

Application Details	
Application Reference Number:	23/22/0028
Application Type:	Full Planning Permission
Earliest decision date:	04 January 2023
Expiry Date	25 January 2023
Extension of time	
Decision Level	Committee
Description:	Installation and operation of solar farm with associated works, equipment and infrastructure on land at Preston Farm, Preston Bowyer, Milverton
Site Address:	LAND AT PRESTON FARM, WIVELISCOMBE ROAD, PRESTON BOWYER, MILVERTON,
Parish:	23
Conservation Area:	Outside
Somerset Levels and Moors RAMSAR Catchment Area:	Within - not applicable
AONB:	Outside
Case Officer:	Mr Russell Williams
Agent:	ENGENA LTD
Applicant:	NOVUS RENEWABLE SERVICES LTD
Committee Date:	23 January 2024
Reason for reporting application to Committee	In line 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

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. The delivery of solar array farms is also supported by national planning and energy policies.

Whilst it is acknowledged that the proposal would lead to a temporary loss of an area of best and most versatile agricultural land (BMV) the report sets out the reasons why it is considered that, on balance, this particular proposal cannot be refused exclusively on the basis of using BMV land. The proposed development would be sited on high quality agricultural land; however solar array farms 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.

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 National Landscape Area

(formerly 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 CP1. The development would therefore contribute towards addressing the reliance on fossil fuels and offsetting associated environmental impacts.

The proposal would conserve and enhance the biodiversity value and nature conservation interests of the site providing a significant and quantifiable level of biodiversity net gain. The proposal would therefore comply with the National Planning Policy Framework and Policy CP8 of the Taunton Deane Core Strategy.

The proposal would not impact upon the setting of any heritage assets in the area and would comply with Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CP8 of the Taunton Deane Core Strategy.

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 Policies SD1, CP6 and DM1 of the Taunton Deane Core Strategy.

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 CP8 of the Taunton Deane Core Strategy.

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 DM1 of the Taunton Deane Core Strategy.

### **3. Planning Obligations and conditions and informatives**

#### **3.1 Conditions (full text in appendix 1)**

- Time limit - commencement
- Operation period - 40 years
- Approved plans
- Decommissioning
- Materials
- Access
- Road inspection
- Biodiversity enhancement
- Landscaping
- No lighting
- Colour scheme for units
- Construction Environmental Management Plan
- Construction Traffic Plan
- Tree protection
- PROW works
- PROW screening

- Soil management plan

### 3.2 Informatives (bullet point only)

- Proactive Statement
- Contact utility companies

### 3.3 Obligations

None

## **4. Proposed development, site and surroundings**

### 4.1 Details of proposal

The proposal is for the construction of a free standing, static solar photovoltaic (PV) farm together with associated development over approximately 31 hectares/76.6 acres). It is anticipated that it will generate approximately 24 million kilowatt hours per annum (average consumption of approximately 6,500 - 7,000 homes).

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

- 45 inward facing CCTV security cameras (approximately 3.0m high)
- Associated access works and internal access tracks
- Primary substation measuring 8.0m x 2.7m with a height of 3.25m
- 20 no. transformers with conversion buildings 3.0m in height
- Perimeter security fencing in the form of post and wire mesh net would be erected around the site and would be approximately 1.92 metres in height  
Pallisade fencing erected inside the site would have a height of 2.97m
- Internal access tracks of geotextile membrane with crushed stone to the surface 4.0m in width
- Landscape planting

### **Solar Panel Modules**

The proposed scheme will be made up of solar panels mounted on two levels (portrait orientation) in frame tables at an inclination of 15-30 degrees depending upon the localised topography. Each frame 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 1.1m above existing ground level. Overall panel heights from ground level will be approximately 3.1 metres. The spacing between the arrays will vary across the site but is generally laid out in a uniform manner to accommodate topographical changes across the land. 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.

### **String Inverters**

String inverter stations will be located to the back of the ground mounted frames supporting the solar array. String inverters convert the Direct Current (DC) electricity generated by the panels into Alternating Current (AC) before it is exported to the local distribution network.

### **Transformer Units**

These will comprise dark green or brown containers, with one unit to each parcel of solar array. The transformers will step up the voltage generated by the solar panels up to the connection voltage of the distribution network.

### **Substation**

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. Connection to the network is 900m south for the B3227, on land under the same ownership.

The control building consists of a 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 8.1 metres (l), 2.7 metres (w), 3.85 metres (h).

### **Operation**

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.

The solar farm will not be permanently staffed and the installation will be monitored remotely. There will be regular maintenance visits throughout the year, in addition to regular landscape and cleaning maintenance.

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 in the region of 6 months.

#### **4.2 Sites and surroundings**

The application site comprises approximately 31 hectares of agricultural land located immediately 300 metres north of Preston Bowyer village, and 850 metres northeast of Milverton village. The site is within the Parish of Milverton.

The land is worked for arable crop production and is generally of a loose red sand soil type. The land parcel subject of the application is of an irregular form, with a 3 large fields with a rolling topography separated and enclosed by mixed species hedgerow.

The application site generally slopes gradually towards the northeast. The highest point is at approximately 96m AOD, close to the southwest corner of the site and the lowest point is at approximately 63m AOD near the northeast corner.

The land is accessed via a private farm track that derives access off the B3227 to the south. Public Rights of Way T13/10 and WG7/29 run along the southeast

boundary and crosses the northeastern land parcel, running through the application site.

The land is not subject to any landscape or environmental designations and there are no heritage assets on or immediately adjoining the site boundary.

The land is located entirely within Flood Zone 1.

## **5. Planning (and enforcement) history**

There is no relevant planning history for the site.

## **6. Environmental Impact Assessment**

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.

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);*

A request for a Screening Opinion was submitted to SWTDC under Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations) on 3 December 2021.

