Application Number	2023/2183/FUL
Case Officer	Nikki White
Site	Land To The South East Of Bradford Road Rode Frome Somerset
Date Validated	13 November 2023
Applicant/	M Lomax
Organisation	Low Carbon Solar Park 25 Limited
Application Type	Full Application
Proposal	Construction & operation of a solar photovoltaic farm with battery storage & associated infrastructure, including inverters, security cameras, fencing, access tracks & landscaping. (Revised information received 29/02/2024)
Division	Frome North Division
Parish	Rode Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Adam Boyden
	Cllr Dawn Denton

WhatThreeWords:

The application site can be found by entering the following words into the What 3 Words website/app (https://what3words.com/):

Sugars.deprives.beads

Scheme of Delegation:

This application is recommended for approval by officers. Rode Parish Council has objected. No comments have been received from the divisional members. As the application proposes major development, in line with the Scheme of Delegation it must be determined by the Planning Committee.

Description of Site, Proposal and Constraints:

Site Context:

The application site is located to the east of the village of Rode. The site is approximately

74.33 hectares in size. It is positioned south of Bradford Road and north of Rode Hill; and west of Monkley Lane. The site is set out in various parcels, which the agent has labelled as zones 1-16 on a zone plan (DZ01).

The site is outside the development limits in open countryside.

There are a number of public rights of way in the area, including FR13/17 and FR18/18 which both pass through the site (east-west); and FR13/20 byway which abuts the site boundary south of Monkley Lane (north-south).

In relation to conservation constraints, the site is also outside but relatively close to Rode Conservation Area. The Devil's Bed and Bolster long barrow scheduled monument is located outside the application site to the south east. There are various listed buildings in proximity to the proposed development, including:

- Flexham Farm – GII
- Frith Farm – GII
- No. 8 Frome Road - GII
- Parsonage Farm House – GII
- No.6 (The Old Rectory) Bradford Road – GII
- No.s 18 and 20 Bradford Road – GII
- No.2 (Clay Lane House) Bradford Road – GII

In relation to ecological constraints, the site is within the consultation zones for both the Mells Valley SAC (Band C) and the Bath and Bradford on Avon SAC; there are two pockets of woodland priority habitat immediately adjacent to the site boundaries; and the site is within the SSSI Impact Risk Zone.

There are no tree protection orders on the site, but there are trees and hedgerows on field boundaries and trees within the site.

The application site is within flood zone 1. There are a number of ponds/lakes near to the site.

Natural England mapping confirms the site is within agricultural classification 3 (good to moderate).

Agricultural activities dominate the immediate local area, and there are rural dwellings and agricultural buildings scattered across the wider open countryside.

The application site is within Rode Parish, although the neighbouring parish councils of Wingfield and Beckington have also commented on the application (see below).

As the site is near the Wiltshire boundary, Wiltshire Council has been consulted – but no comments have been received.

Proposed Development:

The proposed solar farm includes battery storage facilities (up to 24 batteries within shipping containers), up to 28 inverters, sub station, switch room, security cameras, perimeter fencing, internal access tracks and landscaping.

The proposal is submitted on the basis the solar farm would operate for 40 years. After this, it would be removed and the site returned to agricultural use.

The applicant states that works are anticipated to generate up to 49.9MW of electricity, which would power *'over 16,000 homes annually'*.

The applicant describes the solar panel proposals as follows:

> *'3.13 The solar panels would be laid out in rows running from east to west across the Site. There would be a gap of approximately 3-4m between each row. The*

panels would be mounted on a frame, and to be installed using spiked foundations of approximately 1.2m deep.

3.14 The solar panels within the area identified as archaeologically sensitive 'no dig' zones by the Cultural Heritage Assessment and Geophysical Survey will be installed without foundations using concrete blocks (known as 'concrete shoes') which sit flush with the ground surface so that excavation is not required. This area is shown in black on the indicative layout (reference LCS053-PLE-01). An example of concrete shoes is shown at in Figure 3.3 below.

3.15 The panels are typically mounted in four horizontal rows, with one row fixed directly above the other, and angled at the optimum position for absorbing year-round solar irradiation. At the lowest edge, the arrays would be approximately 0.6-0.9m from the ground and up to approximately 3.0m at the highest edge, except for areas predicted to be at risk from surface water flooding in which the panels will be raised 0.8m above the ground level, being raised to 1m above the ground level.

3.16 An example of a row of solar panels is shown in Figure 3.2 below. Indicative dimensions of the panels and frame are shown in the Solar Panel Elevation Maximum Height (Drawing reference LCS-SD-39.4) which shows the panels at their standard height of around 3.0 m, however, panels could be up to 4.0m in areas of the Site at highest risk of deep flooding. Further information on the areas of highest flood risk is provided in the submitted Flood Risk Assessment and Drainage Strategy (Dated October 2023).'

Following discussions with the Landscape Officer, the agent has confirmed the panels would be all be black in colour, rather than blue as shown on the indicative plans and illustrations.

Three access points are proposed, as follows:

- Access 1 - from Rode Hill, a classified unnumbered highway subject to a 40mph speed limit at the point of access, utilising the existing Rode Hill Fishery access.
- Access 2 - from the A361, subject to national speed limit at the point of access, and utilising the existing Rode Common and Rode Farm access.
- Access 3 - from Monkley Lane, an unclassified highway subject to national speed limit at the point of access, and via an existing farm access.

Proposed new internal access tracks would be constructed of permeable materials, finished in 40mm of dust crushed stone. Tracks would be constructed along the boundaries of some of the development zones, with some running through zones. All would be single tracks terminating in turning circles.

Up to 28 inverters are proposed, which would be scattered across the site adjacent to access tracks. These would have a length of 12.2m, a width of 2.5m and a height of 2.5m. They would have the appearance of shipping containers.

The battery storage and substation would be clustered in the northern part of zone 16 (south of Monkley Lane). The substation compound would include various infrastructure. A maximum of 2 substation buildings would measure 10m x 4m and have a height of 3m. Up to 24 batteries are proposed within shipping containers. They would measure 12.192m in length, 2.6m in width and a maximum of 3.908m in height. They would be clustered alongside spare parts buildings which would also look like shipping containers and would measure 6.1m in length, 2.447m in width and 2.9m in height.

Buildings/containers are proposed to be placed on a concrete pads or plinths over a compacted gravel base for drainage purposes.

Mesh wire perimeter fencing and gates are proposed, with CCTV and/or infrared cameras fitted on intermittent gate posts at a height of circa 3.5m.

Detailed materials for the proposed buildings on the site have not yet been confirmed, and conditions are recommended which would see materials and colours agreed prior to construction of these buildings.

Following lengthy discussions with the applicant, various changes have been made to the application since it was first submitted including:

- Enhanced landscaping mitigation, including restoring historic field boundaries in the western field (zone 3) which would visually break up the panels and provide ecological gains.
- A permissive bridleway proposed in zone 10 on the corner of Poplar Tree Lane and the A361, which would enhance non-motorised routes in north-south directions and complement the local PROW network.
- Removal of panels east and west of Flexham Farm (GII listed).
- Additional planting near Flexham Farm.
- Relocating an inverter away from Flexham Farm.
- Additional planting west of 8 Frome Road (GII).
- Increased 'no build' buffers across the site from boundary vegetation in areas of bat activity.
- Enhancements to drainage measures near the proposed battery/substation field (zone 16).
- Amendments to Access 2 including additional space for turning, parking and a passing place within the site.

The application site is near a point of connection to the power grid, and states in the 'Planning Benefits Letter' (received 14.03.2024) that there is capacity and agreement for grid connection:

> *'It is notable that the Proposed Development has an existing high-voltage transmission tower located on-site which is the point of connection into the electricity grid via the 132kV Melksham-Frome overhead line. This point of connection is identified as having the capacity and infrastructure to accommodate a solar PV farm of this size and capacity. The Applicant benefits from an accepted grid connection offer which would be available when the Proposed Development is constructed (if approved).'*

Construction:

The submitted Planning and Design and Access Statement (PDAS) confirms that a 30 week construction timetable is anticipated. A Compound Plan has been submitted showing the location of construction accesses and site compounds. A construction management plan has been submitted, and this can be further controlled by condition.

The PDAS states that construction works are anticipated to be as follows:

- 08:00 – 18:00 Monday to Friday; and
- 08:00 – 13:00 Saturday.

In relation to construction vehicles, the PDAS describes the proposals thus:

> *'3.40 Typically, 11 Large Goods Vehicles (LGVs) are expected to visit Site each day, arriving in the morning and leaving in the evening, comprising staff/contractor vehicles. In addition, it is expected that the Proposed Development would require approximately 17 staff/ contractors to travel to/ from the Site by car each day. No abnormal loads are anticipated.*
>
> *3.41 It is anticipated that there would typically be 6 HGV deliveries per day spread across the 30 week programme.'*

Operation:

In relation to the operational arrangements for the proposal, the PDAS confirms thus:

> *'3.44 The operational life of the Proposed Development is expected to be approximately 40 years. Once operational, occasional maintenance of the solar panels and other infrastructure would be required. The solar panels would also need to be periodically cleaned, using distilled water and typically once every 3-4 years, to ensure the efficient running of the system.*
>
> *3.45 The Proposed Development is expected to generate a limited number of vehicles once operational and vehicle types would generally be limited to cars and LGVs. It is expected that under normal circumstances no more than 4 cars and LGVs would visit the Site each week (generally spread to less than 1 per day). It is estimated that 1 HGV trip may occur per annum to replace items / equipment, with no abnormal loads anticipated.*
>
> *3.46 The Site would be retained in agricultural use for the life of the Proposed Development. The majority of the Site would be planted with a combination of grassland/meadow, which would enable grazing (sheep). This would include land between and underneath panels. Further detail on species mix and biodiversity*

enhancement will be included within a Landscape and Biodiversity Management Plan submitted via a planning condition.'

Rochdale Principle:

The application is submitted on the basis of the 'Rochdale Principle' which allows flexibility in the layout and building design as summarised by the applicant in the submitted Planning Design and Access Statement thus:

'3.6 Construction work on the Proposed Development, assuming planning permission is granted, would not commence until a final investment decision has been made by the Applicant and a contractor appointed. Following the award of the contract, the appointed contractor would carry out a number of detailed studies to inform the technology selection for the Proposed Development and also to optimise its layout and design before starting work at the Site.

3.7 It follows that it has not been possible for the Applicant to fix all of the design details of the Proposed Development at this stage. Advances in technology and panel efficiency between now and construction are also a distinct possibility. The Applicant has therefore sought to incorporate sufficient design flexibility. This relates to the dimensions and layout of structures forming part of the Proposed Development, including the precise layout of the Site and the height of the solar panels.

3.8 In order to ensure a robust assessment of the likely significant environmental effects of the Proposed Development, the assessments that form part of the planning application have been undertaken adopting the principles of the 'Rochdale Envelope'.

3.9 This approach involved assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being maximum of 3 - 4 m in height, with the upper figure used in areas at highest risk of deep flowing, which is the worst-case scenario, however it is actually possible that the majority of panels would be at a height of around 2.5 m. As a general design principle for the ground mounted solar, the layout would be based on bifacial panels fixed onto a fixed mounting system, running east to west and orientated to the south.

3.10 The approach also involved defining development zones, rather than having a defined layout. This would allow the future contractor to optimise the layout of the solar farm following any granting of planning permission, rather than being bound to a precise layout.'

Consideration under the Rochdale Principle, which is established for solar farm development proposals, is concluded to be acceptable in this case. The conditions as recommended meet the conditions tests as set out in the NPPF.

There may be some minor non-material changes, which can be adequately controlled via condition. No third parties would be prejudiced by any non material changes to the layout such as non material changes to the siting of the solar panels.

Procedural Clarifications:

Mendip District Council has ceased to exist. Somerset County Council and four other district councils in Somerset (including Mendip Sedgemoor, Somerset West and Taunton Council and South Somerset) were replaced on 1st April 2023 by a new unitary council, known as 'Somerset Council.' In terms of the application site, the Mendip District Local Plan (Parts I and II) and the Rode Neighbourhood Plan still comprise the relevant development plan.

