be made up of solar panels of approximately 2.2m x 1.3m. These will be mounted on two levels (portrait orientation) or four levels (landscape orientation) in frame tables at an inclination of 10-25 degrees depending upon the localised topography. Each frame table will incorporate either 24 or 48 panels and would be supported on steel/aluminium post/frames that will be pushed or screwed into the ground. The front bottom edge of the panels will be typically 0.8m above existing ground level. Dependent on localised topography there would be a range of 0.5m to 1.2m. Overall panel heights from ground level will be approximately 3 metres. The spacing between the arrays will vary between 2-6 metres. All the panels placed on the site would be orientated to face south and would be fixed in place. The proposal does not consist of panels that follow the path of the sun. Panels are opaque and are designed specifically to absorb rather than reflect the sun's rays.

4.6 In relation to the frame tables and depending on ground conditions frames will be fixed to the ground by either:

- Single post ground fixture, which as suggested will be a single aluminium/steel frame driven into the ground;
- Table post ground fixtures – where frames will be fixed on dual posts driven into the ground; or
- In cases where it is required to safeguard potential archaeological assets, frames would be mounted using a shallow concrete 'shoe' which would sit at a maximum of approximately 400mm above ground level.

Inverters

4.7 Inverter stations will be located throughout the development area. These are small cabin-like buildings constructed on a concrete base with footprint dimensions of approximately 7m x 2.5m, rising to a height of approximately 3m. These stations are connected to the panels by cabling which would be buried underground.

Substation

4.8 The substation and control building will accommodate all necessary equipment to enable the solar farm electrical system to be controlled, monitored and metered and connected to the network.

4.9 The control building consists of a multi-compartment prefabricated structure on top of a concrete foundation. Equipment to be accommodated within the substation will include metering equipment, switchgear, transformers, central computer system and electrical control panels. The substation building dimensions are approximately 6 metres (l), 3.2 metres (w), 3.4 metres (h).

4.10 A permeable hardstanding area of 20m x 20m would be provided, located within a larger security compound measuring approximately 15 metres x 20 metres in area.

Battery Storage

4.11 The battery storage facility will have a capacity of approximately 20MW and will comprise of 12 storage units typically measuring approximately 12 metres by 2.4 metres by 2.6 metres set side by side and generally 3 metres apart. It would be set adjacent to the substation compound southwest of the Furzy Ground plantation.

Operation

4.12 The proposed development would be in place for a temporary 40-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 40 years is a lengthy period of time, it is not permanent.

4.13 The solar farm will not be permanently staffed and the installation will be monitored remotely. However, there will be regular maintenance visits at least twice a year, in addition to regular landscape and cleaning maintenance.

4.14 The development would take approximately 16 weeks to install and decommissioning at the end of its life (where the site is restored, leaving no permanent visible trace) would take 4-6 months.

5. Planning (and enforcement) history

5.1 Not applicable

6. Environmental Impact Assessment

6.1 The European Union Directive 85/337/EEC (the Environmental Impact Assessment (EIA) Directive) requires that an EIA is undertaken by the promoters of certain types of development to identify and assess the significant environmental effects of certain projects before development consent is given.

6.2 The Proposed Scheme is considered to constitute a Schedule 2 development under the Town and Country Planning (EIA) Regulations 2017 under the following criteria:

3. Energy Industry (a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1);

6.3 The applicant did not submit a request to the Local Planning Authority for a screening opinion. However, the LPA has undertaken a screening exercise utilising the Town and Country Planning (EIA) Regulations 2017 screening matrix. The screening exercise undertaken by the LPA concluded that despite exceeding the criteria of Schedule 2, as the area of the development exceeds 0.5 hectares, the proposed works would not have significant environmental effects and so would not require an Environmental Impact Assessment (EIA).

6.4 Central Government has published indicative criteria and thresholds for this type of development, as to when an EIA may be required, and it would usually be where energy generation outputs are more than 50MW.

7. Habitats Regulations Assessment

7.1 The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site or any other European site (either alone or in combination with other projects) pursuant to Regulations 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

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

8.1 Date of consultation: 24th December 2021

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8.2 Date of revised consultation (if applicable): 18th April 2023

8.3 Press Date: 07th January 2022

8.4 Site Notice Date: 05th January 2022

8.5 Statutory Consultees the following were consulted:

| Consultee | Comment | Officer Comment |
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| <u>Avon and Somerset Police</u> | The Crime Prevention Design Advisor from Avon and Somerset Police raised no objection. | They have commented on some of the design of the proposal including perimeter fencing, vehicular access, landscaping/planting and electronic security measures (i.e. motion-activated passive infra-red (PIR) security cameras which avoids the need to additional lighting on the site). Can be adequately controlled by way of conditions. |
| <u>Environment Agency</u> | No comments received. | N/A |
| <u>Exmoor National Park</u> | Strong reservations that the potential impact of the solar farm on the National Park and its settings has not been thoroughly addressed (as of September 2023). | The applicant has provided further information in support of their Landscape and Visual Assessment, addendum and additional note. Addressed in the Officer's report under Section 10.4 |
| <u>Health and Safety Executive</u> | No comments received. | N/A |
| <u>Highways England</u> | Response in March 2022 and January 2023 - No objection. | Addressed in the Officer's report under Section 10.6 |
| <u>Historic England</u> | Response in March 2022 and January 2023. HE | HE have emphasised that concerns cannot be |

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| | considers the development would be harmful and given the great weight that needs to be given to the conservation of heritage assets of the very highest significance, Historic England has concerns regarding the application on heritage grounds. | overcome by providing further information, reducing the scale of the proposed solar array or by any additional mitigation in terms of planting, as this would still result in harm to the significance of the setting of the heritage assets identified. The scheme has therefore been assessed taking into account policy and Para. 202 of the NPPF. This is addressed within Section 10.4 and 10.5 of the Officer's report. |
| <u>National Grid</u> | No comments received. | N/A |
| <u>Natural England</u> | Objection – Consider that the submitted Agricultural Land Classification (ALC) survey could not be considered to be a sufficiently robust tool for planning. Also raised issues of designated sites, biodiversity net gain, protected landscapes (Exmoor National Park and Quantock Hills AONB). | Addressed in the Officer's report under Sections 10.1-10.5, 10.8 and 10.10. |
| <u>OFCOM</u> | No comments received. | N/A |
| <u>Office of Nuclear Regulation (ONR) – Land Use Planning</u> | Responded confirming no comments to make. | ONR confirmed that the proposed development does not lie within a consultation zone for Hinkley Point. |
| <u>Somerset Historic Environment (Somerset Heritage Centre)</u> | Recommend that the applicant be asked to provide further information on any archaeological | Addressed in Officer's report under section 10.5 but can be controlled by way of a condition. |

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| | remains on the site prior to the determination of this application. This would require a field evaluation consisting of geophysical survey followed by trial trenching as indicated in the National Planning Policy Framework (Paragraph 194). | |
| <u>Somerset Council - Ecologist</u> | No comments received. | N/A |
| <u>Somerset Council – Tree Officer</u> | No comments received. | N/A |
| <u>Somerset Council – Public Rights of Way</u> | No comments received. | N/A |
| <u>Somerset Council - Highways</u> | Responded confirming no comments to make. | N/A |
| <u>Somerset Council – Landscape and Green Infrastructure</u> | No objection on landscape grounds noting the development is temporary for a period of 40 years. Solar PV is set away from the public highway, existing and additional hedge and tree planting that will screen the development is proposed. Development would not conflict with local or national policy on landscape protection. | Addressed in Officer’s report under Sections 10.3-10.5 but can be controlled by way of a condition. |
| <u>Somerset Council – Conservation</u> | Holding response in March 2022. There will be ‘less than substantial harm’ caused to the setting of St Decumans Church. The proposal should be considered in accordance with para 202 of the NPPF | Addressed in Officer’s report under Section 10.5. |

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| | <p>and public benefit should be considered.</p> <p>Recommendation that Historic England is notified of development that affects the setting of St Decumans Church.</p> <p>There will be less than substantial harm caused to the setting of the Transmitter station and in accordance with NPPF para 202 public benefit should be considered.</p> <p>Further viewpoints should be provided to consider the impacts on the West Somerset Railway and the Mineral Line</p> <p>No further comments to make in January 2023.</p> | |
| <p><u>Somerset Council – Environmental Health</u></p> | <p>No objection in February 2022. Recommended compliance with construction restrictions outlined in the supporting documentation with the planning application.</p> | <p>Addressed in Officer’s report within Section 10.13</p> |
| <p><u>Somerset Council – Planning Policy</u></p> | <p>Proposal is supported, subject to appropriate mitigations of landscape, visual amenity and heritage impacts as necessary; appropriate justification for the loss of agricultural land and demonstration that (through ongoing maintenance and future remediation) the agricultural land value can be returned over the</p> | <p>Addressed in the Officer’s report under Sections 10.1-10.13.</p> |

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| | lifetime of the development; and implementation of a social value strategy to drive local social and economic benefits. The delivery of a net gain in biodiversity should be striven for and influence the mitigations for any residual landscape, visual amenity or heritage impacts. | |
| <u>Quantock Hills AONB Service</u> | Maintain objection on grounds of the impact the proposal will have on the landscape within the AONB, notably in relation to the findings of the Landscape Visual Appraisal (LVA), Glint and Glare and the setting of the AONB (i.e. long distance views from the designated landscape). Does not consider that the Agricultural Land Classification (ALC) report can be used as a sufficiently robust tool for planning. Response in February 2022, September 2022 and January 2023. | Addressed in the Officer's report under Sections 10.1-10.5, 10.8 and 10.10. |
| <u>Wales and West Utilities</u> | No objection – However apparatus may be at risk during construction works and we require the promoter of these works to contact us directly to discuss our requirements in detail, should diversion | No objection with a standard paragraph used in their response to ensure that the developer contacts the utility company if it is found that there the proposal will have a direct impact on their assets. |

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| | works be required. | |
| <u>Wessex Water</u> | Holding objection – WW must have unimpeded access to maintain and repair the existing Trunk main and to access Washford CSO. The layout now shows an easement around the existing trunk main, however it also shows proposed planting around the boundary of the site that will impede our access to the trunk main and which appears to cut off the existing right of way to Washford CSO. | Reconsulted Wessex Water on the 17 th April 2023 with a revised landscape proposal including the easement running across the site. No final response at the time of writing this report and officers will provide a verbal update at the Planning Committee, if necessary. Further detail can be found within Section 10.13 of this report. |
| <u>Nettlecombe Parish Council</u> | Objection in February 2022 aligned with Old Cleeve and Williton Parish Council. Objection on the grounds of the loss of high yielding agricultural land and traffic on the A39. | Addressed in the Officer's report under Sections 10.1-13. |
| <u>Old Cleeve Parish Council</u> | Objection – commented in January, August 2022 and February 2023. | Addressed in the Officer's report under Sections 10.1-13 but focused on visual impact, flood risk, access and grading of agricultural land. |
| <u>Watchet Town Council</u> | Objection – Based on ten points from CPRE, ten points from a PA Gannon (replicating comments from Old Cleeve Parish Council). | Addressed in the Officer's report under Sections 10.1-10.13 but focused on visual impact, flood risk, access and grading of agricultural land. |
| <u>Williton Parish Council</u> | Objection – commented in January 2022 and August 2022 on the grounds of | Addressed in the Officer's report under Sections 10.1-13. |

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| | <p>adverse effect on the character and appearance of the landscape, cumulative effect with Higher Bye Farm Solar PV, Public Rights of Way, effect on tourism, loss of agricultural land and effect on the viability of farms, setting of heritage assets and ecology.</p> | |
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8.6 Local representations

Neighbour notification letters were sent in accordance with the Council’s Adopted Statement of Community Involvement.