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.

A Screening Opinion was adopted pursuant to application 23/21/0054/SCO on 9 February 2022, stating that it was the view of the former Somerset West and Taunton Council that the proposed development does not constitute EIA Development.

## **7. Habitats Regulations Assessment**

The site lies within the Somerset Levels and Moors RAMSAR site catchment. However, 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: 26 October 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 03 November 2022

8.4 Site Notice Date: 08 November 2022

8.5 **Statutory Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
HALSE PARISH COUNCIL	<p><b>Object</b>, stating:</p> <p>That the solar farm should not be sited on farmland, classified as best and most versatile land, noting were all applications for solar farms granted on this classification, there would be a detrimental effect on the overall food production capability of the nation.</p> <p>That the solar farm would result in the loss of amenity value to the village; and</p> <p>That the solar farm would result in a loss of countryside to the local area.</p>	Noted. Points discussed within Section 10 of the report
MILVERTON PARISH COUNCIL	<p><b>Support</b>, stating:</p> <p>Whilst noting the conflicting arguments between food production and renewable energy which caused significant difficulties in making the decision, it resolved to support the application, with a request that were the application to subsequently be approved, all recommendations contained in the associated ecological</p>	Noted. Conditions are recommended.

	reports are made conditions that should be complied with.	
LANDSCAPE	<p>Initial objection raised due to impact upon PROW and landscape concerns, stating:</p> <p>It is recommended that to address these issues that:</p> <ul style="list-style-type: none"> <li>• a block of woodland planting is established along the northern boundary and to the west of the public right of way that runs through the site (as shown in figure 1) the belt should be a minimum of 20m in depth and probably be best planted with hazel and holly with oak standards; and</li> <li>• that the panels are omitted from the portion of the land parcel to the east of the public right of way and that this land is managed as grass land.</li> <li>• The fence line should be positioned on the inside of the woodland belt.</li> </ul> <p>If these changes are made, the panels will be better screened and the experience of using the right of way improved and the landscape objection will be withdrawn.</p> <p><b>Following amended proposals, no objection as follows:</b></p> <p>The changes to the proposals have addressed all the concerns previously raised in principle, and subject to submission of landscape details outlined below, I am now of the opinion that the</p>	Discussed at 10.4

	<p>development can be satisfactorily screened from the public right of way that passes through /beside the site, as well as the surrounding public areas, and that the removal of solar panels from the north eastern parcel, along with the provision of a permissive path, means that the public right of way network will continue to provide an attractive recreational environment with views out to the wider landscape to the east.</p>	
SCC - ECOLOGY	No objection subject to imposition of CEMP and LEMP conditions.	Noted. Conditions recommended.
NATURAL ENGLAND	<p>No objection:</p> <p><b>Designated Sites</b> Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites.</p> <p><b>Designated Landscapes</b> The proposed development is for a site close to nationally designated landscapes, namely the Quantock Hills AONB, Exmoor National Park and Blackdown Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are</p>	Noted.



explained below.  
Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.  
Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.  
We also advise that you consult the AONB Partnerships and the landscape planner for the National Park. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan/National Park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

**Soils and Agricultural Land Quality**

	<p>Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.</p> <p>From the description of the development this application is likely to affect c. 33 ha of BMV agricultural land (based on the applicant's survey). We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken.</p>	
<p>SCC - RIGHTS OF WAY</p>	<p>No objection and confirmation received that PROW crossing the site will not be obstructed.</p>	<p>Noted. Definitive path of PROW no longer impacted.</p>
<p>SCC - TRANSPORT DEVELOPMENT GROUP</p>	<p>No objection in principle. Further information</p>	<p>Noted. Discussed at 10.6 and CEMP conditioned accordingly.</p>

	required as part of a CEMP.	
LEAD LOCAL FLOOD AUTHORITY	<p>No objection:</p> <p>The LLFA has the following comments:</p> <p>1. the FRA acknowledges the surface water flood flow route flowing in a north-east direction and proposes appropriate mitigation, including setting the FFLs of the panels 0.3m above the maximum flood depth and setting the proposed stations outside the surface water flood risk area. This is supported.</p> <p>2. The strategy states that 'the effects of compaction during the construction process should be mitigated. This will aid with infiltration of water through the top level of soil.' A suitable planning condition should be set ensuring that details regarding how the potential increase in both run off and pollution to receiving watercourses is planned to be mitigated.</p> <p>In summary, the LLFA is satisfied with the details provided by the applicant for the Full Planning Application and comment 2 can be addressed by an appropriate planning condition can be set.</p>	Noted.
ENVIRONMENT AGENCY	No observations.	Noted. LLFA have no objections on drainage grounds.
THE RAMBLERS ASSOCIATION	<p>Objection:</p> <p>1. Urbanising impact upon</p>	Noted. Discussed at 10.4

	<p>landscape;</p> <p>2. Harmful to the enjoyment of walkers</p> <p>3. Walkers using the public footpath that crosses or adjoins the site are likely to have a disorientating experience, as instead of open countryside, they find themselves effectively walking alongside an area of urban development.</p>	
TREE OFFICER	<p>No objection:</p> <p>So long as we have an Arboricultural Method Statement that gives details of issues such as tree protection fencing, temporary ground protection where necessary, Cell-web installation, any tree pruning if necessary (such as crown-lifting) and Arboricultural supervision I think this will be OK.</p> <p>Although trees would cast some shade and may result in the loss of a few panels, I think that some new oaks in the new hedgerows would make a big difference to the visual impact of this site.</p>	Noted. Conditions recommended.
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	<p>No objection:</p> <p>Access and facilities, (which should include where necessary the provision of private fire hydrants for Fire &amp; Rescue Service appliances), should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.</p>	Noted.
POLICE	No objection:	Noted. Security is a