When the application was first validated, it was subject to a full 21 day consultation, and notification was given via neighbour letters, site notices and a press notice. Detailed discussions between officers and the applicant have resulted in the submission of revised plans and documents which seek to address some of the issues raised. As such a 14 day reconsultation was issued, which also included neighbour letters, site notices and a press notice. The Council has therefore met its obligations in relation to notification and publication of the application, and a significant number of comments have been received.

Following discussion with the Somerset Ecologist, skylark plots are proposed on land within the applicant's control. As such, an additional location plan showing land in the blue line has been submitted to demonstrate the wider land in the applicant's control, which can deliver the agreed skylark plots. As there is no material change to the proposal, and

this plan simply clarifies the skylark plots can be delivered, this new plan does not trigger any additional consultation above the two rounds already undertaken.

Some comments have stated the applicant did not adequately engage with the local community prior to submission of the application. The application has been submitted with a Statement of Community Involvement outlining how the applicant has engaged with the local community. Although this is encouraged by the Local Planning Authority and the NPPF, there is no obligation for community engagement by the applicant.

Some neighbour comments have stated there are errors or misleading statements in the application submission. The application as submitted is comprehensible, including where trees are proposed to be felled, where new planting is proposed and highways impacts.

The scope of the proposed development is also clear, as outlined above. Any additional works subject to planning controls would require consideration under a new application. Any such applications would be considered on their merits at that time.

Relevant History:

No known relevant planning history.

Summary of Comments Received:

Divisional Members: no comments received

Rode Parish Council: objection (summary of all comments)

- The scale and location of the proposed solar farm would significantly negatively affect the setting of Rode village, the countryside and heritage assets, including Flexham Farm.
- The proposed development is contrary to national and local policies including DP1, DP3 and DP4 of the Local Plan and policy 5 of the Rode Neighbourhood Plan.
- Loss of large area of agricultural land which currently supports cattle grazing and crop production. Disagree with the land quality assessment conclusions. Parts of the site have high agricultural value.
- The applicant has not undertaken a proper search for alternative sites, and has therefore not demonstrated that the proposed use of agricultural land is necessary. Site selection should not be based on a site this size, and proximity to grid connection and overhead power lines.
- Disagree with the submitted assessment of need.
- The Parish Council has significant concerns regarding the fire risk of the Battery Energy Storage System (BESS), and the apparent lack of detail within the planning application regarding how such risk would be managed.
- Access routes to/from the various parts of the development are poor, in particular access to Parcel 3 (which includes the BESS) is along a narrow lane which is inappropriate and dangerous. Access for emergency services needs to be considered.
- The Somerset Energy Plan will allocate sites for solar development and it would be premature to determine this application before completion of the Energy Plan.
- Recognize the need for renewable energy.
- The changes made to the scheme since the original consultation period are very minor in nature and do not materially address any of the concerns or issues raised.
- There is no policy requiring all energy development from renewable sources.
- Cumulative impact of solar farms needs to be considered.
- Friends of the Earth has worked with the UKRI Centre for Doctoral Training in Environmental Intelligence based at the University of Exeter to identify the land that could be most suitable for new onshore renewable energy – 'How Can England Produce More Onshore Renewable Energy Fast'. Fundamentally it shows that a significant area of land locally is suitable, but this lies significantly further away from the village, and would have much reduced impact on the historic setting of Rode. FotE has identified land capable of generating 130MW of Solar without the need to impinge on heritage assets. They have also identified land that can support a further 95MW of wind energy. The two together, as stated above, would provide twice as much energy as all the country's homes currently require. And all this without counting the UK's huge potential for off-shore renewables, or the existing potential for rooftop solar. The UK can massively out-produce our domestic requirements for energy without needing to build Solar Farms in close proximity to historic villages.

Wingfield Parish Council (neighbouring parish): objection (19.12.2023)

- Excessive scale
- Harm to landscape
- Concern future further development pressures and precedent
- Loss of trees
- Harm to ecology – Any mitigation should be closely monitored
- Highways - How will construction traffic be monitored? Unsuitable accesses. Highway safety concerns
- Recognise need for renewable energy, would prefer a co-operative with local input.

Beckington Parish Council (neighbouring parish): objection (17.01.2024)

- Support comments from Rode Parish Council
- Request committee decision

Lead Local Flood Authority: no objection subject to condition (summary of final comments following discussions and submission of additional information)

- Expect to see discharge rates for the substation and battery areas based on region 8, however we have undertaken our own assessment using IH124 which indicates minor differences (i.e. QBAR 0.5 l/s shown vs 0.65 l/s IH124, and QBAR 1.36 l/s vs 1.3 l/s IH124).
- Discharge rates should be restricted to QBAR on the overall impermeable area by reducing the size of the orifice on the substation so that total rates do not exceed QBAR. However, as this is only a minor increase in the lower events, for the battery storage area (proposed 0.9 l/s, calculations undertaken by applicant shown 0.5 l/s), and the space available within the site boundary, this can be secured through a condition. Any impermeable area will need to be accounted for within the design.
- At the next planning stage, expect further details on the location of swales, cut off features, and features to encourage infiltration to ground between solar panels. Further details along with additional mitigation measures will be required to prevent flows onto the southeastern byway, which has been recommended as a condition. This will also require details on the condition of watercourses under the applicant's riparian ownership, and any necessary maintenance/remediation/improvement works.
- Recommended conditions:

    - Agreement of surface water drainage scheme for the site including measures to control and attenuate surface water and discharge at greenfield rates.
    - Approval of a plan for the future responsibility and maintenance of the surface water drainage system, landscaping and access tracks.
    - Approval of measures to confirm there would be no surface water discharged onto the southeastern byway including details on watercourses under riparian ownership of the site and any necessary maintenance/remediation/improvement works.
- Recommended informative:
    - Reminding applicant there is legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse.

Somerset Highway Authority: no objection subject to conditions (summary of all comments following the submission of additional information, and verbal clarification request)

- Access to Parcel 1 is proposed from Rode Hill, a classified unnumbered highway subject to a 40mph speed limit at the point of access, and will utilise the existing Rode Hill Fishery access.
- Access to Parcel 2 is proposed from the A361, subject to national speed limit at the point of access, and will utilise the existing Rode Common and Rode Farm access
    - An amended drawing has been provided to show the gates into the site repositioned to enable an articulated vehicle to fully exit the highway into the site.
    - Swept path drawings have been provided to show an articulated vehicle entering and exiting the site. This has been enabled by a widening of the access to accommodate the temporary construction traffic.
- Access to Parcel 3 is proposed from Monkley Lane, an unclassified highway subject to national speed limit at the point of access, and will be via an existing farm access.
    - A drawing to demonstrate an articulated vehicle entering and exiting Monkley Lane has been provided. Likewise, a drawing to show visibility splays has been submitted for the junction of Monkley Lane onto the A361 and these are considered acceptable.
- Use of Monkley Lane:
    - A tree report has been submitted for Monkley Lane to show those trees that may require some attention in terms of raising the canopies to enable the higher articulated vehicles to utilise it. This is considered acceptable and can be conditioned.

    - A survey of the lane has been undertaken to show the varying widths of the Monkley Lane. Whilst it is noted there is a particularly narrow point of 2m along the lane, this is only one small area.
    - Whilst it is acknowledged that there may be some oversailing of large vehicles whilst exiting the site onto Monkley Lane, this area is designated highway land according to road records and not private.
    - In terms of passing places, it is noted the comments of these being for use by those living along Monkley Lane and not for any construction traffic. Monkley Lane is a public highway with no restrictions. The road records indicate that the width of the highway extends into the verges and some entrances. Given the temporary period of the construction phase and the limited number of vehicles proposed during this period along this lightly trafficked highway this is not considered to cause any significant highway harm.
    - In terms of the lack of visibility for the full length of Monkley Lane when a vehicle has entered, this is an existing scenario for all users at present. Again given the temporary nature of these schemes generating traffic during construction phase and this entails a small number of vehicles, it is not considered this will cause any significant highway issues to that which already exists.
    - Whilst it is acknowledged that the equestrian use of one of the properties generates movement of both vehicles and horses being walked along Monkley Lane, it is clear that these activities and movements exist and vehicles and horses manage to utilise this public highway already. The applicant has noted the equestrian use of the lane and has proposed a banksman to ensure vehicles are alerted and can allow for the horses to pass at the Monkley Lane site entrance. The addition of the limited construction traffic movements is not considered to be a significant increase to that which already exists during the temporary construction phase.
    - It must also be noted that the existing dairy farm typically generates 1 HGV per day which is associated with silage, feed, slurry removal and milk deliveries on Monkley Lane.
- The application is supported by a Transport Assessment (TA) and Construction Traffic Management Plan (CTMP). It is noted within the TA that the expected construction period is 30 weeks, within which time the bulk of the traffic movements associated with the site will occur.
- Vehicle compound plan is acceptable and can be conditioned.
- Summary:
    - It is considered the applicant has addressed the majority of the issues raised by the HA and conditions will secure any outstanding matters. Due to the temporary nature of this type of development and particularly when

measured against the existing use the highways impact of the proposals are considered to be acceptable.

- Taking into account the above comments it is considered the proposal will not raise any significant or severe highway safety issues, nor would it have any detrimental effect on the existing highway network. Therefore, the HA does not raise any objection.

Recommended conditions:

- Installation of access gate and surfaced accesses and waiting bay
- New accesses to be constructed in accordance with approved details
- Submission and agreement of a construction management plan
- Complaint with submitted layout plans for site compound and parking
- Completion of tree canopy work on Monkley Lane
- Agreement of final layout

Public Rights of Way: no objections subject to conditions

- There are public rights of way (PROW) recorded on the definitive map that run through the site (public footpaths FR 13/17 and FR 13/18) and PROWs that abut/run adjacent to the site (restricted byways FR 13/20 and FR 1/39)
- Please refer to our Highways colleagues with regard to the use of Monkley Lane for the construction access to the site.
- The proposed access track will require surface authorisation from SC Rights of Way Group where it crosses over path FR 13/17 and FR 13/18. Associated infrastructure may also be required.
- Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
- Recommended condition: The applicant will need to provide a suitably-worded warning signage scheme for both the public and the construction drivers.
- The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along the path FR 13/17 and FR 13/18. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

Landscape Officer: no objections (summary of all comments)

- Following discussions, amendments and additional information the landscape and visual impact would be acceptable.
- The quantum and location of viewpoints was agreed at pre-app stage and is thought to be acceptable for analysis of the proposal.

Landscape Character:

- The landscape character falls under B3 *Lower Frome Valley* in the Mendip Landscape Character Assessment. This is noted as having a diminished quality of landscape around roadways but opportunities to have tranquil environments.
- The grain is of 'moderate scale field pattern with mix of enclosure eras' with agricultural land that is predominantly arable.
- The proposed development will have a significant impact on this rural, agricultural landscape.
- As noted in the LVA, the site is already impacted by larger scale farming, busy roads, pylons and industrial development.
- In terms of landscape character, there is a question over whether solar farms can form part of an agricultural landscape in their 'farming' and harvesting of a necessary resource (electricity). If this is classed as an acceptable interpretation, then the presence of a solar farm constitutes less of a character change than other forms of development, especially given their temporary nature.
- This being said, the visual impact of solar farms is a significant and more permanent change to the historic landscape than farming. The size of this proposed development is such that it will cover a large proportion of the valley and risks encroaching on the historic village of Rode.
- As noted in the LVIA, some hedgerows have been removed and others are in decline. Field boundaries are a key landscape feature, contributing to its overall character in this area.
- There are several heritage elements at the boundary to the solar farm which should be considered.