126 letters of representation (LOR's) have been received raising objections to the proposal. Full text and details can be found on the Public Access website. Whilst the majority of these letters are from individuals, many of these responses follow a similar template. The grounds of objection can be summarised into the following key issues:-

Loss of Best and Most Versatile (BMV) Agricultural Land

- There appears to be a contradiction between the land survey done by Elgin, who rate the site as low-grade agricultural land, and the farmers who rate it more highly.
- The area is good grade 2 agricultural farmland
- Grade 2 and 3 agricultural land is required to feed the nation
- The land is required for food production
- There are sites of much lower agricultural potential unused within 0.5 miles of the site.
- Would destroy valuable agricultural land
- Inappropriate use of agricultural land
- The area should be safeguarded for crop production, wildlife and pleasant landscape
- Loss of agricultural land needed for food production
- It is wrong to be wasting land on inefficient technologies - it should be kept for food production
- Maps show it as class 2/3a agricultural land.

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- The land is good quality agricultural land, questions whether a more appropriate site can be found.
- We should protect agricultural land and natural beauty

Impact on viability of tenanted farms

- Loss of prime agricultural land used by tenanted farmers
- Will ruin two farmers' livelihoods
- Proposal affects the livelihoods of long term family farms
- Impact on third generation of tenanted farms
- Curtail the viability of the tenanted farm
- We should be supporting local food production
- Small scale farming needs to be supported and growing food should be a priority
- Loss of precious farmland
- The land is not used for grazing animals, but for growing crops
- We should be encouraging landowners to produce more food for our country.
- Curtail the viability of the tenanted farm
- Loss of agricultural land. We need to become more self-sufficient in food, not less post-Brexit
- The proposal is unfair on the tenant farmers, as it will make the farms unviable
- The land is good quality
- This country imports 34% of its food - agricultural land should be kept and brownfield land used instead for solar panels
- This is not a farm, farms provide food
- The land is not used for grazing animals, but for growing crops
- The land should be used for food production.
- No consideration given to the farmers who are having their productive land taken away
- The destruction of two families livelihood for corporate greed
- Will cause hardship to local farmers
- Would be sited on good productive land where foodstuffs could be grown locally
- Curtail the viability of the tenanted farm
- Agricultural jobs will be lost

Appearance and impact on area

- The site will be visible from surrounding land
- Views from the Quantock and Brendon Hills will be spoilt
- Adverse landscape and visual impact
- We do not want a massive eyesore built in our landscape
- Blot on the beautiful landscape for ever

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- Out of keeping with the rural landscape
- Eyesore
- The proposal will have a negative impact upon the community and town, once built
- This is a jewel in the crown of landscapes between Exmoor National Park and the Quantocks AONB
- No thought to the beautiful landscape
- Blight on the landscape
- Adverse impact upon the landscape
- Plenty of unusable land on Brendon Hills
- Security fences, warning signs and CCTV cameras will be more like a prison than a farm -completely out of place
- Habitat loss to deer and birds, unsightly blight / reflection visible from the road.
- The solar farm will be visible from Exmoor National Park and the Quantocks AONB
- Will impact upon the steam railway if people were subject to a view of solar panels
- Will be visible from National Parks and Quantocks AONB
- Would impact on the Furzy ground plantation
- Cumulative effect of Higher Bye Farm solar
- Impact on the Mineral line
- Cannot see how the shielding will be effective
- Would be an abject eyesore

Tourism impact

- Tourists will be put off coming to the area if their first sight is an ugly solar farm and the local economy will suffer.
- Impact on tourist industry
- Would discourage tourists from visiting the area
- The proposal will adversely affect the tourist industry.
- Will discourage tourists who support the local economy
- It will be a blot on the landscape that will spoil the natural beauty for tourists and locals alike
- Will detract from the natural beauty of the area discouraging tourists
- Negative impact on tourism
- Tourism draws people to the area - there is land away from the tourist route that should be used
- The site is very visible from the A39 and B3190 that are used by tourists
- Unsightly views for locals and tourists
- Will impact upon tourists using the Mineral Line walking route

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- Tourists will be put off from visiting the area
- Adverse impact upon the hospitality trade
- The size and scale of the proposal will have a detrimental impact on tourism and a knock-on impact on local incomes
- Tourists will be put off coming to the area if their first sight is an ugly solar farm and the local economy will suffer
- It will be a blot on the landscape that will spoil the natural beauty for tourists and locals alike
- Dominate the landscape appreciated by tourists and dog walkers

Proximity to transmitter station and other infrastructure

- Cross interference issues with locating a solar farm so close to a multi-frequency transmitter station
- The existing Bye Farm installation is visible from the Quantock Hills AONB
- It is poor ground for electricity generation as the higher ground casts a shadow, especially in Winter.
- The proposal is from people not resident in the area who are motivated by profit large solar array (39.7ha) with 25MW generation capacity and 20MW battery storage in proximity to the transmitting towers would raise any OFCOM considerations.
- Proximity to Hinkley Power Station means that this facility is not required.
- Trunk Main running across the south western area of the site.

Impact on trees and Wildlife

- Will cause felling of trees and disruption to wildlife
- Will encroach upon the environment
- The security fence will prevent deer and otters from crossing the site
- Adverse impact on nature vegetation and eco systems
- Consider drainage issues, environmental damage, natural habitat loss to deer and birds, unsightly blight / reflection visible from the road.
- No benefit to wildlife
- The proposed wildflower undergrowth is difficult to achieve in shadowed area and incompatible with sheep grazing as they crop low
- Animal habitats will be fragmented and their survival threatened
- The installation and the decommissioning of the project will be noisy and harmful to wildlife
- Loss of habitat and biodiversity

Impact upon heritage assets

- Adverse impact upon listed buildings St Decuman's grade 1, BBC Transmitter site buildings grade 2 and grade 2* Kentford Farmhouse

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- There are two heritage assets in the site - sets of crop marks possible prehistoric hillfort and another enclosure possibly prehistoric or Roman
- In the area Daws castle, Scheduled Ancient Monument,
- Listed buildings in Washford, Kentford Farm and the Transmitter Station undesignated West Somerset Mineral Railway (now a walking route) and the West Somerset tourist railway.
- The site has been used for agriculture in the modern period, probably enclosed in the 17th and 18th centuries. There is a high archaeological potential for the prehistoric and Roman periods especially in the northern part around the crop circles.
- Will impact upon the main transmitter building (1933) which is listed
- Industrial installation
- The proposal will adversely affect the setting of listed buildings such as St Decumans Church and a grade 2 listed building at Tropiquaria
- Adverse impact upon listed buildings St Decuman's grade 1, BBC Transmitter site buildings grade 2 and grade 2* Kentford Farmhouse

No justification for this location and no benefit to the local community

- This proposal is not intended to improve the power supply to the local community, but to feed the national grid
- We are building a nuclear power station within sight of this outrage
- The solar park will not contribute to the local economy
- Dismayed that new developments in Washford were not made to add solar panels. - why if it was not considered necessary?
- Substantial numbers of new houses are to be built in the Williton and Watchet areas – solar panels should be affixed to their roofs
- Will not deliver much needed local jobs
- With Hinckley Point close by we suffer enough without a solar farm
- The facility is not required we have nuclear energy on our doorstep
- A hydroelectric position around Watchet would generate more energy
- Unnecessary as West Somerset already contributes to 'green' energy by hosting a nuclear power station
- There is no benefit to the local community

Site Selection

- Stick it next to a motorway or contaminated land
- Supermarkets would be a better location for solar panels
- We should be using brownfield and developing wave power
- Better option to place over roads, car parks or brownfield sites
- This piece of land is not ideally positioned for its intended purpose

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- There is something seriously wrong with the planning process if this goes ahead
- Solar panels and insulation technology should be mandatory on all new housing, not covering areas of the country in glass
- The area is not designated in the local plan for any use other than farmland
- Unnecessary as West Somerset already contributes to 'green' energy by hosting a nuclear power station
- This is the worst position for a solar farm
- Industrialisation of a rural landscape. Put solar panels /tiles on all new buildings instead, alongside the M5 or other industrialised landscapes. Do not urbanise the countryside
- The scheme is too big for the area

Miscellaneous

- The placing of solar panels, storage banks for batteries and underground cables will wreck our soil
- Drainage will suffer as land hardens increasing the risk of flooding
- This would not happen in Devon and Cornwall
- Danger to motorists due to the reflections from panels on sunny days
- Extensive infrastructure will be required to install the panels
- This is a factory, not a farm, and the battery storage is a potential bomb
- This is all about money
- Two consultation meetings with the community almost 4 years ago is not enough
- Sheep grazing around the solar panels is not viable, as the panels prevent the growth of grass and sheep dogs cannot do their job
- The substantial gas pipe that runs through the land does not appear to have been considered
- The glare from solar farms forces people to use blinds during the daytime
- The presence of large batteries will damage the soil
- The application has been submitted in a time of pandemic
- The public consultation was undertaken in 2018, three years ago, and does not comply with best practice
- The application was submitted just before Christmas leaving little time for locals to organise a response
- Drainage will suffer as land hardens increasing the risk of flooding
- Areas of rusting metal will in future years be classified as brownfield sites leading to more houses
- Lithium batteries made in China are a grave risk of catching fire potentially causing a thermal accident leading to the spillage of toxic gases into the atmosphere

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- This industrial scale installation is hideous
- Our green and pleasant land is disappearing under manmade structures
- The Planning Committee just support businesses getting wealthier at the expense of others
- It would make life intolerable for people in the area
- The farmland won't recover after the lifespan of the panels is over
- The glare will affect transport navigation and military training
- Covid has demonstrated the importance of the countryside to our lives
- Protect this area for future generations
- Lithium batteries are a grave risk of catching fire potentially causing a thermal accident leading to the spillage of toxic gases into the atmosphere

One letter has been received in support of the application. It makes the following points:-

- Strongly support the proposal as it is important that we have energy security
- Schemes like this help drive down energy costs, which is good news for consumers
- The visual impact is commensurate with other nearby solar installations found in many agricultural settings
- It is correct to describe the installation as a solar farm as sheep can graze underneath
- Watchet Town Council's apparent intervention on behalf of the farmers gives the impression of cronyism.