ARCHITECTURAL  
LIAISON OFFICER

1. Fencing should be proper security fencing, Weldmesh, especially given the presence of PROW
2. 2.4 metre weldmesh double gates at the site entrance, which if correct, is appropriate for the crime risk. However, if wire mesh and wooden fencing is installed around the remaining perimeter of the site, the effectiveness of these gates would be compromised.
3. A secondary gate, or rising bollards at the access track entrance off the B3227 would enhance security.
4. No security floodlighting is proposed.
5. The Planning Support Statement indicates that, a total of 45 inward facing cctv cameras will be installed on galvanised posts within the security fence, which is recommended.
6. No statement of who will monitor and attend site in case of security breach.
7. The applicant should also consider the installation of a Perimeter Intruder Detection System (PIDS) which would alert the operator to any unauthorised intrusion.
8. The facility includes a metal Storage Container for spares, Sub-Station, Transformers, Inverters etc, all of which are or contain potential targets for criminals and should be secure and electronically protected by intruder alarms.
9. Other general security

consideration but is not fundamental to the decision making process in this instance and the security measures are inline with existing operation sites.

	advice provided.	
PLANNING POLICY	No comments.	Noted
SOUTH WEST HERITAGE TRUST	Based on the archaeological trail trench evaluation report there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.	Noted
HERITAGE	No comment/objection:  The Heritage Impact Assessment has been very thorough and I agree with the assessment and conclusions of the report.	Noted and discussed at 10.5

## 8.6 Local representations

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

42 letters have been received making the following comments (summarised):

### **Comments OBJECTING to the development**

#### **Opposition to principle of a Solar Farm on Agricultural Land**

- Concerns are raised about the use of productive Grade 1 and Grade 2 agricultural land for a solar farm.
- The impact on local food production is a major point of contention, with the argument that it's counterproductive to cover fertile land with solar panels.
- Concerns are raised about the use of prime agricultural land for a solar farm.
- The importance of local food production, especially in times of food poverty, is emphasized.
- Arguments against taking fertile agricultural land out of production and the need for self-sufficiency in food production are discussed.
- Several objections point out that the solar farm is proposed on grade 1, 2, and 3a agricultural land, which is considered highly productive. They emphasize that the application does not provide compelling evidence for using such valuable farmland for solar panels.
- Doubts are expressed about the likelihood of the land being restored to its original agricultural use after the solar farm's 40-year lifespan.

#### **Environmental and Landscape Impact, Wildlife and Sustainability**

- Commenters question the environmental impact and sustainability of the solar farm project.

- They argue that solar panels could be sited on brown-field sites or rooftops, while crops can only be grown on agricultural land.
- Objectors express concern over the importance of food security, especially given the recent focus on the need to ensure reliable food production and reduce food imports. Some express concerns about replacing arable land with solar panels and its effects on agriculture.
- The importance of considering the environmental consequences of the development, removing agricultural land from production and the need for sustainable practices is emphasized.
- Concerns about reducing agricultural land for solar panels are linked to the need for sustainability and protecting the countryside.
- Concerns are expressed about the visual impact of the solar farm on the landscape.
- The potential impact on wildlife, including birds, bats, and deer, is mentioned.
- There are worries about the loss of amenity value and scenic beauty of the area.
- The potential consequences of solar farms for the natural ecosystem and biodiversity are discussed.
- Concerns are raised regarding the visual impact of the solar farm on the landscape, including glint and glare that could affect walkers and the potential impact on the surrounding nature and wildlife.
- Objections highlight the potential degradation of soils under solar panels, increased CO<sub>2</sub> from importing food, and the focus on economic gain over the environment and local residents.
- Concerns are voiced about the quality and methodology of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant. There is criticism of subjective judgments and a lack of clarity in the LVIA report.
- The cumulative effects of multiple solar farms in the area are highlighted, leading to concerns about the changing character of the rural landscape.
- Objections claim that the proposal is not compliant with the National Planning Policy Framework (NPPF) 2021, especially in terms of visual impact and changing landscape character.
- Concerns are expressed about the lack of a clear plan for land restoration after the solar farm's operational life.

### **Traffic and Infrastructure Concerns**

- Concerns are expressed regarding increased traffic and congestion during the construction phase of the solar farm.
- The enforceability of restrictions on heavy vehicle access is questioned, which could impact the local road infrastructure.
- The potential for damage to property due to construction traffic is discussed.
- Some objections argue that the solar farm's impact on walkers, particularly on public footpaths and walkers' enjoyment of the landscape would be

diminished.

### **Community Impact and benefits**

- Concern about a lack of contact with local organizations and a failure to engage with potential beneficiaries of the proposed community scheme.
- Questions are raised about who will benefit from the funds promised to the local community by the developer.
- The potential impact on the residents of Preston Bowyer is a point of concern.
- Worries are raised about potential security issues, theft, and vandalism due to the remote location of the solar farm.
- Concerns are also voiced about the potential negative impact on property values in the area.
- Doubts about the clarity and specificity of the proposed community benefits are mentioned.
- Concerns about the proximity of solar farm structures and installations to the boundary of nearby properties. Request for conditions to be placed on any planning consent to address these concerns.

### **Water Management and Flooding Concerns**

- Concerns are raised about the impact of increased surface runoff from the solar farm on flooding in the area.

### **Conservation Area Setting:**

- Concerns are raised about the impact on the setting of the Halse conservation area, suggesting that the industrialized landscape would detract from the village's heritage significance.

### **Comments in SUPPORT of the application:**

- Support for solar energy and renewable energy initiatives as a means to reduce carbon emissions and address the climate crisis.
- In favour of dual land use for grazing and solar energy production.
- Support for solar energy and renewable energy initiatives as necessary for addressing the climate crisis.
- On favour of more on-land renewable energy generation are presented.