Impact from Roads:

- The visual impact from some roads around the site will be fairly minimal as the solar panels will sit below the hedge line.
- They will be visible from access points or through gaps or thinner parts of the hedge (especially in winter).
- As there is only one part of the road where there will be solar panels on both sides, the effect of this is considered to be minor adverse.
- A summary of the glint and glare study from the road states: "*A moderate impact is predicted upon road safety at two sections of Frome Road (A361) for which mitigation is recommended (see Section 6.5.1). No significant impacts are predicted upon residential amenity or aviation activity at Brown Shutters Farm Airstrip,*

Orchardleigh Airstrip and Biss Brook Farm Airstrip, and no mitigation is required. No detailed modelling is required for Winsley Airfield, White Ox Mead Airstrip and Keevil Airfield." This is considered acceptable.

Impact on PROWs:

- Where FR13/17 crosses the site, it should be ensured that the footpath is at least 4m wide between the edge of the hedges when fully grown.
- Impact would be significantly reduced if the solar panels were black and matt
- Photomontage 15 implies a minimal visual impact at 15 years along this bridleway. From a site visit, it is considered that the visual impact is likely to be more severe than this. Even with solar panels orientated away from the viewpoint, the character of the rural, green, undeveloped landscape will be significantly impacted by the development of the solar panels. This should be mitigated.
- Major adverse impact of the development on PROW 13/18. This will be somewhat mitigated at 15 years by a maturing hedgerow, however this represents a significant change on the previously open landscape. Although the impact is large, it is only on a small section of path (approximately 130m long) and so is considered acceptable in the context of the development.

White Horse:

- A desk-based analysis using google Earth in 3D indicates that there is likely visibility from Westbury White Horse, but that due to the distance, the impact will be very low.

Summary of Final Comments:

- The reinstation of two historic hedgerows breaking up what would otherwise be the largest block of solar PV panels. This will reduce the impact of the farm as viewed through the hedge along the B3109, it will reduce the visible impact from High Wood, will reduce the perceived encroachment of the solar farm on the village of Rode and will increase the opportunities for biodiversity and wildlife.
- The reduction in PV panels around the listed buildings on the B3109 helps to preserve the historic landscape character in the setting of these structures.
- The reinforcement of existing hedgerows enhances the landscape and improves biodiversity.

<u>Conservation:</u> objection (summary of all comments)

- The application is going to have a significant impact to the character of the landscape. I do appreciate within time, planted boundary treatments will thicken and will help somewhat with the setting. However, it is going to change the

character of the approach to the historic village of Rode and the Grade I Listed St Lawrence Church.

- To first consider the impact to the Church, due to the topography of the area and the recent infill developments, it will mask the visibility of the site. From walking around the church yard, in mid-winter, from the ground level I do not expect the panels to be visible. They may be visible from the bell tower; however, I do consider this small impact to be acceptable. Despite on this occasion a minimal impact was identified, I do think the Grade I Listed Church should have been considered in its own right as not as part of the Conservation Area [further assessment of Church subsequently submitted by the applicant].
- Again, due to the topography of the site, there will be limited views of it from the Historic Village and Conservation area. However, I do not agree with the Historic Environment Desk-Based Assessment conclusion *'Thus, there will be no change to the significance of the Conservation Area arising from the proposed development. Any visual change would relate to amenity and the proposed development will result in no harm to the heritage significance of the Conservation Area.'* The surrounding landscape provides the context of the historic village, especially as it is elevated within the landscape. Highlighted within the supporting documentation, is the acknowledgement that historic field boundaries have been lost, replaced with large open expanses. The solar farm is going to change the rural character of the landscape, when considered with the large open fields and the scale of the farm, to a more industrial character, especially when considering all the associated infrastructure needed. Although minor mitigation measures have been included, for example, in Area 1, two partial hedge rows are being reinstated. There is a missed opportunity to do more, to reinstate further lost boundaries and for further planting to be added to the boundaries. This would help lessen the industrial feel the site currently has and help it sit within the landscape and not have the large open fields of panels which are not characteristic of this historic setting. This would help to reduce the impact to the setting of the Conservation area.
- When considering the impact of the solar farm as a whole, I consider Areas 1 and 2 to have the biggest negative impact to the surrounding heritage assets, followed by Area 4. If Areas 1 and 2 were removed, I would not object to the application, provided further mitigation measures were introduced for the affected Listed Buildings located within Area 4. The mitigation measures included are very minimal and do not go far enough to overcome the impacts to the Heritage Assets.
- The updated site plan included a number of mitigation measures aimed at reducing the impact of the solar farm on the surrounding designated heritage assets and historic landscape character. These mitigation measures do little to overcome the negative impact the application will have on the surrounding designated heritage assets and are a poor attempt to overcome this level of harm and the objection remains.

- The additional mitigation measures do not remove the level of harm identified; they simply mask it. Given the time needed for the additional planting to become fully established, there is going to be considerable impact before they are established and begin to mask the site. The question remains as to why the solar farm needs to be located so close to these designated heritage assets. Although the need for sustainable energy creation is clearly understood, the listed buildings which surround the site are of national importance and fall within approximately 2% of the building stock of the country. As this is such a large-scale site, when taken as a whole, there is public benefit to be gained from the solar farm, however, when considering the impact to these individual designated heritage assets and the addition of the panels to the fields that surround them, the public benefit is minimal.
- The additional planting along the western boundary of Development Zone 12, will help to mask the site from 8 Frome Road. A Grade II Listed early 19th century house. The setting of this Listed Building does contribute to its significance, as a rural building located outside the historic village of Rode. Still of primary concern is the impact to The Firth and Flexham Farm, two Grade II Listed 18th-century farmhouses. The rural setting of these two buildings do contribute to their significance, again as per the previous comments, the impact of this proposal to the significance of these designated heritage assets would fall into the category of less than substantial harm, at the medium level. Considering this harm will stem from change to the setting and does not involve any change to the physical fabric of the building, this impact is significant. The additional mitigation measures proposed include reducing the number of panels close to Flexham Farm and some additional boundary planting along the current hedge rows. Again, this does not remove or lessen the impact to the significance of the Listed Building, it will mask it.
- The reinstatement of the historic field boundaries within Development Zone 3 will help to break up the massing of the solar panels within this large field. As the surrounding landscape provides the rural context of the historic village and Conservation Area, especially as it is elevated within the landscape. The solar farm is going to change this, especially when considering all the associated infrastructure needed. When taken as a whole, these mitigation measures are a poor attempt to overcome the negative impact of the scheme. More could be done to reduce the level of harm, including the removal of Development Zone 1,2,3,4 and 5. As a result the objection still remains on the grounds that this large solar farm is going to have a negative impact to the significance of the surrounding designated heritage assets and historic landscape character.

<u>Historic England:</u> (summary of all comments received)

Context:

- Whilst there are no designated heritage assets within the application site there is potential for significant archaeology within the application site and the proposed solar development is likely to be visible across a large area and could, as a result, affect the significance of a number of highly graded heritage assets at some distance from the site itself.
- To the south west of the proposal is the Grade I listed Church of St Lawrence (NHLE 1345357) which retains open views out from the churchyard boundary to the surrounding rural hinterland. Earthwork remains surrounding the church indicate the potential for medieval origins of Church Row which is protected with Rode as a Conservation Area.
- Just to the south of the proposal is the intriguingly named Devils bed and Bolster long barrow (NHLE No 1017897). The burial mound is considered of national significance and was constructed about 5000 years ago. Although the long barrow has been eroded and disturbed in the past, it will include archaeological remains containing information about Neolithic beliefs, economy and environment.
- The area has a long history of settlement reflected through the archaeology; from Neolithic hill forts to remnant medieval open fields, along with many listed buildings.
- From the assessment to date Historic England considers that the proposed development could impact on the open rural farmland of historic fields which forms the setting of many of the heritage assets through the introduction of industrial-scale solar farm.

Issues:

- We consider that the proposals could result in both physical harm and harm to the historic rural landscape as a result of the marked change from a rural landscape which forms part of the setting of both the church and the long barrow both of which are considered significant heritage assets. Direct physical impacts include impacts to surface features or buried archaeological remains; indirect physical impacts such as impacts to groundwater levels.
- The landscape is largely open arable land, consequently, the solar farm has the potential to be visible in views to, from and in combination with the heritage assets. The National Character Area, Avon Vales (NCA) notes that the pressure for solar farms and panels is already intense and there is concern for the impact on the landscape should they become widespread and established.
- We agree with the Heritage Statement that the significance and extent of the known and potential remains are not fully understood, and that trial trench evaluation has been requested by the Archaeological Advisor prior to determination of any planning application. The key point is that the date and significance of the remains here would determine whether specific areas should be omitted from the solar arrays.

- We understand that within the proposed development there are two proposed 'no-dig' zones within which concrete footings will be used for the installation of the solar arrays to avoid any ground-breaking works. Alterations to drainage patterns could lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and we will need to be provided with the archaeological evaluation report before we are able to provide further comment.

Conclusions / Recommendations:

- Therefore, the local council will need to be confident with this assessment and take steps to avoid and minimise the harm where possible. This would be through design, layout and mitigation measures although care needs to be taken that these measures do not themselves have an adverse impact on the heritage setting or landscape character. We would also strongly encourage you to utilise your inhouse expertise, both archaeological and conservation specialists.
- As archaeological remains can be susceptible to damage from the installation and subsequent removal of solar arrays, if the remains are of high significance, we consider that those areas be omitted from the development in order to preserve the remains and their heritage significance.
- We also guide you to our Advice Note; Historic England, 2021 Commercial Renewable Energy Development and the Historic Environment, Commercial renewable energy
- There is potential here for archaeology which may potentially be of national importance and/or of equivalent significance to a scheduled monument, (and which come within the scope of NPPF footnote 68 which states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets). This may potentially apply to significant survivals of Bronze Age ritual or funerary sites such as barrows, or to domestic occupation sites.
- Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 195, Footnote 68 of the NPPF.
- Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Further comments (04.04.2024):

- We still have concerns therefore our advice stands

Archaeology: No objections subject to condition (summary of final comments)

- The submitted draft archaeological report on the trial trench evaluation indicates that there are archaeological features on this site. Although not all of the site could be evaluated due to weather and field conditions, sufficient information has now been obtained to describe the significance of the archaeology. The Bronze Age ringditch has been shown to be truncated by later activity but it is likely that there are remains of funerary activity around the ringditch including cremations.
- These remains are of local significance and therefore can be mitigated through archaeological investigation.
- The applicant has put forward a mitigation strategy that includes finishing the evaluation and then excavation of the area containing Bronze Age activity (and any other archaeology found through further evaluation). This mitigation scheme is proportionate to the significance of the archaeology and is acceptable in terms of the requirements of the NPPF Chapter 16
- Recommended condition:
    - Programme of Works in Accordance with a Written Scheme of Investigation (POW)

Environment Agency: No objection subject to conditions

- Recommended conditions:
    - Battery storage surface water drainage – including a scheme for the control, containment and removal of water used for extinguishing in the event of a fire at battery storage facility
    - Emergency pollution control method statement
    - Construction Environmental Management Plan (CEMP)
- Informative to cover: Natural flood management; ditch crossings; surface water drainage
- Control of Major Accident Hazard (COMAH) – no comments.

Contaminated Land: No objection

Environmental Protection: no objection (20.11.2023)

- The noise assessment is satisfactory and it is accepted that this development will have no adverse effect on the nearby residential properties.

Health and Safety Executive: no comments

- Outside scope to comment - This application does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline.

National Gas: no comments

- There are no National Gas Transmission assets affected in this area.

Devon & Somerset Fire and Rescue Service:

- Whilst the Service is not a statutory consultee in relation to this project, we welcome opportunities to work and engage with developers to ensure projects are delivered safely and that operators meet the statutory responsibilities that we enforce.
- The Service recognises that Battery Energy Storage Sites (BESS) pose specific hazards in the event of fire that are still not fully understood or researched. As a result, regulations, enforcement and best practice to mitigate the risk from BESS is still in development.
- The Fire Service's own powers of enforcement under the Regulatory Reform (Fire Safety) Order 2005 require the Responsible Person to carry out and regularly review fire risk assessments to protect relevant persons by identifying fire risks and removing or reducing them as low as possible. It also requires the Responsible Person to mitigate against those fire risks that remain.
- The Outline Battery Safety Management Plan (OBSMP) appears to adopt these principles but is limited in sufficient detail for Emergency Plans. Part of the risk reduction strategy will involve the development of an Emergency Response Plan with DSFRS to minimise the impact of an incident during any of the above phases The Service's response to a OBSMP will likely be steered by guidance produced by the National Fire Chiefs Council (NFCC) who have recently closed a consultation focused on Grid Scale Battery Storage Systems. In the absence of regulated code, our response will be evidence based and influenced by the size and nature of the development.