Representations have been received from the following:

- An agent representing the interests of the two tenant farmers (Kentsford and Parsonage Farm). Objecting on the grounds of:
 - Land Classification – Consider that the land subject to this planning application is classified as Grade 2 and 3a and is therefore the best and most versatile agricultural land as defined within the NPPF.
 - Terms of the tenancy
 - Viability of the businesses
 - Heritage Assets
 - Gas and Water Mains Protection Zones – an understanding that there is a mains gas pipeline and water main running through the land.
- The Tenant Farmers Association representing the two tenant farmers;

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- Object to the planning proposal on this prime agricultural site and considers that the planning permission for this development should be refused.
- Concerned about the loss of prime agricultural land, the impact on the viability of the affected tenant farmers' farm businesses, the visual impact on the landscape and negative impact on tourism, which is very important to the local economy.
- The National Farmers Union (NFU) representing one of the tenant farmers;
 - Raising concerns about the impact of this development on their business. Land is considered to be Grade 2 and 3a and is therefore considered to be 'Best and Most Versatile Agricultural land'.
 - The siting of the panels is sensitive to several Heritage Assets, with Kentsford Farm being Grade 2* listed, as well as further listed buildings on each corner of the proposed site. Should the application be granted, it will wholly change the nature of the setting of these heritage assets. Furthermore, the site has many sensitive receptors being visible from both the National Park and Quantock Hills AONB.
 - Request that this application is determined taking into account the National Planning Policy Framework as a whole, to assess the impact of this planning application on agricultural land, local nature conservation, the landscape setting and the ability of the farm to remain viable
- Minehead Conversation Society;
 - Objecting to this application on the grounds of size and scale, landscape character and quality, significant impact on listed buildings, archaeology and damage to tourism.
- The Exmoor Society;
 - Objection on the grounds that due to its proximity to from the boundary of Exmoor National Park (ENP) (less than one mile) it would be seen widely from many viewpoints in the Brendon Hills area of Exmoor and be in conflict with National Park purposes and damaging to the setting of this internally important landscape.
 - The proposed development, when considered alongside the existing solar farm nearby, fundamentally changes the very nature of this rural area. Placed as it is, centrally between Exmoor National and the Quantock Hills AONB, this proposal will change the character of the

countryside to largely non-rural. Thus, it will have a direct and hugely negative impact on the purposes and settings of the protected landscapes around it, the links between them, and also the economy of West Somerset.

- The Council for the Preservation of Rural England (CPRE Somerset);
 - Use of Best and Most Versatile (BMV) agricultural land
 - Harm to the Character and Appearance of the Landscape
 - The Landscape Visual Appraisal (LVA) claim that the site is not prominent in the landscape.
 - Impact of proposal on St Decumans Church (Grade 1 Listed) and Kentsford Farmhouse (Grade II* Listed)
 - Consider that the Landscape Visual Appraisal gives an incomplete account of the public footpaths within or adjacent to the application site.
 - Visual impacts
 - Cumulative impacts of the proposed development.
 - Consider that this highly sensitive landscape is an entirely inappropriate site for a large solar farm and that this application should be refused.

- Somerset Wildlife Trust (SWT) have supported the findings of the supporting documentation and they also fully support the proposals for mitigation and enhancement which they request must be included in the planning conditions if it is decided to grant planning permission.

It should be noted that the Local Planning Authority has also received representations that cannot be taken into account as material considerations, as these have included “personal morals or views about the applicant”. Any inappropriate or defamatory comments have been removed.

9. Relevant planning policies and guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan for

the site comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then, the Government agreed proposals for local government reorganisation in Somerset and a Structural Change Order provided for the creation of a unitary authority for the whole County on 1 April 2023 (vesting day). The Structural Change Order requires the new Somerset Council to prepare a local plan within 5 years of vesting day.

Relevant policies of the Development Plan in the assessment of this application are listed below:

West Somerset Local Plan to 2032:

- SD1 - Presumption in favour of sustainable development
- OC1 - Open countryside development
- EC11 - Agriculture
- CC1 - Carbon reduction: non-wind energy generating schemes
- CC2 - Flood Risk Management
- NH1 - Historic environment
- NH2 - Management of heritage assets
- NH5 - Landscape character protection
- NH6 - Nature conservation and the protection and enhancement of biodiversity
- NH8 - Protection of best and most versatile agricultural land
- NH13 - Securing high standards of design
- NH14 - Nationally Designated Landscape Areas
- ID1 - Infrastructure Delivery

Neighbourhood Plans:

No neighbourhood plans in place in this area.

In addition, the following policy documents (whilst not part of the Development Plan) are material to the determination of the application.

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

National Planning Policy Framework (NPPF) – July 2021

National Planning Policy Guidance (NPPG)

Overarching National Policy Statement for Energy (EN-1) (July 2011)

National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)

Draft Overarching National Policy Statement for Energy (EN-1) (March 2023)

Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (March 2023)

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance on Planning for the Climate and Ecological Emergency (March 2022)

Towards a Climate Resilient Somerset – Somerset's Climate Emergency Strategy (November 2020)

The Carbon Neutrality and Climate Resilience Action Plan (September 2020), Somerset West and Taunton Council.

10. Main Issues

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

- The principle of development
- Agricultural Land Classification
- Site Selection
- Design of the proposal and the impact on the character and appearance of the landscape
- Designated Heritage Assets
- Transport and Access
- Ecology/Environment
- Biodiversity Net Gain
- Flood Risk and Drainage
- Glint and Glare
- Security and Lighting
- Operational Life and Decommissioning
- Other Matters

10.1 The principle of development

10.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

Local Plan Policies re: principle of development

10.1.2 The site is outside any defined settlement and is therefore classed as being in open countryside. Policy OC1 of the adopted West Somerset Local Plan relates to open countryside but it is important to note that it does not make specific reference to renewable energy generation or temporary development.

10.1.3 Policy CC1 (Carbon Reduction – Non-wind energy generating schemes), which relates to renewable energy generation states that such schemes:

“will be supported where:

- (i) They respect the local natural environment in which they are located;*
- (ii) They respect the local historic environment and the significance of any designated and identified potential heritage assets within and neighbouring it;*
- (iii) They respect the positive economic and social characteristics of communities affected especially those neighbouring them; and*
- (iv) Adequate measures are taken to mitigate the cultural, economic, environmental and social impact of any related development on the communities affected, both in the short and the longer term”.*

10.1.4 The aim of Policy CC1 is to encourage the development of low and/or zero carbon economy and to ensure that energy generating proposals provide appropriate mitigation to address adverse impacts and optimise beneficial impacts.

10.1.5 Policy CC1 highlights in its assumptions that energy generating proposals can give rise to a range of both positive and negative impacts, depending on the scale, location and design of the scheme. It notes that *“where the impact is more than substantial and cannot be adequately mitigated then it will need to be demonstrated that the public benefit arising from the development clearly outweighs the consequential diminution of the asset”.*

10.1.6 It also states that *“solar energy schemes are frequently located in remote rural areas of high landscape and or ecological value, great care is necessary in order to balance the benefits of low or zero carbon energy generation with the appropriate level of protection for highly valued environments”.* Therefore, the principle of large-scale ground-mounted solar arrays is acceptable, and the Climate Emergency

perhaps provides some justification for public benefits outweighing the diminution of certain assets. But this must only be when such developments are sited in the right locations and respond to their context in the right way.

10.1.7 The principle of the scheme is considered to be in accordance with the policies in the Local Plan when taken as a whole, particularly as the Local Plan supports a drive towards renewable energy.

Material Considerations re: principle of development

10.1.8 Somerset's Climate Emergency Strategy was adopted in November 2020 and has the aim of reducing carbon emissions in the County and making Somerset a county resilient to the inevitable effects of Climate Change.

10.1.9 The strategy sets ambitious goals to become a carbon-neutral county by 2030 and also outlines what the previous five Councils and now Somerset Council intend to do to address the most important issues around the Climate and Ecological emergency.

10.1.10 The strategy highlights the importance of renewable energy generation as a major part of the solution and a way that we can take action locally and through planning policies and decisions.

10.1.11 The Somerset Climate Emergency Strategy and Somerset West and Taunton's Carbon Neutrality and Climate Resilience (CNCR) Action Plan both clearly identify the key role of the planning system in tackling the Climate Emergency through both mitigation of and adaptation to projected climate change.

10.1.12 The Carbon Neutrality and Climate Resilience (CNCR) Action Plan recognises that *"whilst a more proactive approach is required, the significance and sensitivity of our landscapes (particularly protected ones) and settings of our heritage assets do remain important"*.

10.1.13 As stated above, development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, as promoted by Climate Positive Planning, the Climate Emergency is an important material consideration which needs to be weighed with adopted planning policies and other material considerations. The Climate Emergency cannot and should not be used to justify otherwise unsuitable or unreasonably detrimental proposals – sustainability is three dimensional (economic, social and environmental). However, considering the direct role the proposal can play in meeting our climate

targets, it is an important material consideration which should be afforded significant weight.

10.1.14 The National Planning Policy Framework – July 2021 (NPPF) is a material consideration in planning decisions (Paragraph 2). Paragraphs 152-173 of the NPPF refers to meeting the challenge of climate change, flooding and coastal change.

10.1.15 Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate and it should help to:

- *shape places in ways that contribute to radical reductions in greenhouse gas emissions;*
- *minimise vulnerability and improve resilience; and*
- *support renewable and low carbon energy and associated infrastructure.*

10.1.16 Paragraph 155 states that *“To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, whilst ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”*

10.1.17 Paragraph 158 states that, when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

10.1.18 Paragraph 174 highlights that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and seeking net gains for biodiversity.

10.1.19 National Planning Practice Guidance (NPPG) on renewable and low carbon energy, states at Paragraph 005 that *‘there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering*

locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts’. Also, Local Planning Authorities (LPAs) need to consider how planning conditions or planning obligations can mitigate any potential impacts.

10.1.20 NPPG Paragraph 013 states that the visual impact of a well-planned and screened solar park can be properly addressed within the landscape, if planned sensitively.

10.1.21 Factors to consider when a proposal involves greenfield land include whether

- the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

10.1.22 It should be noted that solar parks are temporary structures and planning conditions would need to be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

10.1.23 The NPPG also notes the importance of ensuring great care is taken to enable heritage assets to be conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. It notes that the significance of a heritage asset derives not only from its physical presence but also from its setting and careful consideration should be to the impact of large-scale solar parks on such assets. It is noted within the NPPG that, depending on their scale, design and prominence, a large-scale solar park within the setting of a heritage asset may cause substantial harm to the significance of the asset.

10.1.24 The NPPG notes that there is a potential to mitigate landscape and visual impacts through, for example screening with native hedges.

10.1.25 The Overarching National Policy Statement for Energy (EN-1) was published in 2011 and highlights the UK's commitment to cut greenhouse gas emissions by at least 80% by 2050 (compared to 1990 levels) and outlines the challenge which the transition to a low carbon system holds. There is a national drive towards renewable energy. Paragraph 2.2.4 of EN-1 states that the role of the planning system is to provide a framework which allows for the development of the types of essential infrastructure in areas of need where it is acceptable in planning terms, including the principles of sustainable development.