### **OBJECTION received from CPRE summarised as follows:**

#### **BMV Land Concerns:**

The land in question is highly productive BMV land (graded 1, 2, and 3a).

The absence of compelling evidence justifying the use of BMV agricultural land for a solar farm.

Government guidance encourages focusing solar farms on non-agricultural land and



previously developed areas.

#### Government Policy and Recent Developments:

Former Environment Secretary George Eustice expressed a strong presumption against using BMV land.

Recent reports suggest the government is considering redefining land categories to restrict solar development on middling-low category 3b land.

#### Agricultural Land Classification Report Missing:

Lack of an Agricultural Land Classification report, hindering the community, case officer, planning committee, and the public in making informed decisions.

#### Deficiencies in Landscape and Impact Appraisal (LVIA):

The LVIA understates the scale and impact of the proposed solar farm on the landscape.

Issues with the LVIA's methodology, including numerical scoring and unclear language.

Contradictions and omissions in the report decrease confidence in its conclusions.

#### Impact on Walkers and Public Rights of Way (PRoW):

Disagreement with LVIA's assessment of minor effects on walkers.

Concerns that walkers will be denied open views due to the proposed solar panels along the public footpath.

#### Cumulative Impacts:

Growing cumulative impacts in the area from multiple solar farms, potentially changing the character and rural identity of the region.

#### Non-Compliance with NPPF 2021 and Local Plan:

The proposal is deemed non-compliant with NPPF 2021 paras 155 and 158, as well as the Local Plan.

Visual impacts, particularly in a prominent landscape position, cannot be adequately addressed.

#### Effect on Conservation Area Setting:

Concerns about the effect of the solar farm on the setting of the Halse conservation area, potentially diminishing its heritage significance.

## **9. Relevant planning policies and Guidance**

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), 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) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals 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 has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority 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:

SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
CP1 - Climate change,  
CP2 - Economy,  
CP7 - Infrastructure,  
CP8 - Environment,  
DM1 - General requirements,  
A1 - Parking Requirements,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
ENV2 - Tree planting within new developments,  
SB1 - Settlement Boundaries,  
CP6 - Transport and accessibility,

#### Supplementary Planning Documents

District Wide Design Guide, December 2021

Other relevant policy documents:

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

#### Neighbourhood plans:

No NHP for the area.

#### National Planning Policy Framework – December 2023

#### Other relevant documentation

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. Material Planning Considerations**

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**

As stated above, 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*

The application site is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purposes or align with adopted planning policies. Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy does not specifically permit renewable energy installations, although it does permit development for essential utilities infrastructure, importantly it does not state that such development will be refused. "Essential Utilities", as described within LP Policy DM2 could be taken to include power generating infrastructure, especially in the context of the NPPF which, as in previous planning policy, indicates that the 'need' for the development should not be considered by the Local Planning Authority.

Strategic Objective 1 (Climate Change) of the Core Strategy states that "Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects". Policy CP1 (Climate Change), referred to above, supports renewable projects, stating that *"Proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that:*

- *Their scale, form, design, materials and cumulative impacts can be satisfactorily assimilated into the landscape or built environment and would not harm the character of these areas and*
- *has no overriding adverse impact on the amenity of the area in respect of noise, dust, odour and traffic generation;*
- *Impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal, and,*
- *Provision is made for the removal of the facilities and reinstatement of the site should it cease to be operational."*

As set out, the aim of Policy CP1 is to support 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. Having regard to these matters and the assessment of development impacts in the following sections, the principle of large-scale ground-mounted solar array farms in the area 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.

Having regard to these considerations, 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 as set out in Policy CP1.

#### *Material Considerations re: principle of development*

In November 2020, Somerset Council declared a Climate Emergency and as a consequence now has the aim of reducing carbon emissions in the County and making Somerset a county resilient to the effects of Climate Change.

The strategy sets ambitious goals to become a carbon-neutral county by 2030, 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

and, importantly, 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.

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.

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*". This approach aligns with criteria set out under LP Policy CP1 and whilst it should be noted that the Climate Emergency cannot and should not be used to justify otherwise unsuitable or unreasonably detrimental proposals, 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.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. Paragraphs 157-179 of the NPPF refers to meeting the challenge of climate change, flooding and coastal change. Paragraphs 152-173 of the NPPF refers to meeting the challenge of climate change, flooding and coastal change.

Paragraph 157 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.*

Paragraph 163 states that, when determining planning applications for renewable and low carbon development, local planning authorities should

*a) 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 significant cutting greenhouse gas emissions;*

*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas, and*

*c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.*

The NPPG states that the visual impact of a well-planned and screened solar parks can be properly addressed within the landscape, if planned sensitively. The NPPG notes the following to be factors to consider when a proposal involves greenfield

land:

- 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.

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.

The NPPG 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.

The NPPG notes that there is a potential to mitigate landscape and visual impacts through, for example, screening with native hedges and an assessment of these matters is provided below.

In addition to the NPPF and NPPG, 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). There is a national drive towards renewable energy and 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.

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).

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.

The move to a low carbon economy 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.

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 25<sup>th</sup> 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.

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.

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.”*

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)

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).

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'*.

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.

The Energy White Paper 2020 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'*.

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*

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) EN-1 and EN-3.

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 been consulted upon, 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 (December 2020).



The principle of development also accords with Core Strategy Policies SD1 and CP1 of the Council's development plan and having regard to the above matters, the principle of development is supported.

## 10.2 Agricultural Land Classification

The development comprises 33 hectares of agricultural land. Core Strategy Policy CP8 seeks to protect the environment from inappropriate and harmful development. Whilst the policy does not specifically set out the Council's position in regard to development affecting Best and Most Versatile agricultural and, its tests for proposals in relation to environmental impact are considered to encompass the principles of protecting Best and Most Versatile Land.