- Without prejudicing any further comments in relation to an OBSMP, the Service would recommend adoption and/or inclusion of the following risk reduction measures (some of which we note have been referenced in the IFSMP).

  - Automatic gas detection capable of detecting off-gassing in the battery modules.
  - Automatic aspirating smoke detection to improve fire detection times.
  - Details of how the remote monitoring of safety systems will operate and what intervention protocols/procedures are likely to be implemented.
  - Automatic fire suppression within the BESS containers. Based on current knowledge, preference is for a water drenching system as these appear to have the most success in preventing reignition.
  - Adequate space between containers or thermal barriers to prevent fire spread from one container to another.
  - Adequate ventilation of the battery modules to prevent heat build-up.
  - Suitable explosion venting and flame arrester strategy.
  - Alternative access routes onto the site for fire appliances.
  - Sufficient water supply for manual firefighting. Preference should be given to supply by an external fire hydrant as this would potentially give more flexibility when dealing with a battery fire involving thermal runaway. Regardless of the method of supply, it would be advisable to base the quantity of water supply on the potential number of containers at risk of being involved in fire rather than the default amount offered in B5 of the Building Regulations.
  - In terms of vehicular access, road and gateway widths and the provision of suitable hardstanding's should be in accordance with B5 of the Building Regulations.
    We draw your attention to the sizes and weights of fire appliances currently in use by the service. The standard Medium Rescue Pump is 7.91m long, 2.6m wide and weighs 13.5 tonnes. Its turning circle is between kerbs - 13.6m and between walls - 14.2m. An arial ladder platform is 10.04m long, 2.56m wide and weighs 26 tonnes. Further information about these and other vehicles can be found at https://www.dsfire.gov.uk/about-us/fleet-and-equipment.
  - Liaison with the Service before going 'online' in order to facilitate a Site-Specific Risk Information (SSRI) visit and provision of risk information and detailed plans in a secure location on site.

- It is assumed that the Environment Agency has been consulted and has carried out an environmental impact assessment. It is advisable that any such assessment should consider the potential environmental harm of fire water run-off. It is recommended that further assessment by the Environment Agency is sought regarding this issue once the type of batteries and their chemical composition is known.

Ecology: No objection subject to conditions (summary of all comments, including comments following the submission of additional information)

- Priority Habitat deciduous woodland is located within the site as well as Priority Habitat hedgerows of 'local' level value and the application site lies within the consultation zones for the Mells Valley SAC (band C) and the Bath and Bradford on Avon SAC.
- It is understood that tree and hedgerow loss will be offset delivering a positive BNG score.
- Approximately 2.72km of new native hedgerow planting is proposed in total, and all hedgerows would be managed at 3m or more. The site will comprise species rich grassland, beneath, and in between, rows of solar panels, and 13ha of wildflower grassland/ meadow planted within field margins, which will be grazed by sheep. All water courses would be buffered by a 10m 'no build' buffer either side, and all native species are recommended for the proposals.
- A Phase 1 Habitat Survey and further Phase 2 surveys have been carried out by The Environmental Dimension Partnership between 2022 and 2023, including for birds, bats, otter, water vole, badgers, hazel dormouse, and great crested newt (GCN) within the study area. According to the submitted reports, the site supports an assemblage of common breeding farmland birds, a moderate number and diversity of foraging and commuting bats, brown hare and three badger setts, all of which are currently considered to be inactive. Hazel dormouse following a suite of surveys have been assumed likely absent from the application site. Furthermore, it has been precautionarily presumed that the site supports GCN and a Natural England District Level Licence for GCN will be sought.
- A 30m buffer zone between any developed area and the badger setts within the application site has been included within the designs.
- It is recommended that enhancements are made throughout the site in the form of dormouse boxes, bat boxes and bird boxes, however these can be conditioned.
- In relation to horseshoe bats, Bath and Bradford on Avon Bats SAC and Mells Valley SAC, Habitat Evaluation Procedure (HEP) calculations have been undertaken, and optimal replacement habitat will be required to mitigate for those impacts of the development proposals upon lesser horseshoe and greater horseshoe bats, respectively, and to be secured via a planning condition. There will be an overall net gain in replacement habitat for both lesser horseshoe and greater horseshoe bats, with a gain of 6.12ha/10.95ha being provided.
- No confirmed bat roosts have been noted on or adjacent to the site however specific surveys have not been undertaken on all trees to fully confirm. It is understood that night working will be avoided during the construction phase, and

during the operational phase, targeted lighting may be required for short periods, which may temporarily result in a loss of suitable foraging and commuting habitats. A sensitive lighting scheme to demonstrate that lux levels will be <0.2 lux on the horizontal plane, and at or <0.4 lux on the vertical plane on the identified key and supporting horseshoe bat features and habitats, prior to determining the application.

- Recent research has noted that bats are negatively impacted by solar development and ground panels, which should be considered.
- It is understood from the information provided that a minimum 2m strip of wildflower grassland will be created adjacent to the hedgerow and all internal hedges to be maintained at a minimum height of 3m. There isn't a mention of a minimum width that the hedgerows will be managed to, which should be included within a LEMP.
- It is understood that skylark could be detrimentally affected by the proposals, and that due to the potential loss of breeding and foraging habitat for this species, that mitigation habitat will be provided. This may be provided off-site if not possible within the application site. The proposals are understood to provide 3ha of skylark plots within fields of winter or spring cereal crops comprising bare plots (approximately 4x4m in size). Further information will be required on the location and management of the skylark plots.

- Following review of the ecological information submitted along with the Shadow Habitat Regulations Assessment (sHRA), titled Shadow Habitat Regulations Assessment (October 2023) prepared by prepared by The Environmental Dimension Partnership Ltd, SES has considered the content and measures designed to mitigate the impacts of the proposed development on the Mells Valley SAC. The Council agrees with the conclusion that any such impacts will be fully mitigated considering the measures proposed and that, as a result, the Council has ascertained beyond reasonable scientific doubt that the development will not adversely affect the integrity of the Mells Valley SAC site either alone or in combination with other plans or projects. The Council, as the competent authority, adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2019 (EU Exit) (as amended). This endorsement is subject to Natural England concurring with the Councils' conclusions as well as the implementation of the conditions/ s106 agreements below.
- Recommended conditions:
    - Creation of 11.28ha bat habitat enhancement
    - Submission and agreement of all buffer zones adjacent to hedgerows
    - Mammal gaps in boundary security fencing
    - Submission and agreement of a construction environmental management plan (CEMP: Biodiversity)

    - Submission and agreement of a Landscape and Ecological Management Plan (LEMP)
    - Protection measures for retained hedgerows and trees
    - Vegetation removal protections during the bird nesting period
    - Submission and agreement of a Farmland Bird Management Strategy to include skylark plots
    - Ecologist inspections of trees for bats before felling
    - Lighting design for bats
    - Submission of great crested newt district level licence issued by Natural England
    - Reptile protection measures during construction
    - Protection measures for hazel dormice
    - Additional badger survey prior to construction
    - Ecological enhancement measures
- Recommended informatives:
    - Reminder of the legal protections of badgers and recommended construction protection measures.
- It is recommended that LEMP and Farmland Bird Management Strategy are secured via a s106 agreement due to the long term and/or off-site nature of the requirements.

Natural England: No comments received

Designing Out Crime Officer, Avon and Somerset Constabulary: No objection subject to comments (summary of all comments)

- The crime and anti-social behaviour figures for this area can be seen as low. However with this type of application, the crime risk is dependent upon the type of project i.e. the risks to a solar farm per se. Solar farms (and Battery Energy Storage sites) contain several asset types that would be attractive to a motivated offender.
- Crime generated due to the high cost of precious metals is still very prevalent in the rural setting. The risks to the sites are not only the theft of the panels but also thefts of batteries, cabling, metals and alike.
- It is important to consider not only the financial implication any attack on the site would no doubt incur, but also the potential impact the interruption of power generation would have on the locality.
- I have recently been made aware that intelligence has shown that nationally theft from solar farms has continued to grow, with the theft of cables being the most frequent type of attack.
- Recommendations:

- Perimeter fencing could be susceptible to cutting or climbing and should be enhanced for security purposes
- Recommend consideration of CCTV systems in low light, and incorporating lighting
- Consider suitable locks on buildings
- Maximising the amount of buried cabling, outside no dig areas
- Individual equipment should be marked to make it identifiable and secured with anti-tamper fixings

Tree and Woodland Officer: no comments received

Biodiversity and Landscape Officer: no comments received

Wiltshire Council: no comments received

CPRE Somerset: Objection

- Impact on the setting of Rode
- Excessive scale proposed
- Conservation harm
- PROW harm
- Landscape harm
- Fire and safety concerns of battery storage
- Incomplete information and disagree Rochdale principle can be applied here.
- Disagree with the site selection and assessment of alternative sites.
- Disagree with the level of electricity proposed to be generated, site efficiency questions,
- 40 year timescale is significant and not temporary.
- Loss of agricultural land.
- Benefits are overstated by the applicant.
- Harm to landscape.

Local Representations:

Objections:

60 people/couples/organisations have submitted objection comments on this application, including some who have submitted comments on more than one occasion. Objections are summarised below:

- Visual impact/landscape harm – excessive scale; impact on rural landscape; impact on Rode; cumulative impact of other solar farms in the area; site is fragmented which will increase impact; planting takes years to establish and screen; deciduous planting would not screen the development in the winter; industrial character of proposed development would be harmful in this rural location; associated signage would be harmful to local character.
- Site selection/alternatives - more appropriate alternative locations should have been progressed instead; brownfield sites should be considered instead/first; alternative energy generation measures should be considered; solar should be mixed with other technologies; disagree with the site selection and assessment of alternative sites; there are permitted development rights for solar on rooftops; development is not needed.
- Benefits – insufficient direct local benefits; long term benefits unclear; benefits have been over stated; Somerset Council should designate land and facilitate renewable energy development.
- Efficiency - large solar farms are inefficient, small scale development is more efficient; not an optimal technology and only generates power on sunny days, and not at night.
- Inadequate community engagement.
- Insufficient planning obligations.
- Harmful impact on tourism and associated economy.
- Highway impact – insufficient capacity on the local network; safety concerns; deterioration of road surface; risks to non-motorised road users and horses; available alternative access routes should be considered; inadequate emergency service vehicle access; Monkley Lane is unsuitable; insufficient visibility splays; insufficient road width and stability, and no passing places/room for passing places on Monkley Lane; passing places identified by the applicant are not passing places and are usually blocked off by vehicles, bollards or stones; vehicles overhanging the highway on private land will not be permitted; traffic movement submissions inaccurate/misleading; construction traffic may be concentrated and not spread over the construction period which would increase impacts; disagree with the comments from the Highway Authority; Monkley Lane does not meet NFCC guidance as it is not a suitable access; if approved, the speed limit on Monkley Lane should be reduced to 10MPH, wheel washing should be in place, and the condition of Monkley Lane should be monitored; construction traffic would undermine existing

neighbouring agricultural uses including cattle movement; construction traffic may undermine a resident doctor on Monkley Lane attending medical emergencies.