10.1.26 Paragraph 1.2.1 of this NPS outlines its role in the planning system and confirms that within England, EN1 (in accordance with EN3) is a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether the policies in this NPS are material and to what extent, will be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy (Para 1.2.2).

10.1.27 To produce enough energy required for the UK and ensure it can be transported to where it is needed, a significant amount of infrastructure is needed at both local and national scale (Para. 2.1.2).

10.1.28 In terms of sustainable development, EN-1 set out that the Government's wider objectives for energy infrastructure include contributing to sustainable development and ensuring that the country's energy infrastructure is safe. Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of society and the economy, for both current and future generations. EN-1 further states that the planning framework set out in this NPS and the suite of energy NPSs takes full account of the objective of contributing to the achievement of sustainable development and this has been tested by Government through an Appraisal of Sustainability (AoS).

10.1.29 The AoS is a requirement of the Planning Act 2008. It also incorporates the Strategic Environmental Assessment requirements of the Environmental Assessment of Plans and Programmes Regulations 2004

10.1.30 The AoS examined whether the NPS framework for the development of new energy infrastructure projects is consistent with the objectives for sustainable development, including consideration of other government policies such as those for the environment, economic development, health and transport. It was found that the energy NPSs will be transformational in enabling England and Wales to transition to a low carbon economy and thus help to realise the UK Net Zero commitments sooner than continuation under the current planning system. However, there was also some uncertainty about the level of transformation as the AoS found it was difficult to predict the mix of technology that will be delivered by the market against the framework set by the Government and its cumulative contribution.

10.1.31 The move to a low carbon economy also meets the environmental objectives of sustainable development as set out under Paragraph 8 of the NPPF. Having regard to this and EN-1, it can be concluded that this proposal, which supports a shift

towards a renewable energy network, contributes towards sustainable development and, in turn means that the scheme before the Local Planning Authority is compliant in principle with Policy SD1 of the adopted Local Plan. Policy SD1 seeks to ensure that the decision maker takes a positive approach that reflect a presumption in favour of sustainable development. The decision maker is also required to work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.

10.1.32 In March 2023, the draft Overarching National Policy Statement for Energy (NPS EN-1) and National Policy Statement for renewable energy infrastructure (NPS EN-3) was published by the Department for Energy Security & Net Zero. It does not propose to alter this direction on a national renewable energy network. However, it should be noted that last year the Government confirmed that it wants to reduce the country's carbon emissions by 78% by 2035, and be net zero by 2050, which effectively puts greater pressure on finding an alternative energy network sooner. The consultation period ended on 25th May 2023 and therefore whilst these documents are a material consideration, they carry limited weight (compared to the existing NPS EN-1 and EN-3 documents) at this stage of the consultation process.

10.1.33 The draft NPS EN-1 outlines the role of solar and storage to ensure net zero Greenhouse Gases (GHG) emissions by 2050. This proposal also includes an element of battery storage and national policy consider that this has a key role to play in achieving net zero and providing flexibility to the energy system locally.

10.1.34 The draft NPS EN-3 states that *“solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer.”*

10.1.35 Chapter 3.10 of the draft EN-3 refers to Solar Photovoltaic Generation and paragraphs 3.10.1- 3.10.153 provide comprehensive guidance on key considerations and assessing the siting of solar farms. Factors influencing site selection and design include:

- Landscape, visual and residential amenity (due to the potential for a significant zone of influence and impacts on visual amenity and glint and glare);
- Agriculture land classification and land type
- Construction (including accessibility for both construction and operation)

- Public Rights of Way
- Security and Lighting
- Network connection
- Site layout design and appearance
- Project Lifetime (length of temporary consent)
- Decommissioning
- Biodiversity and ecological conservation
- Cultural Heritage (including archaeology)

10.1.36 The Government has committed to a sustained growth in solar capacity to ensure that England is on a pathway to meet net zero emissions. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector (Para. 3.10.1 of the draft EN-3).

10.1.37 Both the existing and draft proposed NPSs state that the NPSs can be a material consideration in decision making on application that both exceed or sit under the thresholds for Nationally Significant Infrastructure Projects (NSIPs).

10.1.38 The draft NPS's recognise that to meet the Government's objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to 'dramatically increase the volume of energy supplied from low carbon sources' and to reduce the amount provided by fossil fuels. Solar and wind are recognised specifically in Draft EN-1 (Para 3.3.21) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are 'likely to be composed predominantly of wind and solar'. This needs to be provided alongside battery storage to 'reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when is demand is higher (Para. 3.3.25). The draft EN-1 states that '*substantial weight should be given to considerations of need*'.

10.1.39 At a national level, May 2019 saw the UK Government declare a climate emergency. In response, the UK Climate Change Act 2008 (2050 Target Amendment) Order 2019 sets a legally binding target to reduce net greenhouse gas emissions from their 1990 levels by 100% and by 2050 to be 'Net Zero' with a decarbonised economy. In addition, there is a commitment to reduce carbon emissions by 78% compared with 1990 levels by 2035, bringing forward a previously set target by 15 years.

10.1.40 The Government has since issued national plans, strategies and policies as well as changes in law to assist with delivering net-zero and a decarbonised economy by 2050 reflecting the need for a national response. These include the Ten Point

Plan for a Green Industrial Revolution (November 2020) and the Energy White Paper 2021 (December 2020).

10.1.41 The Energy White Paper sets out that a net zero target is not enough and requires a change in how energy is produced with a target of providing 40GW of low cost renewable technologies by 2030. The Paper states that *‘a low cost, net zero system is likely to be composed predominately of wind and solar’* and that *in order to deploy low cost renewable generation, ‘onshore wind and solar power will be key building blocks of future generation mix’*. The Government is therefore targeting *‘sustainable growth in the capacity of these sectors in the next decade’*.

10.1.42 In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under its Key Policies, it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar. This aligns with the Government’s earlier Clean Growth Strategy (2017) which anticipates that the 2050 targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.

Conclusion on other material considerations and the Principle of Development

10.1.43 The principle of the scheme is considered to be in accordance with a number of planning policy documents that are material considerations and these include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), National Policy Statements (NPS) EN1 and EN3.

10.1.44 Other Government policies that carry less weight but are still considered to be relevant material considerations for the purposes of planning, include the draft National Policy Statements (NPS) that have just been consulted upon (ended last month (25th May 2023)), UK Climate Change Act 2008 (2050 Target Amendment) Order 2019, Ten Point Plan for a Green Industrial Revolution (November 2020) and the Energy White Paper 2021 (December 2020).

10.2 Agricultural Land Classification

10.2.1 Policy NH8 protects land classified as Grade 1, 2 or 3a from significant development proposals except in exceptional circumstances where the presumption in favour of sustainable development outweighs the need to protect it and either sufficient lower grade land is unavailable in an appropriate, sustainable location, or available lower grade land has environmental value which outweighs agricultural considerations. This policy accords with the NPPF and Planning Practice Guidance.

10.2.2 Guidance is also provided within the NPPG (Paragraph 013 Ref ID 5-013-20150327) which states that where a proposal involves the use of greenfield land, Local Planning Authorities need to consider whether:

- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

10.2.3 Notably this is a preference, as opposed to any absolute prohibition on the use of higher quality land and is subject to justification.

10.2.4 Nationally, the Government's Written Ministerial Statement (WMS) of 25 March 2015 clearly sets out how, in the case of ground-mounted solar arrays, the matter of agricultural land value is a key part of the balance. The WMS was clear that the need to decarbonise energy is not an excuse to harm the local natural and historic environment. In particular it states that any application for use of best and most versatile agricultural land must be "justified by the most compelling evidence". This is picked up in the National Planning Practice Guidance alongside the other factors to consider. The question is whether the land is 'best and most versatile' (Grades 1-3a) or not, and if it is, how to demonstrate compliance with the above tests.

10.2.5 It should also be noted that the granting of permission for a solar array such as this is only ever temporary, and there is the opportunity to require land to be put to back to its former state at the end of this time period. In most cases, permissions are limited to around 25 years, though it is noted that the applicant is suggesting 40 years in this instance. As such, the ground is not permanently taken out of agricultural use, unlike in the context of a new housing development for instance. Furthermore, there are ways to continue agricultural use alongside the generation of energy (e.g. grazing by smaller livestock such as sheep which can manage the grassland in a sustainable way, continue a form of agricultural use and provide additional, diversified income). Certain management regimes coupled with a strategy for the delivery of biodiversity gain, can also ensure the slow regeneration of soils to in fact increase the agricultural value of land over time if they have currently been degraded through years of intensive farming.

10.2.6 Paragraph 174(b), of the NPPF, places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The Framework defines Best and Most Versatile (BMV) agricultural land as being land in Grades 1, 2 and 3a.

10.2.7 The NPPG (Guide to assessing development proposals on agricultural land, 2021) requires local planning authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development proposals.

10.2.8 The applicant commissioned RPS to carry out an assessment of the soil in accordance with the Agricultural Land Classification (ALC) system for England and Wales. The RPS report (dated September 2018) provided details of the detailed ALC survey that was carried out in November 2017. The report concluded that the site consisted of Grade 3b and Grade 4 *“representing some of the poorest quality agricultural land in West Somerset”*.

10.2.9 The tenant farmers who farm the site instructed Luscombe Maye to carry out a survey (June 2018) of the land in terms of land classification. The Luscombe Maye report concluded that the land was defined as Grade 2 and 3a and is therefore the best and most versatile agricultural land, as defined within the NPPF.

10.2.10 Due to the potential dispute and discrepancies between the two reports, Somerset West and Taunton Council (SWT) commissioned Mott MacDonald in 2022 to undertake a review of the RPS report, as SWT did not have this expertise inhouse. It should be noted that the technical brief before appointment was to carry out a technical review of the RPS report and a spot check survey onsite. It was not expressly the aim to carry out a comprehensive survey of the whole site. However, Mott MacDonald selected borehole locations across the whole site to submit for laboratory analysis to gain a representative sample. The aim of this technical review was not to provide a specific grading of the site, but they concluded that areas of the site could have been miscalculated and gradings could therefore be Grade 3a and 3b. The potential errors related to soil textures throughout the report being incorrect and that no gleyed soils (that might impede drainage) anywhere on the site.

10.2.11 The agents have been given the opportunity to revisit the information that was submitted in support of this planning application and have submitted further information in relation to the Agricultural Land Classification reports, the most recent of which has been the 28th February 2023. This additional information has been in the form of commentary notes and/or rebuttals raising additional points of clarification, rather than revisiting the original survey and results undertaken in 2017 and 2018. They stand by their original findings and consider that the site has been correctly identified as Grade 3b and 4.

10.2.12 Natural England have objected to the scheme on the basis that they consider that the submitted ALC survey cannot be considered sufficiently robust for the purposes of planning.

10.2.13 Quantock Hills AONB and the Parish Council have also raised an objection on the grounds that they consider the RPS soil analysis to be flawed, as shown by the Luscombe Maye and Mott MacDonald reports.