Guidance is 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.

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

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". 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.

It should also be noted that the granting of permission for large solar array farms is a temporary form of development and there is the opportunity to require land to be put to back to its former state at the end of this time period through appropriate decommissioning of the site. In most cases, permissions are limited to around 25 years though in some instances 40 years has been allowed, including within this authority area. Given the "temporary" period of operation the ground is not permanently taken out of agricultural use. Furthermore, there are ways to continue agricultural use alongside the generation of energy such as grazing smaller livestock such as sheep which can manage the grassland in a sustainable way. 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.

Paragraph 180(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.

The Natural England “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.

The applicant has commissioned Kernon Countryside Consultants Ltd to carry out an assessment of the soil in accordance with the Agricultural Land Classification (ALC) system for England and Wales. The associated report (dated August 2022) provided details of the detailed ALC survey that was carried out in December 2021. The report found that the land quality across the site comprises a mixture of ALC Grades 1, 2, 3a and 3b.

The value of land across the site does vary, with 14% of the site being Grade 1, 33% being Grade 2m 36% being Grade 3a and 16% being Grade 3b.

Importantly, since the submission of the original application, the vast majority of the Grade 1 agricultural land has been removed from the proposals and will not be used for the installation of any solar related infrastructure. As such, the development affects land with ALC Grades of 2, 3a and 3b, with the majority of the land to be developed being Grades 2 and 3a.

Objections have been received in relation to the use of Best and Most Versatile land for the development.

Draft NPS EN-3 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).

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.310.15).

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.

Having regard to Core Strategy Policy CP8, the NPPF and NPPG, 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.

It should be noted that this proposed development is temporary in nature, albeit for forty years and, for the purposes of planning, this temporary impact must be weighed against the benefits when assessing the compliance of this scheme with Policy CP8. 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.

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. There are also very limited areas of non BMV land in the wider area which could support the development and this is confirmed within the ALC report. It has been demonstrated that to deliver a solar farm on land not classified as BMV would be difficult to achieve due to the vast majority of the land in the wider area being BMV.

In conclusion, whilst the development would result in the temporary development of BMV, 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

Core Strategy Policy CP7 states that the Council will work with partners to ensure that infrastructure is in place at the right time to meet the needs of the area. The Local Plan does not allocate sites for renewable energy schemes and, therefore, it is a case of assessing each development of this type on its individual merits.

The NPPF also does not provide specific locational requirements for solar farms 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 with consideration to also be given to possible physical and environmental impacts.

The site selection process often considers a range of factors including planning policy, environmental and technical considerations such as:

- 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.

The supporting information to the application confirms that a grid connection is available in close proximity to the site; that good highway access is available via the B3227 that the site is outside and a distance from any National Park or National Landscape Area; there are no ancient woodlands in proximity or priority habitats; that the land is available and suitable. The site is effectively unconstrained save for the presence of public rights of way.

Whilst need for the development is not required 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. The point of connection to the local distribution network would be to an existing 33kV overhead line, located 900m south of the B3227.

Objections have been raised concerns over site selection. The general approach to site selection is set out above and there is no requirement under local or national policy to justify site selection in detail. 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.

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.

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. Key consultees including Natural England do not object to the proposals and recognise the temporary use of the land and its impact upon BMV being time limited. 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 Core Strategy Policy CP8 or the NPPF.

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

The NPPF emphasises that achieving high quality design is fundamental to achieving good planning and development while Core Strategy Policy CP1 states, inter alia, that renewable energy installations will be supported provided *"their scale, form, design, materials and cumulative impacts can be satisfactorily assimilated into the landscape or built environment and would not harm the character of these areas."*

The application is supported by a detailed Landscape and Visual Impact Assessment report. Objectors have raised concerns over the adequacy of the report including its method of assessment and findings. However, the Council's landscape specialist considered the report to meet the required standard and the report is therefore acceptable for using in assessing the proposed development.

Core Strategy Policy CP8 states that the *"Council will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance."* It goes on to say that *"development will need to mitigate and where necessary, compensate for adverse impacts on landscape, protected or important species, important habitats and natural networks, river and ground water quality and quantity so that there are no residual effects."*

The substations and transformer station 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 compound is located to the southern edge of the application site and directly accessed off the existing farm

track. The wider development will see the solar panels erected on ground mounted frames that are aligned east-west across the site, with new access tracks creating 5 parcels to the site layout. Each parcel of solar array will have transformer stations located off the access tracks and these are located to the inner area of the site rather than the field edges.

The transformer units are functional in nature with limited opportunities to influence the external design, though a condition is proposed to ensure that the Local Planning Authority have control over the final external materials and colours.

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 existing planting, landscape features, the PROW and gas main.

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) 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.

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 the potential to mitigate landscape and visual impacts. Importantly, it should be recognised that 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.

Objection has been received from the public over the adverse impact of the development upon landscape character within the immediate and wider landscape setting. It is acknowledged that the development will alter the appearance of the area and landscape, albeit that impact will be for a limited time period.

As set out above at Paragraph 8.5 above, the Council's landscape specialist originally objected to the proposed development due to concerns over the impact of the development upon landscape character and the experience of users of the PROW. Subsequently, the scheme has been amended so as to remove the parcel of solar panels to the northeast part of the site; to provide further hedgerow planting along the route of the PROW; provision of new blocks of planting to the northern and southeastern boundaries and new hedgerows within the site and the provision of a permission footpath around the eastern parcel of land that is now free from solar array.

It is now the case that the Council's landscape specialist does not object to the proposed development, which offers a range of mitigation measures that will not only assist in screening the solar panels and associated infrastructure, but also enhance

biodiversity value on the site and offer enhance public access. Whilst the site comprises an open group of fields, the land itself is not overly prominent within the wider landscape setting and visual receptor points are generally those available from along the PROW and glimpses available at a distance from the highway to the north.