- Loss of agricultural land - Maize grows on the fields; disagree with the conclusions of the conclusions of the land assessment; Somerset Council should commission its own soil assessment; farming practices could increase the agricultural quality of the land
- Are there delays connecting to the grid?
- Harm to trees and hedgerows
- Harm to ecology
- Amenity harm – noise and disturbance; construction traffic, noise and disturbance
- Harm to PROWs – including noise impacts and flooding on the byway and harm to horses
- Drainage/flooding
- Outside settlement limits in open countryside
- Conservation harm – listed buildings; conservation area; scheduled monument
- Inadequate application - inadequate/unclear/misleading application documentation; incomplete application; errors on application form – trees are proposed to be removed; there could be further development not described in the application (e.g. pylons).
- Fire and safety concerns associated with battery storage.
- 40 years is not temporary.
- Sustainability - equipment cannot be recycled; carbon footprint of works unknown; increased carbon footprint through impacts on food production and flying food; solar panels are not carbon neural.
- Support solar development generally.
- Information on the decommissioning bond between the applicant and the operator should be publicly available to ensure decommissioning is acceptable.
- Pollution and land/water contamination concerns.
- Insufficient information submitted on the social and well-being impacts of the development.
- Reflective panels would be a danger to passing planes and air balloons.
- Agree with comments from CPRE.
- Agree with the comments of Rode Parish Council.
- The land would be of little/reduced use after the solar development.
- Part of the site has enforcement history through unauthorised hedgerow removal which was not reinstated – enforcement needed.
- Updated information has not overcome concerns.
- Disagree the development should be described as a solar ‘farm’.
- Delivery of 10% BNG has not been substantiated.
- Some support comments are made by people who will benefit financially from the proposal.

Non planning matters:

- Property devaluation
- The applicant is seeking to make a profit.

Neutral:

Two neutral comments have been received, as summarised below:

- Support ecological appraisal. Ecological mitigation and enhancement recommendations must be controlled by conditions.
- Monkley Lane – safety concerns; impacts on horses and riders; inadequate passing places and road width; disagree with comments from the Highway Authority; alternative access should be progressed.

Support:

Four people have submitted comments in support of the application, including some who have commented on more than one occasion. One has declared themselves an application site landowner. Objectors have stated more than one is an application landowner. Even if comments are received from applicants/landowners, they can be considered. Comments are summarised below:

- Land is lower quality agricultural, and sheep grazing can continue on the land.
- Benefits include improvements to air quality, water quality and biodiversity, and significant contribution to renewable energy.
- Renewable energy is needed.
- Solar energy is very safe, clean and reliable.
- Solar is the cheapest energy.
- Visual impacts very low, particularly with planting.
- Development would make other farmed land more financially viable.
- Diversification and multifunctional use of land.
- Welcome proposed mitigation for ecology and trees.

Other Public Consultation Matters:

Any comments from members of the public/organisations submitted on the basis that they are not published cannot be formally considered as part of this application. It is noted that such comments have not raised any matters not already considered.

Although some have requested their comments are circulated to all members of the planning committee, due to the volume of comments received this is not practical. Comments are published on the application file on the council's website in line with privacy policies - unless comments are submitted anonymously, in which case they are not published.

One set of comments was submitted with name and contact details included. However, a later email from the email address on these comments stated this person had not submitted these comments. Notwithstanding, these comments raise no new issues and they have not been counted in the number of objectors.

Full details of all consultation responses can be found on the Council's website: Simple Search (mendip.gov.uk)

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Rode Neighbourhood Plan (2017)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1: Spatial Strategy
- CP3: Supporting Business Development and Growth
- CP4: Sustaining Rural Communities
- DP1: Local Identity and Distinctiveness
- DP3: Heritage Conservation
- DP4: Mendip's Landscapes
- DP5: Biodiversity and Ecological Networks
- DP6: Bat Protection
- DP7: Design and Amenity
- DP8: Environmental Protection
- DP9: Transport Impact of New Development
- DP10: Parking Standards
- DP16: Open Space and Green Infrastructure
- DP23: Managing Flood Risk

The following policies of the Rode Neighbourhood Plan (2017) are relevant to the determination of this application:

- Policy 4: Design of Buildings and Public Space
- Policy 5: Settlement Boundary
- Policy 6: Protection of Local Heritage
- Policy 7: Promoting Sustainable and Safe Travel
- Policy 8: Rights of way and the pedestrian and cycle network
- Policy 9: Parking

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG), including Renewable and Low Carbon Energy (2023)
- Overarching National Policy Statement for energy (EN-1) (2024)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (2023)

- Creating Places for People, Somerset Council (consultation draft, September 2023)
- Historic Environment Good Practice Advice in Planning Notes, Historic England (2015)
- Rode Conservation Area Character Appraisal (2009)
- Rode Village Character Assessment (2016)
- Somerset County Council Highways Development Control Standing Advice (2017)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Electric Vehicle Charging Strategy (EVCS) (2021)
- Somerset Technical Advice Notes 01/21 Visibility Requirements on the Local Highway Network (2021)
- Manual for Streets (2007)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (2022)
- National Design Guide (2021)
- Environment Agency Standing Advice
- National Character Area Profile: 117 Avon Vales, Natural England (2014)
- Assessment of Special Landscape Features (2012)
- Mendip Landscape Character Assessment (2020)
- Somerset Habitat Evaluation Procedure Methodology (2016)
- Historic England, 2021 Commercial Renewable Energy Development and the Historic Environment, Commercial renewable energy
- Grid Scale Battery Energy Storage System planning – Guidance for FRS, National Fire Chiefs Council (2022)
- National Policy Statement 'Overarching National Policy Statement for energy' (EN-1) (2021)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (2023)
- Somerset Energy Investment Plan (2024)

Assessment of Relevant Issues:

Principle of Development:

Core Policy 1 (CP1) of the adopted "Mendip District Local Plan - Part 1" (LP1) says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed to towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is however outside of the development limits where CP1 states that any proposed development will be strictly

controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

Policy 5: Settlement Boundary of the Rode Neighbourhood Plan (RNP) (2017) reiterates the spatial strategy as set out in the Local Plan, and confirms that development in open countryside should only be supported if it complies with other policies within the Local Plan.

Whilst the Local Plan does not specifically refer to solar development, it is considered to accord with Policy CP1 in broad terms due to the economic benefits. It is acknowledged that CP1 and CP4 (which hangs off CP1) together with their supporting text, allow for some development in the countryside. Regardless, national policy sets a clearer and broadly positive policy position on the principle of solar development and acknowledges the need for countryside locations. Additionally since the adoption of the LP1, documents that show local support for the principle of solar development as part of measures to deal with the climate emergency have been produced, as set out below.

Chapter 2 of the National Planning Policy Framework (NPPF) sets out the need to deliver sustainable development. Paragraph 157 of the NPPF encourages renewable energy development that contributes to *"reductions in greenhouse gas emissions"* and *"support renewable and low carbon energy and associated infrastructure"*. Paragraph 163 of the NPPF includes criteria for the consideration of applications for renewable and low carbon development including a) not requiring applicants to demonstrate a need for the development; and b) approving applications if their impacts are acceptable. The NPPF makes it clear that an increase in renewable energy supply is encouraged, and local plans should consider identifying suitable areas for such development.

The Government's NPPG on Renewable and Low Carbon Energy confirms that, *"Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable."*

The NPPG goes on to set out areas for consideration of large solar farm proposals as follows:

"The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, 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. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*

- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect."*

The National Policy Statement 'Overarching National Policy Statement for energy' (EN-1) (2021) sets out policy for large scale energy development. It is noted that this proposal would produce 49.9mW and therefore fall outside the scope of a Nationally Significant Infrastructure Project (NSIP).

The National Policy Statement for Renewable Energy Infrastructure (EN-3), which was published in 2023, states: *'There is an urgent need for new electricity generating capacity to meet our energy objectives.'*

The Local Plan does not include a policy specifically relating to solar energy or renewable energy therefore the NPPF, EN-1 and EN-3 are the most up to date and relevant policy available. The Local Plan sustainability objection SA03 is to *"Promote increased energy production from renewable sources and encourage a reduction in consumption of energy.*"

In February 2019, Mendip District Council declared a Climate and Ecological Emergency pledging to make best endeavours to enable the district to be carbon neutral by 2030. This notes that a reduction in carbon emissions is needed and *"Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm."*

In August 2021 Mendip District Council adopted a Carbon Management Plan to guide its path towards decarbonisation. The plan includes the ambition to increase local PV capacity.

Somerset Council's recently published 'Somerset Energy Investment Plan' addresses high level solar development, and it is anticipated this will form one of the new Local Plan evidence base documents. The aspirations for the document are summarised thus:

'The Energy Plan also models a 100% sensitivity. In addition to the current pipeline of projects and the Net Zero Pathway capacity, a further c.2.8 GW of solar and c.400 MW of onshore would be required to deliver the equivalent of 100% of future energy demand from local renewables. This level of deployment is unlikely to be achieved, given Somerset's wind resources are fairly limited outside of the National Park and National Landscapes and given other constraints such as grid capacity, skills availability and market forces. However, Somerset is part of the UK's energy system and achieving net zero is not dependent on generating 100% of energy demand from local sources – national scale projects, including offshore wind and Hinkley Point C, will have a role to play alongside local renewables. In the future, there is a possibility of additional local contributions from geothermal and tidal power.'

The development of large scale solar, wind and battery storage development is set out as one of six key opportunities as follows:

'With excellent solar and some wind resources across Somerset, opportunities for new generation projects are widespread, with opportunities to bring income and other co-benefits to the area's rural communities. Storage projects are also needed to bring flexibility and grid services to the energy system.

The Council is considering developing a land use framework for Somerset. The development of this framework presents an opportunity to reconsider the planning balance between landscape, farming, renewable generation, energy storage and nature, by drawing together relevant spatial datasets to enable informed discussion.

The Council is due to develop a new Local Plan, presenting the opportunity to include positively worded policies for solar and wind and to embed these through guidance and training for officers and councillors.'

No sites have been included or consulted on to date, but high level analysis states there is potential for solar development as summarised in the document thus:

'Analysis of potentially suitable land for solar power shows widespread availability across Somerset, outside of Exmoor National Park and the National Landscapes. This is reflected in the distribution of existing sites, which are situated across the county outside of these designated landscapes. Within Somerset's designated landscapes, there may still be suitable locations for solar for individual businesses or properties in proximity to existing built forms, so long as they avoid open moorland and high coastal heaths. For example, several multi-MW sites have already been developed in the Blackdown Hills.'

In relation to energy storage, the Somerset Energy Investment Plan makes it clear that this form of development is a required part way forward with recommendations including:

'The Council should develop policies that support the development of storage in appropriate locations. Recent storage planning applications have been turned down in other areas of the UK as storage has not been viewed by planning committees as having a clear role in the energy transition and has been seen to represent industrialisation of the countryside. Guidance for planners and councillors should be developed that identifies the clear role of storage in the Net Zero Pathway and sets clear criteria for how to accommodate storage in Somerset's rural areas.'

The Local Plan does not allocate sites for renewable energy development. Whilst brownfield sites are preferred for such development, the NPPF does not preclude greenfield sites, and outlines issues to carefully consider.

Although there is no policy requirement for applicants to demonstrate the need for renewable energy development (para 163a of the NPPF), the applicant has summarised need in their 'Planning Benefits Letter' (received 14.03.2024) thus:

'As indicated above, there is an urgent need to meet the current annual electricity demand (2,338GWh in 2021) within the Somerset County area. Somerset Council would need to approve 36 solar farms by 2030. Given that all energy demand in Somerset must come from low-carbon sources before 2050 to meet nationally binding targets, over 250 solar farms would be required to deliver the same

quantum of energy from low-carbon sources. Given the sheer scale of capacity required, it is clear that the pipeline of proposals to develop low-carbon energy in the County does not meet the identified need, and therefore it will require other technically feasible solar generation developments to be consented, as well as, rather than 'instead of', the Proposed Development.'

It is important to note that the NPPG makes it clear that need for renewable energy does not override other matters, including matters raised by the local community, and applications must be considered in the planning balance:

'The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.'