10.2.14 Taking into account the submission of the Luscombe Maye report, on behalf of the tenant farmers and the independent review of the RPS report carried out by Mott MacDonald, on behalf of the Local Planning Authority it is the Local Planning Authority's view based on all of the factual information that has been presented by all parties that there may be areas of the site that can be classified as Grade 3a, therefore being classed as Best and Most Versatile Agricultural Land.

10.2.15 Draft NPS EN3 is a relevant material consideration for the purposes of planning, although it should be noted that it currently has limited weight at its consultation stage, compared to adopted planning policy. It states that *“land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible)”* (Para.3.10.14).

10.2.16 It further states that *“Whilst the development of ground mounted solar arrays is not prohibited on agricultural land classified 1, 2 and 3a, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered”* (Para.3.10.15).

10.2.17 The Draft NPS EN3 recognises that the development of solar PV may use some agricultural land and applicants are therefore required to explain their choice of site. The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England.

10.2.18 Policy NH8 (Protection of Best and Most Versatile Agricultural Land) of the adopted Local Plan states that *“the best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from significant development proposals. Planning permission for development affecting such land will only be granted exceptionally if the presumption in favour of sustainable development outweighs the need to protect it and either:*

- *Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable in an appropriate location to provide sustainable development; or*

- *Available lower grade land has an environmental value recognised by a statutory or non-statutory wildlife, historic or archaeological designation which outweighs the agricultural considerations.*

If best and most versatile land needs to be developed and there is a choice between sites in different grades, land of the lowest grade available should be used”.

10.2.19 Therefore, development on this type of agricultural land shall only be granted on an exceptional basis if the presumption in favour of sustainable development outweighs the need to protect it.

10.2.20 It should be noted that this proposed development is temporary in nature, albeit for forty years and, for the purposes of planning, this has a weighting when assessing the compliance of this scheme with Policy NH8. It would not be a permanent and total loss of land. The majority of the land could continue in agricultural use during the operation of the solar farm, although this would not be in line with its current agricultural use as arable land.

10.2.21 Site selection is also relevant to the question of whether best and most versatile land needs to be developed. As set out in Section 10.3 below a site selection process has been carried out which has ascertained that this site could be suitable for solar PV as it is located outside of the boundaries of the Exmoor National Park and Quantock Hills AONB. This site, whilst having character associated with the Washford River valley is undesignated from a landscape perspective.

10.2.22 Conflict with part of a policy does not necessarily mean conflict with the whole policy and should not automatically be considered a conflict with the development plan as a whole. The proposed development is considered to contribute towards sustainable development and it is a type of development that is nationally supported through EN-1 and the NPPF.

10.3 Site selection

10.3.1 The Local Plan does not allocate sites for renewable energy schemes but Policy CC1 seeks to ensure that appropriate mitigation of adverse impacts and optimisation of beneficial impacts arising from energy generating proposals is provided.

10.3.2 The NPPF also does not provide specific locational requirements and therefore the NPPG is used to provide guidance. The NPPG states that locating such development will need to take account of the technical requirements of the technology to include proximity of grid connection infrastructure and site size (Para.

006 Reference ID: 5-006-20140306) with consideration to also be given to possible physical and environmental impacts (Para: 013 Reference ID: 5-013-20150327).

10.3.3 The applicant and agent has undertaken a site selection exercise to identify suitable locations for solar development to meet demand within the network area.

10.3.4 The site selection process considered several planning policy, environmental and technical criteria including:

- the availability of utilities and viability of a grid connection;
- land availability;
- compatibility with national and local planning policy;
- preference for previously developed land or industrial settings;
- visual impact, and
- proximity to community sensitive locations and areas of designated environmental significance.

10.3.5 Whilst need for the development does not need to be demonstrated, information submitted in support of the planning application has sought to explain the reason for the site location and indicates that in determining the location of this proposal, one of the primary factors is to ensure that there is close availability to an existing national grid point location. Through discussions with the District Network Operator (DNO), demand for additional energy generating capacity was identified and the Bowhays Cross Substation is located approximately 800m from the site.

10.3.6 A stage of the site selection process was to discount any statutorily designated land such as Green Belt, Areas of Outstanding Natural Beauty (AONB), National Parks, Sites of Special Scientific Interest, National and International Habitats sites, designated Heritage Assets etc. and land allocated for development within the extant and emerging Plans. The site is located outside of any sensitive designations.

10.3.7 Representations to the application have raised concerns as to why this proposed site has been selected, over any others that may be suitable (including the use of previously developed brownfield land, poor quality agricultural land or on the rooftops of buildings). The method of site selection is set out above and there is no requirement in Policy CC1 to demonstrate any 'sequential approach' to site selection. The matter of seeking and presenting alternative sites cannot be afforded significant material weight in the planning balance and this scheme need to be determined on its individual merits.

10.3.8 The benefits towards a net-zero carbon future, which is the aim of the Government by 2050, must be given substantial weight, as must its contribution towards sustainable development due to its opportunity to meet the environmental role of sustainable development.

10.3.9 Whilst the loss of best and most versatile land would have an impact on the production of food on the site, the proposed development would provide significant benefits as described above. It is considered that the loss of best and most versatile land cannot be considered a reason, on its own to refuse the application under Policy NH8 of the adopted Local Plan.

10.4 Design of the proposal and the impact on the character and appearance of the landscape

10.4.1 The NPPF emphasises that achieving high quality design is fundamental to achieving good planning and development. In placing an emphasis on quality, there is a requirement to apply the National Design Guide to guide decisions in the absence of locally adopted design guides and codes. The National Design Guide however refers more specifically to the creation of new built environments with no reference to the design of infrastructure schemes and proposals for renewable energy.

10.4.2 The substation and control building compound will accommodate all of the necessary equipment to enable the solar farm electrical system to be controlled, monitored, metered and connected to the network. The building (approximately 6m in length, 3.2m in width and 3.4m in height) is prefabricated and functional in nature and situated on a concrete foundation.

10.4.3 Whilst this proposal would accommodate battery storage, the twelve units are functional in nature with limited opportunities to influence the external design. A condition has been proposed to ensure that the Local Planning Authority have control over the final external materials and colours.

10.4.4 Cumulatively the equipment and associated infrastructure will materially change the appearance of the site for the lifespan of the project but has been designed to make efficient use of the land and respond to site constraints and the relationships to structures, landscape features, residential properties and heritage assets.

10.4.5 It is nationally recognised that energy projects will have an inevitable impact on the landscape therefore the acceptability of a project has to have regard to the quality of that landscape and its capacity to accommodate change. The adopted

Overarching National Policy Statement for Energy (EN-1) in particular states that when *‘having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.’* EN-1 advises that a judgement is to be made as to *‘whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project’* having regard also to whether the project is temporary and/or capable of being reversed. Policy NH14 (Nationally Designated Landscape Areas) highlights that *“where development is likely to affect the Quantock Hills AONB or Exmoor National Park, regard will be had to their statutory purposes”*.

10.4.6 The Planning Practice Guidance (Para 013 Reference ID: 5-013-20150327) similarly requires consideration of the visual impact of solar farms (noting that ground mounted solar panels are likely to have a reduced zone of visual influence than other energy generation projects) and to the potential to mitigate landscape and visual impacts. The emphasis at the national level is to mitigate identified impacts to an acceptable level rather than stipulating that all impacts have to be removed in their entirety.

10.4.7 The site does not lie within any nationally designated landscape areas or historic landscape areas. However, it should be noted that Exmoor National Park is located approximately 2km to the south and Quantock Hills Area of Outstanding Natural Beauty (AONB) lies approximately 4.5km to the east. Policy NH14 further states that *“applications for development should have regard to location, siting, orientation and landscaping to achieve high quality design and to ensure that the proposals conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB or the National Park and their settings”*. A key consideration is that Policy NH14 states that development that *“would conflict with the achievement of the statutory purposes of the AONB or the National Park, or their settings or which would adversely affect the understanding or enjoyment of the national park’s special qualities, will not be permitted”*.

10.4.8 This policy provides for the appropriate consideration of functional and design issues in locations outside, but that would impact upon, nationally designated areas and their associated landscape characteristics. Development in the areas outside of, but surrounding/adjoining, nationally designated land landscape area, will be assessed in the context of its impact on the designated area itself, not the setting.

10.4.9 The Quantock Hills AONB have objected to the scheme as they consider it is important that where long views from or to the designated landscape are identified

as important, development within the settings of these areas need sensitive handling that takes these potential impacts into account.

10.4.10 A revised addendum to the Landscape and Visual Appraisal (which included additional photomontages and the assessment of additional viewpoints along with further information that sought to address the concerns, raised in the objections, from Exmoor National Park Authority, Quantock Hills Area of Outstanding Natural Beauty (AONB)) was submitted in August 2022 and January 2023. However significant concerns remain, notably in relation to the Mineral Line footpath and the long-distance views from Exmoor National Park.

10.4.11 Reference has been made to the existing Higher Bye Farm which is a 13-hectare solar park to the west of the proposed site. This existing site can be viewed from a number of the long-distance viewpoint locations referred to in the Landscape and Visual Assessment. Quantock Hills AONB have specifically made reference to its visibility from Beacon Hill on the Quantock Hills, which is a very popular location for visitors and the local community.

10.4.12 Paragraph 176 of the NPPF states that development within their (i.e. *National Parks, the Broads and Areas of Outstanding Natural Beauty*) setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Exmoor National Park have raised strong reservations about the anticipated harm that this proposal may cause to the setting of the National Park and has asked that the Local Planning Authority takes due consideration of this when making a decision. The Quantock Hills AONB considers that the proposed development would cause significant harm to the Protected Landscape and has asked that the Local Planning Authority takes due consideration of this.

10.4.13 National Planning Practice Guide (Natural Environment) advises that *“land within the setting of these areas often make an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complimentary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account”*.

10.4.14 With regard to the Old Mineral Line Public Right of Way (PRoW) (Representative Viewpoint 8 in the revised LVA), it should be noted that the path is to become designated as the England Coast Path, a change that will result in the path being used by additional visitors to the area. The England Coast path is a new

national trail that will eventually follow the entire coast of England. The path is being opened in sections but will, when completed, be the longest coastal path in the world at approximately 2,800 miles. The England Coast path is open in Somerset between Brean Down and Minehead (approximately 58 miles) before connecting at Minehead with the South West Coast Path (SWCP). The England Coast Path has been diverted alongside the Washford River and the West Somerset Old Mineral Line, as the Coast Path at Cleeve Hill in Watchet has been closed for safety reasons following an inspection of the cliffs on the route. The new alternative route is now signposted from Mill Street in Watchet, re-joining the trail on the B3191 at Daw's Castle.

10.4.15 There also remains a concern that the development will have an adverse effect on a number of views from the surrounding landscape, notably within the Exmoor National Park (Representative Viewpoints 17-19) at Nettlecombe and the PRoW on the lane to the north of Washford. In this case, it had been recommended by landscape officers that further mitigation should be sought to reduce the scale of change in the landscape that would lessen the adverse effects to a much lower level. Further revised landscape proposals (Drawing No: A13 Rev.E) were provided by the agent on the 11th April 2023 seeking to provide additional screening from public viewpoints along the temporarily diverted section of the England Coast Path.