The objections raised over the impact of the development upon the enjoyment of the PROW have been considered and the proposals have been amended, in part to address these concerns. The proposed planting scheme is now expanded to include new hedgerows, copse and gapping up of openings to existing boundary planting, will result in the appearance of the development being heavily screened and softened. The Definitive line of the PROW, where it crosses the application site, will now be bounded by hedge planting which once established will create a more pleasing environment than the original proposal for the route to be fenced. Nonetheless there would still be an impact upon the general enjoyment of the PROW. The level of harm to the PROW is partially mitigated through the provision of the permissive path to the eastern field, which offers an alternative walk around undeveloped parcel of land in an attractive setting with views to the surrounding countryside. Overall, the impact upon the PROW is considered to be low when the mitigation is given due consideration.

It is acknowledged that the application site is located outside of a designated landscape and is not within the setting of either a National Park or National Landscape Area (AONB). To conclude, the proposed development will have an impact upon the character of the landscape and visual amenity in general. However, with the site being in an undesignated landscape setting and having regard to the design, layout, scale and proposed new landscaping that will be secured through planning conditions, it is considered that the development can be appropriately mitigated so not to give rise to any significant adverse harm to either landscape character or the Public Right of Ways within and adjoining the site.

#### 10.5 Designated Heritage Assets

Section 66 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 NPPF 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker when exercising any function with respect to buildings or other land in a conservation area shall pay special attention to the desirability of preserving or enhancing the character of that area

Core Strategy Policy CP8 seeks to protect and manage the historic environment. The NPPF refers to the conservation and enhancement of the historic environment in Section 16 and Paragraph 206 of the NPPF refers to the conservation of heritage assets and notes that effects can arise from alteration or destruction, or from development within its setting. It is noted that heritage assets are an irreplaceable resource and should be conserved, in accordance with Paragraph 195 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.

There are no Scheduled Monuments or Listed Buildings within or adjoining the site and there are no Scheduled Ancient Monuments within the wider landscape setting of the application site.

With regard to Listed Buildings, there are a small number of such heritage assets within approximately 400m of the application site boundaries. These include:

Mount House - Grade II listed property - 380m north

Mount Barn - Grade II listed property - 375m north

St James Church - Grade I listed ecclesiastical building

The Chantry - Grade II listed property - 385m south

Preston Farmhouse - Grade II listed farmhouse - 390m south

The Old Ground - Grade II listed property - 380m east

In considering the impact of development on heritage assets, the NPPF at Paragraph 205 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.

Notwithstanding the presence of listed buildings and the Halse Conservation Area in the wider area, the application site has been assessed as not forming part of the settings of these heritage assets, with the listed buildings and the Conservation Area being significantly detached from the site by distance and the heritage assets having no historical or visual links with the land subject of the application. The heritage assets cannot be readily viewed from the application site and as a consequence, the Council's Conservation Officer has raised no objection to the proposals.

It is considered that the development can be delivered without the potential for the scheme to harm the significance of heritage assets in the area. 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 Core Strategy Policies CP8 and DM1.

#### 10.6 Transport and Access

It is proposed that vehicles would enter and exit the site via an existing gated access junction from the B3227 approximately 550m to the south of the site.

An existing farm track will be utilised by construction vehicles. New 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 or loose bound gravel. These internal tracks have been positioned to limit the number of field boundary crossings or impacts on existing vegetation and hedgerows. The tracks generally follow existing and new hedgerows.

The application has received objections citing concern over highway safety

associated to the proposals.

The majority of the traffic associated with the proposal will be experienced during the construction phase, which is anticipated to last 4 months. The site preparation phase will allow the site to receive delivery of equipment and establish areas for equipment storage and temporary prefabricated site welfare units. Once operational, very few movements will be made to and from the site and these will generally be associated with monitoring and maintaining the on-site infrastructure. This is likely to amount to one visit per week.

Over the 16-week construction period it is estimated that an average of 7 HGV's will visit the site per day on week one, 13 HGVs per day during week two, 11 HGVs per day during week three and 7 HGVs per day during week four. However, this will fluctuate depending on the construction stage.

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.

The approach road to the site is a B Class highway; it is well aligned and provides safe and convenient access to the site. The site access is located off the B3227 in a location subject to a 30mph speed limit, though it is close the 40mph zone. The access is used on a daily basis by the neighbouring agricultural building and benefits from good visibility in both directions, with splay geometry that meets the requirements for a 30mph zone. Vehicle accident data indicates that there have been no incidents in proximity to the access over the last 4 years which indicates highway conditions to be safe.

The Council's Highways Development Control have raised no objections to this scheme but did request additional information relating to the traffic management details of the development. The information requested by Highways is what one would expect to be provided in a Construction and Traffic Management Plan. Whilst it would be preferable to have this document submitted during the application process, it is not unreasonable to require the submission of a CTMP via condition given that the site is to be accessed directly off a B-road, will not utilise narrow single lane highways and the access being located within a 30mph zone.

The applicant has indicated to Officers that they would prefer to deal with the CTMP by condition and are accepting of a pre-commencement condition. This is not an unreasonable request and will ensure that Officers can assess and agree to the construction and traffic management for the development before works commence, thereby ensuring that there are no adverse impacts upon highway safety.

#### 10.7 Ecology/Environment

The application is supported by a Preliminary Ecological Appraisal which reports on the following assessments:

- Full desk study and records search;
- Extended phase 1 habitat survey;
- Badger survey;



- Breeding bird survey;
- GCN eDNA surveys; and
- Preliminary Bat Roost Assessment

The Ecological Impact Assessment confirms that the site comprises c.33ha of active farmland pasture which is dominated by arable fields bounded by species poor intact hedgerows. Hedgerows were assessed as being of moderate condition lacking a diverse margin which was predominantly dominated by nettle. Three ponds were located within 250m of the site.