The application has been supported by a report summarising the consideration of alternative sites. Comments received have disagreed with the conclusions of this, but there is no policy requirement to consider alternative sites. Also, whilst brownfield sites are preferable, there is no requirement to follow a sequential approach to site selection and greenfield sites can be supported where impacts would be acceptable. Some consultation comments have suggested alternative sites are delivered instead, such as next to motorways or on rooftops. Although alternative sites have been suggested, as well as alternative renewable/low carbon solutions, the application needs to be considered on its own merits and as submitted.

Consideration of alternative sites was also considered at a recent appeal ref APP/U2235/W/23/3321094 at Land north of Little Cheveney Farm, Sheephurst Lane, Marden, Kent which was allowed on 05.02.2024:

'47. There is no requirement to carry out a sequential analysis of alternative sites as suggested by the Council. Had there been such a requirement in policy or advice it would surely have said so. The recent judgement in Bramley Solar Farm v SOS for

Levelling Up, Housing and Communities6 says just that in finding that PPG does not mandate the consideration of alternatives, still less that a sequential test be adopted. The best that can be said is that in cases such as this it should be shown that the use of agricultural land has been demonstrated to be necessary, and that could involve an assessment of potential alternatives.

48. In any event the Appellant has carried out a search of the area which lies close to the existing 132kV line which runs roughly north to south through the Borough and beyond. Although evidence of earlier searches is limited, I take at face value the fact that an area beyond Maidstone Borough was involved. There have been other locations identified for potential development and those alternatives were not pursued for good reason. However, this is something of a moot point as I am not considering competing alternative locations. I must make my decision based on the circumstances of this case.

49. The Council accepts that the Borough in general has a higher than national average proportion of BMV, and I accept that it would be difficult to find an alternative site which was entirely made up of lesser quality land. Criticism was levied at the Appellant's lack of detailed land quality assessment studies at alternative sites. But requiring such extensive, time consuming and no doubt expensive analysis (even if permission was granted by the landowner) would be a disproportionate and unreasonable burden on prospective developers. In the light of the climate change emergency declared in 2019 and the UK's binding net zero targets, alongside the fact that this land has not been identified for its high environmental value, I am left in no doubt that it has been demonstrated that the use of agricultural land is justified in this case.'

It is acknowledged that grid connection does not weigh in the planning balance. This matter was also considered at a recent appeal ref APP/U2235/W/23/3321094 at Land north of Little Cheveney Farm, Sheephurst Lane, Marden, Kent which was allowed on 05.02.2024:

'61.... The fact that the Appellant has a grid connection agreement in place is material in that the scheme could be delivered quickly, but this is a neutral point as other schemes could no doubt be connected in its place, if not in this exact location.'

Agricultural Land:

The value of the agricultural land is an important factor. The written ministerial statement on solar energy issued in 2015 and referenced in the NPPG makes it clear that the use of lower quality agricultural land is preferable, but does not prohibit the use of higher quality agricultural land.

Agricultural land is classified as follows:

- Grade 1 - excellent quality agricultural land with very minor or no limitations to agricultural use.
- Grade 2 - very good quality agricultural land, with minor limitations which affect crop yield, cultivations or harvesting.
- Grade 3 - moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Subdivided into:
    - Subgrade 3a (good quality land); and
    - Subgrade 3b (moderate quality land).
- Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.
- Grade 5 - very poor quality land, with severe limitations which restrict use to permanent pasture or rough grazing.

Annex 2 of the NPPF definitions includes:

> *"Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification."*

Natural England's 'Guide to assessing development proposals on agricultural land' (Feb 2021) confirms that classifications can be assessed as follows:

"A combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land. These affect the:

- *range of crops that can be grown*
- *yield of crop*
- *consistency of yield*
- *cost of producing the crop"*

This Natural England (NE) guide also includes an explanation of the classifications and examples of likely crops as in the extracts below:

"4.4 Subgrade 3a – good quality agricultural land

Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of crops including:

- *cereals*
- *grass*
- *oilseed rape*
- *potatoes*
- *sugar beet*
- *less demanding horticultural crops*

4.5 Subgrade 3b – moderate quality agricultural land

Land capable of producing moderate yields of a narrow range of crops, principally:

- *cereals and grass*
- *lower yields of a wider range of crops*
- *high yields of grass which can be grazed or harvested over most of the year"*

Indicative mapping from Natural England suggests the site includes grade 3 (good to moderate) land; but this information is intended for high level review and not detailed planning application consideration. The Natural England website confirms:

"These maps are not at a scale suitable or accurate for assessment of individual fields or sites."

The application includes an Agricultural Quality report prepared by Land Research Associates. This is based on site soil surveys using best practice methodology (*Agricultural Land Classification of England and Wales. Revised guidelines and criteria for grading the quality of agricultural land*, MAFF Publications,1988) as summarised in the extract below:

> *'2.1 A detailed soils and agricultural quality survey was carried out in April 2023 in accordance with MAFF (1988) guidelines2. It was based on observations at intersects of a 100 m grid, giving a density of one observation per hectare. During the survey, soils were examined by a combination of pits and augerings to a maximum depth of 1.2 m. A log of the sampling points and a map (Map 1) showing their locations are in an appendix to this report.*
>
> *2.2 The soils vary in drainage and depth. The main soil types are described below. Soil pits were dug at five locations within the survey area and the information from all pits is included in an appendix to this report.'*

The submitted Agricultural Quality report confirms that 4% of the site is made up of subgrade 3a quality land, which is considered *'good quality agricultural land'* and within the definition of *'best and most versatile agricultural land'* (BMVAL). 95% is made up of subgrade 3b, which is '*moderate quality agricultural land'* and outside the definition of BMVAL. The final 1% is other land not used for direct farming (e.g. tracks and ponds), which is also outside the definition of BMVAL.

A recent appeal decision for a solar development at Land SE of Poplar Farm, Harps Hall Road, Walton Highway, Wisbech, Norfolk considered this matter. In a decision issued on 5th March 2024, the Inspector concluded that even though in this case 54.8% of the site was considered BMVAL, this was very small in the context of the other available agricultural land in the district (emphasis added):

> *'33. A significant part of appeal site (roughly 54.8%) comprises Best and Most Versatile Agricultural Land (BMVAL)11 as defined by the glossary of the National Planning Policy Framework (the Framework). This is land that for a period of 30*

years – a time period which could reasonably be secured by planning condition - would not be readily available for arable farming. However, it would be available for grazing and pasture. This is a common approach used on solar developments in order to manage the grassed areas around solar panels and represents a de facto dual use of the land for both agriculture and creation of renewable energy.

34. The development of 33ha of agricultural land (with relatively low physical impact being simple piled insertions into the ground) would represent a tiny fraction of the totality of arable land availability within the Borough. Even at the full extent of the appeal site, of around 87ha, this would represent about 0.08% of the arable area in the Borough. Put another way, this would be 87ha out of approximately 142,857ha total farmable area in the King's Lynn and West Norfolk area, and 87ha within the East of England area of approximately 1,394,000ha. These figures are contained within the agreed SOCG12. The quantum of the development proposed would be relatively insignificant within the substantial available agricultural land within this area.

35. Furthermore, the agricultural land would not be 'lost'. It can continue to be farmed, albeit in a different way, with the grazing of sheep or similar animals. What is more, at the end of the life of the solar farm, in 30 years time, the relatively simple act of removing metal stakes and associated infrastructure from the site would allow its use to return to arable farming, should that be the most effective and efficient use of the land at that time. The land would not, as the Council suggests, be lost. Albeit for a period of 30 years it would be used for different agricultural purposes than arable farming, being instead a mix of pasture farming and as a solar farm.

36. It should be noted that in practical terms the planning system has very little control over the crops or animals that farmers decide to use their land for. As indicated in the evidence of Daniel Baird, (for the Appellant on Soil quality and the only agriculture-related witness before the Inquiry) 'Farmers are able to grow crops for energy production rather than food production. The site is currently in rotations of whole crop maize and sugar beet which are destined to supply Anaerobic Digester (AD) plant generating power… the most productive crop is miscanthus…will

average 63MWh/ha/year…biodiesel from an oil seed crop will average 11MWh/ha/year…In contrast the Applicant anticipates an energy output from this site of 724MWh/ha/y.'13 The distinction in this case, is that the site would be used not only for the creation of renewable energy – and of a greater level than existing arable crops on the site, but also continue to be used for agricultural purposes. In light of such circumstances, I do not find that the proposal would result in a 'significant loss of agricultural land' as is resisted by part a) of Policy DM 20 of the LP.'

This decision is consistent with other recent solar appeal decisions, including decision ref APP/V2635/W/22/3313702 which was issued on 23rd August 2023 relating to Land at Sedgeford Hall Estate, Fring Road, Sedgeford, Norfolk. On this matter the Inspector also concluded thus:

'5. The Council's objection relates to just one issue, that the proposal would result in the significant loss of agricultural land and thus conflicts with Policy DM20 of the Site Allocations and Development Management Policies Plan 2016 relating to renewable energy proposals. The policy includes criteria against which the benefits of energy generation will be balanced, but also states that the Council will resist proposals that involve best and most versatile agricultural land or where there is a 'significant loss of agricultural land'. The first of these is met, 98.7% of the site being classified as Grade 3b due to droughtiness, stoniness and erosion as a secondary factor1 . 1.3% is not in agricultural use. Poorer quality land limits its use to lower value conventional commodity crops, less important to the UK economy than specialist niche crops which can be grown on better quality land graded 3a and above.

6. The Council argue that the second issue, whether there is a significant loss of agricultural land, is a purely quantitative point with no reference to the productivity or circumstances of the land. However, the policy includes no guidance figure as to what would be an unacceptable loss and no previous decisions are put forward as a reference point. Interpretation of the phrase must therefore be subjective. Interestingly, the equivalent policy in the Local Plan Review now under examination drops this criterion and seeks to protect 'productive' agricultural land in addition to

land classified as the best and most versatile. There is no evidence that this change is the subject of significant objection or is likely to be found unsound.

7. It is in fact illogical not to consider productivity and circumstances as a factor as quantity alone is not a measure of agricultural value which the policy rightly aims to protect. 8. The 45 ha concerned in this case is farmed by John Cross, a tenant farmer on the Sedgeford Hall Estate, who supports the proposal. The site represents just 9.1% of the total area of the business but more importantly the three fields are amongst the most drought prone on the farm due to the freely draining deep sand subsoil which severely affects their productivity in dry periods. The land has historically been used for a rotation of arable crops, potatoes, sugar beet and fattening pigs, with cereal crops being grown at the time of the site visit, but wheat yields from the site are only an average of 8 tonnes per ha rather than 10 t/ha achieved elsewhere on the holding. In fact, higher input costs combined with the increasing risk of drought periods now threaten the viability of cereal production on the land with lower risk sheep or other grazing a more likely use in future. Cereal and other crops are more profitably grown where yields are higher elsewhere on the farm where chalk-based subsoils are more drought resistant. The impact of the proposal on the agricultural output of the farm would thus be much less than the 9.1% land take would suggest.

9. Use of the site for solar power generation would provide a more predictable and steady income which would actually support the viability of the farming operation as a whole. Sheep grazing is planned to continue between and under the panels, continuing an agricultural use and improving soil fertility over time. The scheme would also be fully reversable with full agricultural use recommencing in 40 years' time.

10. For these reasons, whilst 45 ha is a sizeable area, the proposal would not result in a significant loss of agricultural land and would therefore comply with Policy DM20 of the Site Allocations and Development Management Policies Plan.'