10.4.16 Consultee responses have raised concerns over the existing impact of the Higher Bye Farm Solar PV site, to the west of the application site and cumulative impacts of this new proposal on long distance viewpoints from designated areas. It should be noted that the solar farm at Higher Bye Farm sits higher in the landscape than this proposal, at approximately 50-70m AOD.

10.4.17 On the 26th September 2022, an independently chaired Somerset West and Taunton Quality Review Panel (QRP) meeting was held to discuss the proposals. This QRP was held as it was felt that the existing landscape is regarded as being attractive and of inherent value. The site also provides a setting for the nationally valued landscapes of Exmoor National Park and the Quantock Hills Area of Outstanding Natural Beauty. There are two heritage assets within the site, and several designated assets nearby. The Local Planning Authority (LPA) requested the panel's views on the landscape and visual impact of the scheme.

10.4.18 The independent QRP supported the principle of investment in renewable energy, which is in line with the Council's climate change commitment. It was also confident that the applicant followed best practice processes in producing a landscape and visual appraisal. It also broadly agreed with its conclusions. However, it considered that further information was required on the proposed mitigation

measures, including how they will impact on key views. The independent QRP also encouraged the applicant to further develop the landscape design proposals to reduce the visibility of the proposal in views from the surrounding landscape.

10.4.19 The independent QRP also recommended that careful consideration should be given by the applicant when explaining how the scheme differs to the nearby scheme at Higher Bye Farm, which does appear prominent due to its topography and to provide assurances that the proposal will not have a comparable or cumulative adverse impact. This was considered particularly important for views from Beacon Hill (Representative Viewpoint 1 in the LVA) within the Quantock Hills AONB, which would be highly sensitive to changes in view.

10.4.20 Following the QRP process, the agent for the scheme provided a revised addendum to the Landscape Visual Appraisal, which statutory consultees and interested parties were consulted on in January 2023. This additional information included alternative viewpoints, additional photomontages, additional mitigation and assessments of the impact of the proposed development on views from the diverted England Coastal Path (Mineral Line).

10.4.21 In conclusion on this issue, the proposed development will have impacts on the both the local landscape character and visual amenity of the area. However, this proposed site has been selected as it is not within a designated area (i.e. National Park of Area of Outstanding Natural Beauty (AONB)). New landscaping secured through planning conditions would mitigate the impact on the Public Right of Ways to an acceptable level.

10.5 Designated Heritage Assets

10.5.1 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker, when considering whether to grant planning permission for development which affects a listed building or its setting, shall pay special regard to the desirability of preserving the building or setting or any features of special architectural interest which it possesses. The framework defines the setting of a heritage asset as the surroundings in which the asset is experienced. The site is not situated within or adjoining and Historic Landscape Areas.

10.5.2 There are no Scheduled Monuments within or adjoining the site. However, there are several scheduled monuments surrounding the site. The proposal has been assessed as it has the potential to affect a range of designated and non-designated heritage assets found outside of the site including the following:

- **Daws Castle** - remains of a fortified Saxon site known as Daws Castle (National Heritage List Entry No 1020882) is approximately 800m from the northern boundary of the application site.
- **Battle Gore** - Prehistoric round barrow cemetery known as Battle Gore (National Heritage List Entry No 1019032) located on the north-western outskirts of Williton.
- **Cleeve Abbey** - The Cistercian abbey and precinct at Cleeve (National Heritage List Entry No 1014824) is located approximately 500m to the south-west of the site.
- **St. Decuman's Church** - 15th century Church of St Decuman (National Heritage List Entry No 1057662) is located on the edge of an escarpment overlooking the Washford River Valley and is Grade 1 Listed.
- **Kentsford Farmhouse** - A range of Grade II* listed buildings located approximately 165m northwest, at the nearest point.

10.5.3 Technical specialists appointed on behalf of the applicant consider that there will no impact on the setting of any scheduled monument, with the exception of Daws Castle.

10.5.4 Daws Castle is approximately 1km to the west of the medieval port of Watchet and is prominently located on the cliff edge approximately 80m above Warren Bay in the Severn Estuary and the impact of the proposed development on this setting of this nationally important monument is a visual one. Its construction in this location would have been to provide extensive views out to sea, with less significant inland views and the landscape at the time would have been very different to the modern agricultural landscape. The proposal was assessed to have a 'negligible' effect on its setting. Kentsford Farm House, historically would have been the secondary property to the Grade 1 listed Orchard Wyndham, located near Williton. Kentsford had been utilised by younger family members as their place of residence and this resulted in the high-status interior present within the property, including fine plaster ceilings. Historic England have noted that the farmhouse has declined in grandeur over the subsequent centuries but has retained some of its former status, through its former ancillary farm buildings. The stables and the lincay have been listed in their own right at Grade II. It is concluded that the proposal would result in less than substantial harm to the significance of Kentsford Farmhouse as a listed building. As such the proposal should be assessed in accordance with Paragraph 202 of the NPPF, where public benefit is considered.

10.5.5 The 15th century Church of St Decuman and its tower with prominent stair turret forms a clear landmark within its surrounding, acting as both a possible marker

for navigation of the Bristol Channel as well as a reference point within the wider rural hinterland and Watchet village. Due to its special interest the church is listed at Grade I, its prominent setting contributes positively to that significance.

Conservation Officers within Somerset Council have concluded that there will be ‘less than substantial harm’ caused to the setting of St Decumans Church and the transmitter station and the proposal should be assessed in accordance with Paragraph 202 of the NPPF where public benefit is considered. They recommended that Historic England were notified of the development.

10.5.6 Battle Gore is located on the north western outskirts of Williton and includes five barrows, three of which survive as earthworks and two as ring ditches. The barrows are of late Neolithic to Bronze Age. It is not considered that this proposed scheme would produce significant visual effects to the setting of these barrows. Cleeve Abbey would not experience any significant visual effects to its setting due to the degree of separation and the settlement of Washford being located in between.

10.5.7 Historic England have raised an objection due to the potential for the scheme to harm the significance of several highly designated and nationally important heritage assets due to this development within their setting.

10.5.8 Historic England consider that the proposed development would have a harmful impact on the setting of the highly designated heritage assets through transforming the baseline historic setting from open rural farmland to a large solar farm.

10.5.9 NPPF refers to the conservation and enhancement of the historic environment in Section 16 and Paragraph 195 refers to the conservation of heritage assets and notes that effects can arise from both a physical changes and a change in setting.

10.5.10 Historic England outlines that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that can be enjoyed for their contribution to the quality of life of this and future generations (NPPF para. 189). Historic England stated that their *“concerns cannot be overcome by providing further information, reducing the scale of the proposed solar array of by any additional mitigation in terms of planting”*. Somerset Council has taken this representation into account and sought further information from the agent which the Council has reconsulted upon. Historic England have maintained their objection on the basis of impact of the proposal on the setting of heritage assets.

10.5.11 It is noted that heritage assets are an irreplaceable resource and should be conserved, in accordance with Paragraph 189 of the NPPF. This proposal is for a

temporary installation and will not permanently alter the significance of the heritage assets in the immediate area.

10.5.12 In relation to archaeology, and based on the known archaeological remains that are presently recorded in the vicinity, the potential for remains has been assessed as ‘high’ for the Prehistoric and Roman periods, specifically within the northern part of the site. For the early Medieval and Medieval periods, the potential has been assessed as low. For the post medieval period, the potential has been assessed as low.

10.5.13 South West Heritage Trust reviewed the submitted Heritage Impact Assessment (HIA) and concluded that as the potential for archaeological remains is high, a programme of suitable mitigation to include appropriate excavation could be required. The HIA suggests a geophysical survey and trial trenching which can be controlled by way of a condition.

10.5.14 The NPPF places great weight upon the conservation of designated heritage assets with any harm to, or loss of, the significance of a designated heritage asset or from development within its setting requiring clear and convincing justification. The representations have submitted particular concerns as to the impact of the development upon the setting of Daws Castle, Kentsford Farmhouse and St. Decuman’s Church within the surrounding vicinity of the site and also upon the archaeological potential within the site itself.

10.5.15 In considering the impact of development on heritage assets, the NPPF at Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation regardless of whether the potential harm amounts to substantial or less than substantial harm to the significance. The level of harm to both designated and non-designated heritage assets has been assessed based on the significance of the assets and determined to be of less than substantial harm in relation to the impact on Kentsford Farmhouse and to the setting of St. Decumans Church with mitigation additionally proposed in terms of additional planting. Notwithstanding this, where development comprises even less than substantial harm, the NPPF at Paragraph 200 requires that any harm should require clear and convincing justification. NPPF Paragraphs 202 and 203 then require this harm to be weighed against the public benefits of the proposal.

10.5.16 In this instance, the main public benefits of the proposed development derive from the contribution towards generating energy from a renewable source across a temporary period. This weighs significantly in favour of the proposal when having

regard to the Government directions to nationally achieve net zero carbon by 2050. Further benefits are also derived from biodiversity net gains and additional landscaping.

10.5.17 Cumulatively there is clear and convincing justification in favour of the development. However it is also noted that the development has been identified raising harm to the significance of heritage assets, although the level of harm is assessed as less than substantial. Whilst this is still afforded considerable weight and importance, the impact would be temporary and for only a short period in the overall age and lifespan of the heritage assets. In accordance with Paragraphs 202 and 203 of the NPPF, it is therefore considered that the limited harm identified to significance through changes in their setting, whether balanced on an individual basis or cumulatively, is outweighed by the public benefits of contributing towards net zero carbon.

10.5.18 Therefore, having regard to the duties of Section 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 the proposal is considered acceptable in this regard. The proposal is also considered to be in accordance with Policies NH1, NH2 and NH5 of the West Somerset Local Plan.

10.6 Transport and access

10.6.1 It is proposed that vehicles would enter the site via an existing gated access junction from the A39, approximately 230m to the west of the junction with the B3190. Vehicles would then exit the site from a second access location, an existing gated access on the eastern access of the site off the B3190, approximately 690m north of the A39.

10.6.2 Internal tracks will be provided within the site to provide access for construction vehicles and the maintenance of the site. The tracks will be akin to agricultural tracks and be constructed of permeable materials, such as crushed stone, loose bound gravel or 'EVE TUFF' track temporary road system. These internal tracks have been positioned to limit the number of field boundary boundary crossings or impacts on existing vegetation and hedgerows.

10.6.3 The majority of the traffic associated with the proposal will be experienced during the construction phase. The site preparation phase will allow the site to receive delivery of equipment and establish areas for equipment storage and temporary prefabricated site offices.

10.6.4 It is estimated that an average of three HGV's will visit the site per day over the 16-week construction period. However, this will fluctuate depending on the construction stage.

10.6.5 The scale and volume of vehicle movements associated with the construction phase of the development is not considered to have any significant impacts on the operation of the local highway network. It is anticipated that the majority of deliveries will be made via low loader vehicles and rigid HGV's.