The site is not covered by any statutory or non-statutory designation for nature conservation importance, although several designated sites are present in the study area, including a Local Wildlife Site 350m south of the access track, Ash Priors Local Nature Reserve 1.8km north east. There are no internationally designated sites such as Special Areas of Conservation or Sites of Special Scientific Interest within 2km, with the nearest being 3.7km away at Home Moor.

Somerset Council Ecologists have provided comments on this planning application and are supportive of the mitigation measures proposed by the applicant, subject to the impositions of conditions.

As discussed in further detail at 10.8 below, the proposed development will result in an overall enhancement of the ecological value of the site. Taking into account Paragraphs 185 and 186 of the NPPF, the Local Planning Authority consider that this proposed scheme is in accordance with Policy CP8 of the Taunton Deane Core Strategy 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

Policy CP8 of the Taunton Deane Core Strategy 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.

The Environment Act 2021 made changes 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. The implementation timetable for BNG involving commercial developments such as this is now January 2024. 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 address 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.

The application is supported by a Biodiversity Net Gain Assessment prepared by Tyler Grange Group Ltd dated September 2022. BNG is the result of a process applied to a proposed development so that, overall, there is a positive outcome for

biodiversity when assessed against a set matrix. 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 33ha.

The existing hedgerows and trees will be retained and protected. A total of approximately 1.2 km 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 height of at least 1.5m. A new pond will also be created with aquatic planting. The land will also be planted out as grassland, replacing the crop rotation and enhancing soil conditions and reducing soil erosion which is a major issue for the site at present.

The BNG Assessment establishes that the net habitat unit change is +51.97 habitat units based on an existing baseline score of 69.40, and a post development score of 121.37 habitat units. This creates a Biodiversity Net Gain of +74.89%.

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 January 2024 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.

Policy CP8 (Environment) of the Taunton Deane Core Strategy seeks to ensure that the proposed development will not generate unacceptable adverse impacts on biodiversity. Having regard to the BNG provision within the site it is concluded that the proposed development is in accordance with Policy CP8

#### 10.9 Flood Risk and Drainage

The application site is located in Flood Zone 1. A Flood Risk Assessment (FRA) 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.

The Environment Agency's surface water flood map shows that there is a 'low risk' surface water flood path within the site. The flow path originates from the centre of the site, flowing northeast into the unnamed brook. A maximum flood depth of 0.3m and a velocity over 0.25m/s is shown.

The proposal is for the panels to be set a minimum of 0.6m above ground level to ensure they do not impede any surface water flows.

Rain falling onto the site will be dispersed into strips as it runs off the panels. It is proposed that appropriate planting below the panels will assist in mitigating and controlling the flow of water. The FRA confirms that water quantity and quality will be managed through enhanced infiltration, retention, detention, and evapotranspiration through the use of local source control features. Excess runoff will behave as if it were a greenfield site such that the water will continue to follow the natural topography of the land, whereby runoff enters the unnamed watercourses within the site and in the wider area. Overall there will be no significant change in the surface water characteristics of the site.

The Lead Local Flood Authority has been consulted and do not object to the proposals subject to a condition being imposed to mitigate the compaction of soils during the construction phase.

Based on the submitted information, it is therefore considered that this element of the scheme is in accordance with Policies CP1, CP8 and DM1 of the Taunton Deane Core Strategy, which seeks to ensure that proposals are located to mitigate against and, and to avoid increased flood risk elsewhere.

#### 10.10 Glint and Glare

The application is supported by a Glint and Glare Assessment report completed by Neo Environmental Ltd.

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.

It should be noted that solar panels are designed to be as non-reflective as possible in order to maximise the amount of sunlight transferred to the cells within the panels. In this instance panel reflectivity has been modelled to account for the use of an anti-reflective coating (ARC) which is industry standard for photo-voltaic panels and further reduces the reflective properties of the PV panels.

The supporting Glint and Glare Assessment assesses the possible effects of the development upon surrounding road users, nearby properties, railway line and aviation. The assessment confirms that reflections will be generated and that theoretically they could be detected from a range of receptor points. However, following a detailed analysis and accounting for existing vegetation and intervening features that will block views of reflective areas from these receptor points, glint and glare is not considered to affect any of the identified receptors. As such, no adverse harm is considered to arise in terms of glint and glare.

#### 10.11 Security and Lighting

The site would be enclosed by fencing and security cameras on perimeter posts around the site to provide security 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.

The Crime Prevention Design Advisor from Avon and Somerset Police raised no objection.

The amount, type and design of the security details are well established for the operator and have been proven to offer optimum security and monitoring on solar farms. The proposals are considered to be acceptable, will minimise and prevent crime as best as possible and will not impact adversely upon the character of the area when regard is had to the development as a whole.

## 10.12 Operational Life and Decommissioning

The application seeks planning permission for a temporary 40 year operating lifespan for the development.

As already recognised in this report, solar farms are temporary developments and can be removed quickly and with minimal localised impacts such that the land can be restored to its previous use. Such is recognised in the NPPG. The 40 year temporary period 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.

At the end of the life of the scheme, be that the forty-year timescale proposed or earlier, the applicant/owner/operator 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 and agricultural use.

## 10.13 Other Matters

The site is in close proximity to a gas pipeline. The applicant will need to contact Wales and West Utilities, if the proposal is approved, to agree how the works can be completed without undermining the gas infrastructure crossing the site, though the layout has accounted for its presence within the layout.

Objections have raised concern over food security due to the impact that this type of development may have on food security for the country. 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. therefore there is a 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 Local Finance Considerations**

Not applicable.