A further appeal decision ref APP/U2235/W/23/3321094 at Land north of Little Cheveney Farm, Sheephurst Lane, Marden, Kent was allowed on 05.02.2024. This accepts the loss of agricultural land, accepts the argument that the agricultural land would benefit from a rest, and notes the land can be returned to agricultural use following the end of the solar farm permission:

> *'50. … The loss of this limited area of BMV would be relatively insignificant given the amount of such land in the locality. For that reason the impact on food production would also be likely to be correspondingly insignificant, especially as grazing by sheep as intended would retain some food production capacity on the land.*
>
> *51.… In reaching this judgement I also bear in mind that the proposal is for a time limited period (albeit of significant longevity) and that there is nothing to contradict the Appellant's evidence that the land would benefit from a change in the nature of its use – essentially that a 'rest' from intensive arable production would enhance land quality.*
>
> *52. Taking this issue in the round I am satisfied that the use of agricultural land has been demonstrated to be necessary here. Furthermore, I have found no persuasive evidence to suggest that BMV land should be precluded from the proposed use. The presence of BMV at the quantities identified here is not, in my judgment, a predominating factor in determining whether the land is suitable for the proposed use. Rather the opposite is true, and there is compelling evidence that its use would be acceptable, especially in light of the opportunity to reverse the impacts of development in due course. There would therefore be no conflict with the objectives of LP Policy DM24 (2) or (3) in this regard, nor with national policy and guidance.'*

Notwithstanding the above, each proposal and site is different, and the is application is assessed on its own merits. Nevertheless, it is clear that recent appeal decisions support the principle of loss of agricultural land.

Neighbour Comments on Principle of Development:

Various neighbours disagree with the agricultural land assessment submitted with the application. This report states it was prepared by R E Leverton PhD, MRSB, FISoilSci of Land Research Associates Ltd. This report is accepted in good faith as it has been prepared by an expert in this field. Although neighbour comments have suggested the council commission an independent agricultural land assessment, there is no requirement or resource for the local planning authority to undertake such work.

Neighbour comments have suggested solar development would undermine future agricultural practices after the solar development has been removed from the site. There is no known evidence to support this position. It is noted that the applicant has put forward the opposite case stating resting the land would be of benefit in agricultural terms.

Neighbour comments have also suggested that poor agricultural practices have led to a reduction in the quality of the land. This has not been evidenced. There are no controls on agricultural practices, and the policy tests for agricultural land quality assessment have been met.

Neighbour comments have suggested the council should allocate land and facilitate solar farm development. The scope of the local planning authority is to assess the planning application as submitted.

Neighbour comments have also questioned the efficiency of solar farms, the suitability to the Somerset climate and the lack of power generation during the night. Notwithstanding these concerns, the solar farm would likely generate a significant amount of renewable energy, and the benefits (including how much electricity the proposal would generate) and harms need to be weighed in the overall planning balance.

Neighbour comments have also suggested alternative site should be considered first/instead. As above, whilst brownfield sites should be considered as a preference, there is no in principle policy exclusion of greenfield sites. Notwithstanding that other solar

development proposals could come forward on other sites, the local planning authority needs to determine this application.

Conclusion on Principle of Development:

In conclusion on this matter, the principle of development is considered acceptable if the impacts of development are acceptable, such as landscape, highways, heritage, drainage, etc. These issues are dealt with below. The assessment of this application and overall planning balance is summarised at the end of this report.

Design and Impact on the Street Scene and Surrounding Area:

Policy DP1 of the Local Plan states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. It also states that:

> "*Where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the Council will balance up the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it, and the wider benefits which would arise from the proposal if it were approved. Any decisions will also take into account efforts made by the applicant to viably preserve the feature, avoid, minimise and/or mitigate negative effects and the need for the proposal to take place in that location*"

The local area has a rural and open character. The proposal would see the loss of agricultural land in favour of solar panels and associated development for 40 years. Panels would be circa 3.2m in height set in frames in rows.

As outlined above, the final proposal has been amended in an effort to address matters raised by officers, consultees and neighbours. Following amendments (including removal

of panels and enhanced planting near Flexham Farm, and reinstatement of historic field hedgerows) an initial objection from the Landscape Officer has now been removed.

Planting is proposed adjacent to the PROW's. This would soften the impact of the development for the users of the PROW.

The proposed access tracks would go through parts of the site and sit adjacent to field boundaries in other parts of the site. This is proposed to be constructed of aggregate and this is concluded to be acceptable and not unduly prominent in design and landscape terms.

The substation development and buildings would be largely clustered in zone 16 - single storey in height; screened by planting and not prominent within the landscape; and integrate to this rural setting. The inverters would be scattered across the site. Although industrial in style, as single storey, modest structures they are considered acceptable. A condition is recommended to control the material finish of the buildings, inverters, etc.

Although the solar farm would be visible from the road and PROW network, this view would be temporary. Although some harm is identified through changing of the open rural character to a solar farm, due to the site context, design and planting mitigation proposed, on balance the proposal is acceptable in this case. This is in the context of significant contributions to renewable energy generation.

The proposal includes retention of the panels for 40 years. After which time the site would be decommissioned - the panels would be removed and the land returned to agricultural use. Although this is a significant time period, it is a fixed period and panels are not proposed in perpetuity. This has weighed in the planning balance. Although comments have questioned whether the land could be adequately returned to its current state, there is no reason to conclude this could not be achieved. Details of decommissioning are recommended to be controlled via conditions.

The Landscape Officer has confirmed that the solar panels should be black and matt. The application has submitted a glint and glare report which confirms acceptable levels of reflectivity. The applicant has also subsequently confirmed the panels would be black in colour, updated from the indicative illustrations as submitted with the application. A condition is recommended to ensure the panels would be black in colour, in order to reduce impact on the landscape settling.

Comments from the Designing Out Officer at the Police have included some suggestions to improve security. Some of these sit outside the scope of planning such as locks and anti-tamper equipment. Fencing and lighting needs to be considered against other factors, such as ecology and landscape impact. The proposal as submitted is considered acceptable in this balance.

In conclusion on this matter, harm to the character of the area has been identified by way of the significant change a large solar farm would make in this rural location. However, this harm is for a temporary period (albeit 40years) and outweighed by the benefits of the proposal. The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Development Policies 1, 4 and 7 of the adopted Local Plan Part 1 (2014), policy 4 of the Rode Neighbourhood Plan (2017) and Part 12 of the National Planning Policy Framework.

Landscape:

The landscape character falls under B3 *Lower Frome Valley* in the Mendip Landscape Character Assessment. Although the site is not subject to any formal landscape designations, it is pleasant and relatively unspoilt.

Policy DP4 recognises the quality of Mendip's landscapes and states that development that would individually or cumulatively significantly degrade the quality of the local landscape will not be supported. It suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features.

Whilst it states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported, as with DP1, it also makes it clear that any decision making will *'take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location'*.

The Council appointed an experienced specialist Landscape Consultant to review this application at pre application stage. The application was then considered by the Landscape Officer in the Somerset West Team. Following discussions with the applicant, amendments have been made and final comments from the Landscape Officer confirm the proposal is considered acceptable in landscape terms. The applicant has submitted an LVIA with the application, and the Landscape Officer has not expressed significant disagreement with this, and indeed not objected to the proposal.

There would be a landscape impact, particularly for the users of the PROW network. Whilst it may be argued that it is not uncommon or unreasonable for users of the PROW to see a solar farm, this harm does exist and needs to be considered in the planning balance. Planting is proposed as part of the application, including buffer areas adjacent to the PROW to reduce and soften impacts. It is noted that the Landscape Officer acknowledges this harm but concludes it is now acceptable.

As outlined in consultation comments, the proposal would be a significant change from the current agricultural use. The landscape harm is acknowledged, and this weighs in the overall planning balance.

The landscape assessment has considered the cumulative impact of other development in the area, and it is concluded that a refusal on this basis would not be warranted.

In conclusion on this matter, although the proposed development would change the character of the landscape, including for the PROW network, road network, residential properties and the village of Rode, this is considered acceptable in relation to the benefits of renewable energy generation.

Residential Amenity:

The proposed development is proposed in a rural location and would sit close to a small number of residential properties. The development itself would not be harmful to residential amenity including by way of noise, smell, overlooking and overbearing impact.

Some neighbours have raised concerns including in relation to noise from the substation and battery facility to nearby residents and users (including horses) of the PROW. The application has been supported by a Noise Assessment, prepared by LF Acoustics. This has been reviewed by the noise specialist in the Environmental Protection team who has raised no objections.

Although construction may lead to some level of local disruption, this is short term and is not a justification to withhold planning permission. Although a Construction Traffic Management Plan has been submitted to the overall satisfaction of the Highway Authority (HA), the HA has confirmed that further information is required, therefore a condition is recommended to ensure a Construction Traffic Management Plan is submitted and agreed prior to construction commencing. This would aim to ensure construction disruption is minimised.

Given the nature of the development and the distance to residential occupants, the proposal is considered acceptable.

In conclusion on this matter, given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The proposal accords with Development Policy 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Health and Well Being:

The benefits of the site in relation to health and well being are acknowledged. This includes use of the PROW and landscape views. The PROWs are proposed to be retained for ongoing use. An additional permissive bridleway is also proposed which would enhance the local network for the lifetime of the permission.

Sufficient information has been submitted to allow assessment of the application.

In conclusion on this matter, this proposal has been considered in relation to paragraphs 96 and 97 of the NPPF including promoting social interaction, safe and accessible places, community cohesion and healthy lifestyles to address local health and well-being needs, and is concluded to be acceptable in this regard.

Highway Issues:

Three access points are proposed as follows:

- Access 1 - from Rode Hill, a classified unnumbered highway subject to a 40mph speed limit at the point of access, utilising the existing Rode Hill Fishery access.
- Access 2 - from the A361, subject to national speed limit at the point of access, and utilising the existing Rode Common and Rode Farm access.
- Access 3 - from Monkley Lane, an unclassified highway subject to national speed limit at the point of access, and via an existing farm access.

The application has been supported by a Transport Report (including details on accesses) and a Construction Traffic Management Plan, both prepared by Mott MacDonald. Additional information has been provided including a response report prepared by Mott MacDonald, visibility splay drawings for Monkley Lane (access 3); and a drawing showing gates, holding area and passing place details on A361 (access 2). Minor works are proposed to trees along Monkley Lane as summarised by the highway response report thus:

A cross-section plan showing the available carriageway widths along Monkley Lane has been prepared using topographic survey data and is shown at **Annex D**. As noted previously, Monkley Lane already serves a range of large vehicle types associated with the farm and other existing land uses.

In respect of the tree canopy height along Monkley Lane, further tree survey data has been gathered by a tree specialist. This has identified that some minor trimming works and branch removal would be required to raise the crown and ensure a minimum clear height of 5m is available above the carriageway along Monkley Lane.

The Highway Authority (HA) at Somerset Council has reviewed the application, including additional information submitted during the life of the application. After a comprehensive review, as summarised in the consultation section above, the HA has concluded the application to be acceptable subject to conditions.

It is noted that significant concerns have been raised by Rode Parish Council and residents about the suitability of Monkley Lane to accommodate the development, both during construction and through the operation of the proposed development. The HA has commented on these concerns as follows:

- A tree report has been submitted for Monkley Lane to show those trees that may require some attention in terms of raising the canopies to enable the higher articulated vehicles to utilise it. This is considered acceptable and can be conditioned.
- A survey of the lane has been undertaken to show the varying widths of Monkley Lane. Whilst it is noted there is a particularly narrow point of 2m along the lane, this is only one small area.
- Whilst it is acknowledged that there may be some oversailing of large vehicles whilst exiting the site onto Monkley Lane, this area is designated highway land according to road records and not private.
- In terms of passing places, it is noted the comments of these being for use by those living along Monkley Lane and not for any construction traffic. Monkley Lane is a public highway with no restrictions. The road records indicate that the width of the highway extends into the verges and some entrances. Given the temporary period of the construction phase and the limited number of vehicles proposed during this period along this lightly trafficked highway this is not considered to cause any significant highway harm.
- In terms of the lack of visibility for the full length of Monkley Lane when a vehicle has entered, this is an existing scenario for all users at present. Again

given the temporary nature of these schemes generating traffic during construction phase and this entails a small number of vehicles, it is not considered this will cause any significant highway issues to that which already exists.