10.6.6 Somerset County Council Highways Development Control and National Highways (Highways Development Management) have raised no objections to this scheme.

10.6.7 A Construction and Traffic Management Plan (CTMP) has been prepared by RPS and provides information to ensure that the proposed works are organised and delivered in a manner that mitigates and safeguards the highway impact, highway safety and amenity of the area surrounding the site.

10.6.8 It is considered that the measures and control processes outlined in the CTMP are proportionate and appropriate to overcome the identified constraints associated with the proposed site. A condition is proposed to ensure that works are carried out in accordance with the CTMP.

10.7 Ecology/Environment

10.7.1 The closest statutory nature conservation designations (local, national or international) is Cleeve Hill Site of Special Scientific Interest (SSSI) located 375m to the north. The site also adjoins two Local Wildlife Sites (LWS). The Furzy Ground Local and County Wildlife Site is located immediately adjacent to the east of the site and the River Washford LWS adjoining a field corner on the western boundary.

10.7.2 A preliminary Ecological Appraisal (PEA) of the site has been undertaken by the agent, on behalf of the applicant. The Ecological Impact Assessment confirms that the majority of the site is arable farmland of negligible ecological importance with remaining land forming improved or semi-improved grassland. The field hedgerows demarcating the site, whilst being species poor, are however considered to be habitats of 'Principal Importance' for the conservation of biological diversity in England under Section 41 of the Natural Environment and Rural Communities Act 2006.

10.7.3 Somerset Council Ecologists have provided no comments on this planning application and Somerset Wildlife Trust are supportive of the mitigation measures proposed by the applicant.

10.7.4 Natural England considered that on the basis of the plans submitted, the proposed development would not have likely significant effects on the Exmoor and Quantocks Oak Woodlands Special Area of Conservation. The proposed scheme is located outside the Bat Consultation Zones for the Quantock Hills (approximately 1.5km) and Exmoor (approximately 6.9km).

10.7.5 Natural England sought to ensure that the Local Planning Authority tested the proposal against national and local policies and be guided by Paragraphs 176, 177 and 180 of the NPPF.

10.7.6 However, Natural England still have an outstanding objection in relation to this scheme as they thought that the submitted ALC survey could not be considered to be a sufficiently robust tool for planning.

10.7.7 Taking into account Paragraphs 176, 177 and 180 of the NPPF, the Local Planning Authority consider that this proposed scheme is in accordance with Policy NH6 of the West Somerset Local Plan as it will not generate unacceptable adverse impacts on biodiversity and the development will not directly affect European or internationally designated sites.

10.8 Biodiversity Net Gain (BNG)

10.8.1 Policy NH6 requires that development will not generate unacceptable adverse impacts on biodiversity, and seeks to ensure a net gain where possible, enhancing and restoring the ecological network within West Somerset. With the Environment Act 2021 (the 2021 Act) receiving Royal Assent, changes have been made to the Natural and Rural Communities Act 2006 placing a statutory duty on public authorities to have regard to in the exercise of their functions (including planning), to the purpose of conserving *and enhancing* biodiversity. The 2021 Act also sets a clear direction of travel for national policy to secure a 10% biodiversity gain from all new developments. As such, combined with existing policy, we should be expecting the proposal to deliver a biodiversity gain, aiming towards a 10% gain. As stated above, this, combined with an appropriate management plan may help to ameliorate concerns about loss of agricultural land. Further, this approach can help to guide an ecologically and landscape-character appropriate response to any landscape and visual impact mitigation.

10.8.2 The applicant commissioned RPS to undertake a Biodiversity Net Gain (BNG) Assessment. BNG is the result of a process applied to a proposed development so that, overall, there is a positive outcome for biodiversity. The BNG assessment provides a comparison of the values (as defined in the BNG habitat scores) of the existing site and following development with reference to elements of habitat creation/enhancement and the future management of the site. The site consists of arable land which covers approximately 37.19ha.

10.8.3 The existing hedgerows will be retained and protected. A total of approximately 1.70km of new native species hedgerow will be planted within the site and managed to be in 'good' condition. The hedgerows will comprise a mixture of native shrubs and trees and will be maintained at a width of 2-4m and a height of 3-4m.

10.8.4 A Tree Survey and Arboricultural Impact Assessment and Method Statement (December 2021, Ref: JSL4025_770) has been submitted by RPS, in support of the planning application. This comprehensive tree survey was completed in accordance with BS standards (BS5837:2012) and concluded the proposed scheme had minimal arboricultural impacts. The scheme proposes new tree planting in the area which provides some habitat gain and also the opportunity to provide some additional screening to the western boundary where glimpses of the proposed development may be visible from the temporarily diverted England Coast Path.

10.8.5 Following habitat creation and enhancement, the biodiversity net gain for habitat, hedgerows and river units will increase as follows:

- The habitat unit score will increase from 87.54 to 191.77 habitat units, providing an overall total on site net change of 119.06%
- The hedgerow unit score will increase from 24.49 to 39.50 hedgerow units, providing an overall total on site net change of 61.27%
- The river unit score will increase from 11.88 to 12.20 river units, providing an overall total on site net change of 2.71%

10.8.6 Under the 2021 Act, all planning permissions granted in England will have to deliver at least 10% biodiversity net gain but this will be a requirement from November 2023 and is not mandatory yet. However, the Biodiversity Net Gain Assessment concludes that the proposal would considerably exceed the 10% biodiversity net gain objective of upcoming legislation.

10.8.7 Policy NH6 (Nature Conservation and the Protection and enhancement of Biodiversity) of the West Somerset Local Plan seeks to ensure that the proposed

development will not generate unacceptable adverse impacts on biodiversity. The Local Plan seeks a net gain in biodiversity and therefore this proposed development complies and is in accordance with Policy NH6.

10.9 Flood Risk and Drainage

10.9.1 A Flood Risk Assessment was submitted in support of the planning application. In accordance with the NPPF, the proposed scheme is classified as ‘essential infrastructure’ using the flood risk vulnerability classification.

10.9.2 The site is primarily located within Flood Zone 1 with small areas of the site boundary located in Flood Zone 3. However, all of the proposed infrastructure will be wholly located within Flood Zone 1. Surface Water flood mapping indicates that the majority of the site is at ‘very low’ risk of flooding. Other areas within the site are defined as being at low to high risk of surface water flooding.

10.9.3 It should be noted that site topography enables surface water runoff to run in an east to west direction. The north eastern corner of the site is approximately 44m Above Ordnance Datum (m AOD) with the north western corner laying at approximately 28 m AOD. However, the southern boundary ranges between 39m AOD and 44m AOD.

10.9.4 It is therefore considered that there is no conflict with Local Plan policy and this element of the scheme is in accordance with Policy CC2 of the West Somerset Local Plan, which seeks to ensure that proposals are located to mitigate against and, and to avoid increased flood risk elsewhere.

10.10 Glint and Glare

10.10.1 The NPPG advises that an application for large scale solar farms should give consideration to the potential for the effects of glint and glare on the landscape, neighbouring uses and aircraft safety. Glint may be produced as a direct reflection of the sun in the surface of the photovoltaic (PV) solar panel to cause viewer distraction such as flashes of bright light. Glare however is a continuous source of brightness as a reflection of the bright sky around the sun, rather than a direct reflection of the sun and tends to be more continuous. For any given location, these effects are likely to occur only for periods of the year when the sun is at a particular angle.

10.10.2 The solar panels to be installed comprise silicon based photovoltaic cells encased in a glass covering and coated with an anti-reflective surface. This enables the sunlight falling onto the PV panels to be transmitted to the cell beneath the glass therefore giving off minimum reflection. The panels are therefore understood to be

less reflective than surfaces such as water, snow or glass buildings. This ensures maximum efficiency of the PV cell given that the greater the amount of light captured, the greater the amount of electricity that can be produced.

10.10.3 To consider the impacts of glint and glare, the application was accompanied by a Glint and Glare Assessment to assess the possible effects of the development upon surrounding road users, nearby properties, the railway line and aviation. This assessment indicates that whilst reflections are possible, the existing vegetation would mitigate the impacts to block views of reflective areas. No adverse harm is therefore considered to arise in terms of glint and glare.

10.11 Security and Lighting

10.11.1 The site would be enclosed by fencing and sensor activated infra-red cameras on perimeter posts (approximately 3m in height) to provide security for the site and to prevent theft and criminal damage during the construction and operational phases of the site. The use of technology will avoid the need for lighting on the site and a condition has been proposed to control this.

10.11.2 Avon and Somerset Constabulary (Police) have been consulted to advise on crime prevention and have commented on some of the design of the proposal including perimeter fencing, vehicular access, landscaping/planting and electronic security measures (i.e. motion-activated passive infra-red (PIR) security cameras which avoids the need to additional lighting on the site). The Crime Prevention Design Advisor from Avon and Somerset Police raised no objection.

10.12 Operational Life and Decommissioning

10.12.1 Recognition that solar arrays are temporary structures and can be removed and the land restored to its previous use is given within the NPPG. Planning permission is therefore sought for a temporary use of the land with the proposed solar PV installation having an operational period of forty years which is commensurate with other solar PV schemes coming forward in England. The forty-year timescale reflects technical advances in the longevity of solar panels but also the contribution UK Government expects solar generated electricity to the national energy supply. Should the promoter of the scheme wish to continue operating beyond the forty-year period, then a further planning application would need to be submitted at that time and considered on the material considerations, applicable at the time.

10.12.2 At the end of the life of the scheme (whether this is within the forty-year timescale proposed or earlier), the applicant can decommission the site. The proposed scheme has been designed to be fully reversible, therefore enabling the

removal of all structures, ground fixings and concrete foot/supports and the land to be reinstated to its predevelopment condition (i.e. agricultural land).

10.13 Other matters

10.13.1 Particular concerns have been raised through the representations received as to the impact the potential approval of this proposed development would have on the tenanted farms. It should be noted that planning permission runs with the land as opposed to named applicants, landowners or operators.

10.13.2 Whilst Officers are acutely aware that the impact this proposed scheme may have on the livelihoods of the two tenant farms affected is an emotive issue within the local community, these individual personal circumstances can be afforded little or no weight in the planning balance.

10.13.3 This proposed development comprises of a temporary installation of a solar PV scheme to operate over a forty-year lifespan and would be conditioned as such. There would be no permanent or irreversible loss of agricultural land and therefore this is a material planning consideration that is afforded weight.

10.13.4 Impact on tourism - Concern has been raised that the development could have a negative impact on the local tourism offer. This is due the sites proximity to the A39 and B3190 as key access routes to Minehead, Watchet and the surrounding area. Given that the location is within an undesignated area, it is not considered that there has been any substantive evidence to demonstrate that a solar farm in this location would have such a negative impact upon local tourist trade or appeal.

10.13.5 A consultee within the local community has raised concerns regarding the potential safety issues that may arise from siting a Battery Energy Storage System (BESS) and the potential for increased risks from fire.