## **12 Planning balance and conclusion**

12.2 The principle of the development is considered to be compliant with Policies 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. The delivery of solar array farms is also supported by national planning and energy policies.

12.3 Whilst it is acknowledged that the proposal would lead to a temporary loss of an area of best and most versatile agricultural land, the report sets out the reasons why

it is considered that, on balance, this particular proposal cannot be refused exclusively on the basis of using BMV land. The proposed development would be sited on high quality agricultural land; however solar array farms 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.

12.4 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 National Landscape Area (formerly 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 CP1. The development would therefore contribute towards addressing the reliance on fossil fuels and offsetting associated environmental impacts.

12.5 The proposal would conserve and enhance the biodiversity value and nature conservation interests of the site providing a significant and quantifiable level of biodiversity net gain. The proposal would therefore comply with the National Planning Policy Framework and Policy CP8 of the Taunton Deane Core Strategy.

12.6 The proposal would not impact upon the setting of any heritage assets in the area and would comply with Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CP8 of the Taunton Deane Core Strategy

12.7 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 Policies SD1, CP6 and DM1 of the Taunton Deane Core Strategy.

12.8 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 CP8 of the Taunton Deane Core Strategy.

12.9 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 DM1 of the Taunton Deane Core Strategy.

12.10 To conclude, the overarching public benefits of providing a large-scale renewable energy scheme in line with climate change interests and supporting national energy needs carry considerable weight. In bringing all issues together the collective harms arising from the development applied for would be of a lesser magnitude than the substantial overall benefits which would be delivered.

12.11 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.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.



## Appendix 1 – Planning Conditions and Informatives

### Conditions

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The 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 following approved plans:

(A1) Figure 1 Location Plan  
(A3) Figure 2 - Application Plan  
(A3) DrNo PF07 Planning Design (Site Plan)  
(A3) DrNo V1 Figure 4 PV Panel Details  
(A3) DrNo V1 Figure 5 Transformer  
(A3) DrNo V1 Figure 6 Substation  
(A3) DrNo V1 Figure 7 Spares Container  
(A3) DrNo V1 Figure 8 CCTV and Security Fence Elevations  
(A3) DrNo V1 Figure 9 Security Gate Detail  
(A3) DrNo V1 Figure 10 Palisade Fencing

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

4. Within 3 calendar months of the solar panel array hereby permitted permanently ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, the development shall cease and the solar 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 DM1 of the Taunton Dean Core Strategy.

6. No other part of the development hereby approved shall be commenced until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided in accordance with the approved drawings and with details that shall have been submitted to, and approved in writing in advance by, the Local Planning Authority and thereafter retained and maintained 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.

7. 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 of the inspection shall be agreed in advance with the highway authority and include photographic evidence. The said route shall then be inspected every six weeks during construction and finally on completion of the construction 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 Highway Authority.

REASON: To minimise the impact of the development on the highway network, in the interests of highway safety.

8. 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, 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 CP8 of the Taunton Deane

Core Strategy.

9. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The approved scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

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

10. 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 CP8 of the Taunton Deane Core Strategy.

11. 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 Policies SD1 CP8 and DM1 of the Taunton Deane Core Strategy.

12. 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 CP6 and DM1 of the Taunton Deane Core Strategy.

13. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all construction traffic shall be managed in accordance with the approved CTMP unless otherwise agreed in writing by the Local Planning Authority.

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.

14. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS will include:
- a) Location and installation of services/ utilities/ drainage.
  - b) Details of construction within the RPA or that may impact on the retained trees.
  - c) a full specification for the installation of boundary treatment works.
  - d) A specification for protective fencing to safeguard trees during the construction phases and a plan indicating the alignment of the protective fencing.
  - e) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - f) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
  - g) Boundary treatments within the RPA
  - h) Arboricultural supervision and inspection by a suitably qualified tree specialist
  - i) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved scheme.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

15. Prior to commencement of any construction a plan for the protection of the public rights of way and users affected by the development (within the site and adjacent to it) shall be submitted to the Highway Authority for approval. The plan shall address the treatment of the public rights of way during construction and operation of the development. The plan will contain but shall not be limited to the following:
- i. Details of any temporary diversions required during construction
  - ii. Details of the method of the protection of users during construction, such as fencing, use of banksmen
  - iii. A 'before and after' condition survey of the PROW network within the vicinity of the site and where necessary ensure repairs are undertaken at the developer expense where identified as being caused by the developer.
  - iv. Details of the method of protection of the PROW network during operation phase – ensuring vehicle maintenance routes avoid the network or appropriate crossing points and protection are provided v. Details of planting and fencing adjacent to public rights of way, ensuing appropriate buffer zones within the site and at the edges of

the site.

- v. A maintenance regime for any screen planting adjacent to a public right of way.

The approved plan shall be implemented and maintained thereafter.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy DM1 of the Taunton Deane Core Strategy.

16. No new screening planting shall be located within 3m of a public right of way, any new planting shall be regularly maintained and cutback to ensure clear passage for users of the public right of way throughout the period of occupation and use of the development site.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy DM1 of the Taunton Deane Core Strategy.

17. The development hereby permitted shall not be commenced until a Soil Management Plan (SMP) has been submitted to, and approved in writing by, the Local Planning Authority. The SMP should cover, but not be limited to:
  - Construction phase soil protection during, for example, piling and array installation.
  - Temporary loss of vegetation cover during/immediately following construction.
  - Operational phase monitoring of vegetation within the SMP shall be implemented as approved.

The approved SMP will be implemented and maintained thereafter.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policies CP8 and DM1 of the Taunton Deane Core Strategy and paragraph's 173 and 180 of the National Planning Policy Framework.

#### Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. 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 (3<sup>rd</sup> 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.