10.13.6 The Local Planning Authority have spent considerable time researching this matter and the HSE have advised that BESS proposals are typically not a relevant development in relation to land use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is due to them not introducing people into the area.

10.13.7 The HSE's advice also steers the Local Planning Authority towards consulting HSE's Explosives Inspectorate if the site is within a safeguarding zone for a HSE licensed explosives site and consulting the Office for Nuclear Regulation (ONR) if the site is in the vicinity of a nuclear site. The ONR have been consulted and confirmed in their response that they have no comments to make on the application as the site

is not within an explosives safeguarding zone of the vicinity of a nuclear site. Hinkley Point A and B, and the construction of Hinkley Point C, are approximately 14.5km from the application site. The HSE's advice also recommends contacting the operator if the site is over a major accident hazard pipeline, or the site is adjacent to a control of Major Accident Hazards (COMAH) establishment.

10.13.8 Notwithstanding this and common to other sites for solar PV, it appears reasonable to include a condition requiring a detailed Battery Safety Management Plan (BSMP) to be submitted to and approved by the Local Planning Authority, prior to implementation of the BESS.

10.13.9 The site is in close proximity to a gas pipeline. Due to this, the Local Planning Authority have consulted Wales and West Utilities, who have confirmed that the applicant will need to contact Wales and West Utilities, if the proposal is approved. They have not raised an objection to the scheme.

10.13.10 Wessex Water originally raised no objections to the proposal, subject to them having access. It then raised an objection at the beginning of the year once it became apparent that a trunk main is located on the southwestern area of the proposed site. RPS, as agents provided an updated layout plan and landscape proposal plan (the last revision being received in April (11th)). Wessex Water have an outstanding holding objection in relation to this scheme at the time of writing this committee report. Officers will provide a verbal update if this issue has progressed and/or been resolved.

10.13.11 Underlying all these matters is that fact that other regimes operate in this field to regulate the safe operation of such installations. National Policy is clear that the focus of planning decisions should be on whether a proposal is an acceptable use of land, rather than the control of processes where these are subject to separate regimes. Planning decisions should assume that these regimes will operate effectively.

10.13.12 Food security – Multiple representations have raised objections due to the impact that this type of development may have on food security for the country. In addition, notable concern has been raised regarding the loss of the land for the proposed scheme particularly when having regard to current global socio-economic factors affecting national food production.

10.13.13 However, it should be noted that there is also a need for energy security and there is a clear drive, from a policy perspective at the national level, to move towards a renewable energy network. The single biggest threat to food security in the UK is

climate change and therefore there is a very fine balance to be struck between the existing and proposed uses of the site. It needs to be taken into account that the proposed use contributes towards sustainable development and is supported by the NPPF and the adopted Local Plan when taken as a whole.

11. Planning balance and conclusion

11.1 The principle of development is considered to be compliant with Policy SD1, the overarching policy in the Local Plan, and it complies with the Local Plan when taken as whole given that the development plan supports a move towards renewable energy.

11.2 The scheme is also supported national planning and energy policies. It is noted that the proposal would lead to a loss of an area of best and most versatile agricultural land, but the report sets out the reasons why it is considered that, on balance, this particular proposal cannot be refused under Policy NH8 of the Local Plan.

11.3 The proposed development would be sited on high quality agricultural land. However it should be noted that Solar PV proposals are classified as ‘temporary installations’ ensuring that there would be no permanent or irreversible loss of high quality agricultural land with the ability to potentially provide a less intensive agricultural activity on the site being retained. The proposal therefore accords with the National Planning Policy Framework (2021) and Policy NH8 of the West Somerset Local Plan.

11.4 The proposed development will have impacts on the both the local landscape character and visual amenity of the area but this proposed site has been selected as it is not within a designated area (i.e. National Park or Area of Outstanding Natural Beauty (AONB)). New landscaping secured through planning conditions would mitigate the impact on the Public Right of Ways to an acceptable level whilst delivering a form of energy from a renewable resource in accordance with Policy CC1. The development would therefore contribute towards addressing the reliance on fossil fuels and offsetting associated environmental impacts.

11.5 The proposal would conserve and enhance the biodiversity value and nature conservation interests of the site providing measurable net biodiversity gains. The proposal would therefore comply with the National Planning Policy Framework and Policy NH6 of the West Somerset Local Plan.

11.6 The proposal would result in less than substantial harm to the significance of Kentsford Farmhouse as a listed building and the setting of St Decumans Church.

The harm is balanced by the benefits of the proposed development in accordance with the NPPF. Having regard to the duties of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the less than substantial harms is considered acceptable when balanced by the public benefits in accordance with the NPPF and is acceptable in this regard, in accordance with Policy NH1 of the West Somerset Local Plan.

11.7 Subject to conditions, the development would also not give rise to adverse impacts upon archaeological potential within the site. The proposal would therefore comply with the NPPF and Policy NH1 of the West Somerset Local Plan.

11.8 The proposed development would not generate an unacceptable impact on highway safety subject to conditions and would provide adequate access and egress to and from the site in accordance with highway requirements. The proposal would therefore accord with the NPPF and Policy SD1 of the West Somerset Local Plan.

11.9 Appropriate consideration has been given to matters of flood risk and drainage to ensure that the development would not give rise to new risk to property or the environment. The proposal accords with the NPPF and Policy CC2 of the West Somerset Local Plan.

11.10 The proposal would not result in any adverse harm to the amenities of neighbouring or nearby properties in terms of undue loss of privacy or cause undue overlooking, overshadowing, overbearing or noise and disturbance impacts. The proposal would therefore accord with NPPF and Policy NH13 of the West Somerset Local Plan.

11.11 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.

11.12 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.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall be limited to a period of forty years from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within fourteen days of the event occurring.

REASON: To establish the commencement date for the forty year operational life of the solar farm.

3. The development hereby permitted shall be carried out in accordance with the approved plans:

DRNO JPW0622-WASHFORD-013 REV B Red Line Boundary

DRNO JPW0622-WASHFORD-12 REV I Solar Layout

DRNO 24 Landscape Proposal Rev E

DRNO JPW1056-001 Typical Panel Planning Details

DRNO JPW1056-002 Typical Invertor Planning Details

DRNO JPW1056-003 Typical CCTV Planning Details

DRNO JPW1056-004 Typical Access Road Planning Details

DRNO JPW1056-005 Typical Fence and Gate Planning Details

DRNO JPW1056-006 Typical DNO Building Details

DRNO JPW1056-007 Typical Battery Unit Details

DRNO JPW1056-009 Existing and Proposed Cross Sections

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

4. Within 3 months of the solar array permanently ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, the development hereby permitted shall cease and the array, and associated infrastructure, shall be permanently removed from the land, and the site restored to its former condition (allowing for any appropriate enhancements) in accordance with details to be submitted to, and approved in writing by, the Local Planning authority prior to such works being carried out.

REASON: To ensure that the site is properly restored at the expiry of the permission, in the interests of protecting visual amenity including the protection of heritage assets; protecting ecology and biodiversity.⁵ The Solar PV Panels hereby permitted shall not be erected until samples of the materials to be used in the construction of the solar panel array have been submitted to, and approved in writing by, the Local planning authority. The development shall thereafter be carried out in accordance with the approved samples and retained as such thereafter.

REASON: To ensure high standards of design in accordance with Policy NH13 of the West Somerset Local Plan.

6. No other part of the development hereby approved shall be commenced until the site access roads shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway in the interests of highway safety in accordance with Policy TR1 and TR2 of the West Somerset Local Plan 7. Subject to Condition 6 hereof, no other part of the development hereby approved shall be commenced until the until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for traffic to the site in the interests of highway safety in accordance with Policy TR1 and TR2 of the West Somerset Local Plan

8. Prior to the commencement of any work on the site a joint inspection of the route to be used by construction vehicles shall be carried out by the applicant and the highway authority, the scope and methodology shall be agreed in advance with the highway authority and include photographic evidence. The route shall then be inspected every six weeks during construction and finally on completion of the development. Any damage to the highway resulting from traffic movements generated by the application site shall be repaired within three months of detection to an acceptable standard and at no cost to the Highways Authority.

REASON: To minimise the impact of the development on the highway network, in the interests of highway safety and in accordance with TR1 and TR2 of the West Somerset Local Plan.

9. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other scheme as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure, in accordance with Policy NH3 and NH4 of the West Somerset Local Plan and paragraph 205 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development.

10. No development shall take place until a detailed scheme of ecological mitigation and enhancement measures set out in a Biodiversity Management Plan (BMP), in accordance with the recommendations of the submitted Biodiversity Net Gain Assessment (January 2023, Ref: ECO02396 1), has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include proposals for protective measures during the construction process; external lighting; and planting, including a timetable for implementation. The development shall thereafter be undertaken in accordance with the approved BMP.

REASON: In the absence of being submitted with the application and in order to safeguard nature conservation and the protection and enhancement of biodiversity of the area in accordance with Policy NH6 of the West Somerset Local Plan.

11. All approved landscaping details shall be carried out in the first planting and seeding seasons following the erection of the solar panels, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

REASON: For the avoidance of doubt and in the interests of proper planning, in accordance with Policy NH13 of the West Somerset Local Plan.

12. No external form of illumination of the site shall be installed or used on the site other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits.

REASON: To minimise light pollution in this rural area and in the interests of biodiversity and ecology, in accordance with Policy NH6 of the West Somerset Local Plan.

13. The installation or construction of all plant, equipment, and buildings shall be undertaken using a colour scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved colour scheme.

REASON: In order to safeguard the landscape and amenity of the area in accordance with Policy SD1 of the West Somerset Local Plan.

14. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The following specific details should also be included in respect to highway safety:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park

on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works;

(j) details of wheel washing facilities and road sweeping measures with the respective obligations;

(k) details of the amount and location of construction worker parking;

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: To minimise the impact upon the highway network during the construction period and to ensure adequate mitigation of associated environmental impacts in accordance with Policies TR1 and TR2 of the West Somerset Local Plan.

15. The construction of the development shall be undertaken in accordance with the Construction Traffic Management Plan prepared by RPS dated April 2021 (JNY9508-03).

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety and to ensure adequate mitigation of associated environmental impacts in accordance with Policies TR1 and TR2 of the West Somerset Local Plan.

16. Prior to the implementation of the Battery Storage System comprised in the development a detailed Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operated only in accordance with the approved BSMP.

REASON: In the absence of being submitted with the application and in order to safeguard the landscape and amenity of the area in accordance with Policy SD1 of the West Somerset Local Plan.

17. No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policy CC2 of the West Somerset Local Plan.

Informatives

Appendix 1 – original report presented to Planning Committee West on 20 June 2023

In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission

National Grid, Wales and West Utilities and Wessex Water own and operate infrastructure within the area of this development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to these assets. The applicant must ensure that the proposed works do not impinge on legal rights of access and/or restrictive covenants that exist.

Safe digging practices, in accordance with HSE publication HSG47 (3rd Edition) “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicants responsibility to ensure that this information is presented to all relevant people working on the construction of this scheme.