- Whilst it is acknowledged that the equestrian use of one of the properties generates movement of both vehicles and horses being walked along Monkley Lane, it is clear that these activities and movements exist and vehicles and horses manage to utilise this public highway already. The applicant has noted the equestrian use of the lane and has proposed a banksman to ensure vehicles are alerted and can allow for the horses to pass at the Monkley Lane site entrance. The addition of the limited construction traffic movements is not considered to be a significant increase to that which already exists during the temporary construction phase.
- It must also be noted that the existing dairy farm typically generates 1 HGV per day which is associated with silage, feed, slurry removal and milk deliveries on Monkley Lane.

Construction works would be temporary, anticipated by the applicant to last for around 30 weeks. Once construction is complete, traffic levels are anticipated to be low - the applicant estimates around 4 cars and LGVs would visit the site each week and 1 HGV trip per annum (to replace items / equipment).

Various consultation comments have suggested the proposed access through Monkley Lane (to proposed zones 14-16) should be taken through the farm to the south (which is in the applicant's control) in order to avoid using Monkley Lane. Notwithstanding that the application is considered as submitted, and proposed access via Monkley Lane is concluded to be acceptable in highway safety terms (as confirmed by the HA), this has been discussed with the agent. The agent has confirmed that such an access would likely be incompatible with the existing and ongoing operations of the farm, and the use of Monkley Lane is concluded to be acceptable. It is also noted that after construction, proposed traffic levels are anticipated to be very low.

Vegetation along Monkley Lane is overgrown, and requires work to maintain highway standards.

Following initial comments from the HA, the applicant has submitted information on proposed tree canopy works on Monkley Lane, which would allow construction traffic to pass. This proposed work has been considered by the HA and confirmed to be acceptable. Some of these trees are planted on the highway, and some are planted within privately owned land.

All works to trees on the highway would be subject to a S171 licence from the HA.

Section 154 of the Highways Act requires vegetation to be managed to allow vehicles to use the highway. In the event that vegetation planted on private land grows to obscure the highway, the HA has the authority to serve notice of the landowner to maintain their vegetation. If such works are not undertaken within the timescales provided then the HA has the right to commission this work and on-charge the relevant landowner.

In this case, the developer has agreed to carry out necessary tree work on private land, subject to the agreement of the relevant landowners. In the event that landowners did not grant the developer permission to carry out works on trees planted on their land (which are necessary for highway safety reasons under section 154 of the Highways Act regardless of whether the proposed development comes forward) then the HA would need to serve notice on the landowners to carry out the necessary works themselves. If the landowner(s) failed to carry out the required works, the HA has confirmed that it would likely allow the developer to carry out these works (rather than commission contractors to carry out these works and pass the cost on to the landowners). It is therefore recommended that landowners allow the developer to carry out these works.

The HA has confirmed that highway rights are in place along Monkley Lane and beyond (including verges). Although in private ownership, these edges can be used for highway purposes. Although some residents have stated they would deny access onto land within their ownership, highway rights would allow it to be used for highway purposes. It is noted that it is an offence to obstruct highway verges with rocks etc.

The accesses are confirmed to be acceptable in relation to highway safety including visibility splays and access for emergency service vehicles, and the HA has not raised an objection on this basis.

A Construction Traffic Management Plan (CTMP) has been submitted which includes various mitigation measures including construction hours; signage; delivery management; muck control; construction routing; and parking. The HA has confirmed this is broadly agreeable, although would require some further details. Therefore a condition is recommended requiring a revised CTMP is submitted and agreed before construction begins. This would ensure distribution to local residents is minimised. Although the Environment Agency has recommended a condition to agree wheel washing measures for construction vehicles, this is recommended to be incorporated as part of the CTMP condition rather than an additional standalone condition.

Following consultation comments from the HA, a plan showing the proposed construction compounds has been submitted. Verbal comments from the HA have confirmed the proposed compound areas and associated plan are acceptable. The condition previously recommended by the HA requiring the submission and agreement of a compound plan is therefore no longer necessary, and the recommended CTMP condition requires compliance with this agreed compound plan.

Parking levels are proposed to be very low for the operation of the solar farm. A condition is recommended which would see parking details agreed before the operation of the solar farm.

Community consultation comments received have stated that traffic levels should be monitored. The controls as recommended are concluded to be appropriate and acceptable within the parameters of planning.

Some neighbours have raised significant concerns in relation to highway safety. Highway safety matters have been carefully considered by the HA as statutory consultee, and concluded to be acceptable for the reasons summarised in this report.

Although raised through the public consultation, the HA has not required the speed limit of Monkley Lane be reduced to 10MPH.

Various conditions are recommended including installation of access gate and surfaced accesses and waiting bay; new accesses to be constructed in accordance with approved details; submission and agreement of a construction traffic management plan; compliance with the site compound and parking plan; and completion of tree canopy work on Monkley Lane.

In conclusion on this matter, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014), policy 9 of the RNP (2017) and Part 9 of the National Planning Policy Framework.

Public Right of Way (PROW):

There are two PROW routes within the application site and one byway running south on Monkley Lane. Comments from the PROW Officer have confirmed there are no objections to this proposal subject to conditions for signage during construction.

Plans show the development would not obstruct the PROWs, although the proposed access track off Monkley Lane would require surface authorisation from the SC Rights of Way Group where it crosses over path FR 13/17 and FR 13/18, and associated infrastructure may also be required. As the detailed layouts of the panels would be submitted via condition, the applicant is reminded via a recommended advice note that authorisation/agreement is required from Somerset Council PROW team for works on the PROW. This informative has been adapted to include reference to the surface authorisation process.

The PROW Officer has also stated:

'The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along the path FR 13/17 and FR 13/18. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.'

The PROW Officer has since confirmed this statement refers to two occasions where tracks/accesses cross over FR 13/17 and FR 13/18. Permission is required from the landowner as well as the Somerset Council PROW team. Although this is covered by legislation outside the scope of planning, it should be confirmed that the development subject to this planning applications can be implemented. As one crossover is along Monkley Lane which has highway rights on it and the other is within the applicant's control, it seems reasonable these permissions can be secured. For the avoidance of doubt, the applicant has confirmed agreements are in place, and the applicant is agreeable to securing the necessary licence(s).

The PROW Officer has referred to the comments from the HA in relation to the use of Monkley Lane, which is confirmed to be acceptable as summarised above.

The PROW Officer has suggested a condition is included to require signage for the public and construction workers. Rather than a standalone condition, this is recommended to form part of the Construction Traffic Management Plan (CTMP) condition.

The permissive bridleway proposed on the western side of the site (zone 10) is a benefit of the proposed scheme which weighs in the planning balance. A condition is recommended to ensure it is operational through the operational life of the solar farm.

Rode Neighbourhood Plan policy 8's list of 'country lanes' does not include the application site. Policy 8 requires development with 'significant traffic impact' to enhance the network. Notwithstanding the low levels of traffic associated with this development, enhancements are indeed proposed through the operational life of the development.

The LLFA has considered impacts on the PROW and byway within and adjacent to the site. Following the submission of additional information, it has been concluded that the site would continue to operate at greenfield levels, with a drainage betterment proposed as a result of the development proposals.

As the proposed development would not interfere with the PROW and retain PROW routes, the application is concluded to be acceptable, subject to conditions.

Ecology:

The application has been submitted with an ecological assessment and, following consultation comments from the Somerset Ecologist, additional bat and dormice survey work and supporting information has been submitted. A high level LEAMP and Landscape and Ecology Strategy plan have been submitted for consideration, as well as a shadow HRA report.

The Ecological Appraisal, additional surveys and supporting information is now concluded to be acceptable to the Somerset Ecologist, who has confirmed the proposal is acceptable in ecological terms, subject to conditions.

The site falls within the 10km consultation zones for parts of three Special Areas of Conservation (SAC's). The site is within 5km of four Sites of Special Scientific Interest (SSSI's). There are also 12 local nature reserves (LNR's within 2km of the site). The ecological assessment concludes the development would be unlikely to harm these habitats or associated protected species.

The application site includes farmland, trees, hedgerows, hardstanding, ditches, water and a culvert. The survey found that 14 bird species were likely breeding on the site. At least 15 bat species were recorded within 2km of the site.

Bats:

The survey reported bat activity on the site as summarised below:

> *'4.1 No Confirmed bat roosts are present on-site or adjacent to the Site. The bat activity data showed a peak in noctule activity at dusk in October, at static location L4, and there is the possibility that a transitional roost is located on-site or adjacent. The hedgerow within which the detector was located and the off-site woodland to the south are retained, such that any roost in the area would not be impacted by the proposals. Numerous trees with suitability to support roosting bats are present on-Site. The indicative layout and accompanying Arboricultural Impact Assessment prepared for the Site (reference: THL-R23-53) indicates that all trees of suitability to support roosting bats will be retained within the scheme.'*

> *'4.3 The automated detector and manual transect surveys have identified a bat population of moderate species diversity across the Site, of Local ecological importance. The majority of this activity has been recorded adjacent to the boundary features which includes a network of hedgerows, treelines and ditches, with only very low levels of activity associated with the fields of grazed pasture and temporary grass and clover ley.'*

Proposed mitigation measures include:

- *'Retention of all trees with suitability to support roosting bats;*
- *Utilising existing hedgerow gaps and field gateways where feasible for access, to minimise any hedgerow losses; and*
- *Retention and enhancement of the vast majority of the field boundary network of hedgerows, treelines and ditches to maintain habitat connectivity.'*

The final HEP (Habitat Evaluation Procedures) calculation results show mitigation would result in 3.27 ha gain for lesser horseshoe bats and 0.44ha gain for greater horseshoe bats.

Buffers around trees have been agreed in principle, and the recommended Landscape, Arboricultural and Ecological Management Plan (LEAMP) condition includes agreement of detailed hedgerow buffers, as well as management arrangements for sensitive habitat.

Birds:

The site has suitability for various bird species. 44 bird species were recorded during the surveys. 15 bird species were recorded as possibly breeding on-site, six of which are species of nature conservation importance.

The applicant describes impacts on bird thus:

> *'A5.17 The abundance and diversity of bird species recorded on-site was consistent with the extent and diversity of nesting habitats present. Given the nature of the scheme, there are significant opportunities for the scheme to retain and enhance the majority of habitats suitable for nesting birds and to provide sufficient compensation for the minor loss of habitats such as arable farmland and hedgerow. For this reason, the breeding bird assemblage is considered unlikely to be significant impacted by the scheme and the assemblage present is judged to be of no greater than Local ecological importance.'*

Proposed mitigation includes new planting, including species with foraging benefits.

Records of ground-nesting skylark were found, which may possibly be breeding and foraging on the site. The Somerset Ecologist has agreed with the applicant that a Farmland Bird Management Strategy would be suitable, which would detail mitigation as 3ha of skylark plots. When first suggested this was to be outside the application site, meaning this mitigation would need to be secured by legal agreement. Following further discussions with the applicant, it has been confirmed that this mitigation can come forward within the blue line application site boundary. As such, this can be controlled by condition and a legal agreement is not necessary.

Dormice:

The application submission information concludes the site has moderate suitability for dormice. Surveys found no dormice so they are concluded to be absent from the site.

Otter and Water Vole:

These are also concluded to be absent from the site.

Badgers:

Three setts have been identified on the site – all inactive. Buffer zones are proposed around the setts; and protection measures are proposed during construction.

Other Mammals:

The application documents state:

> *'The Site supports a range of suitable foraging and breeding habitats for both brown hare and European hedgehog. Brown hare have been confirmed on-site at target note TN1 (see Plan EDP 6), and there is a reasonable likelihood that hedgehog are present on-site.'*

Precautionary clearance measures are proposed, as well as mammal gaps in security fencing.

Great Crested Newts:

The applicant has found no evidence of Great Crested Newts on the site. As a precautionary approach, due to the impact on potential habitat, a financial contribution to Great Crested Newt habitat elsewhere in the district is proposed by the applicant, via Natural England's District Licensing scheme. A condition is recommended accordingly.

Reptiles and Amphibians:

On this, the submitted documents confirm thus:

> *'Given the primarily small extent of suitable habitat within the Site and the local surroundings, which are dominated by sub-optimal arable farmland, it is considered likely that only low numbers of common reptiles could be supported. These species are therefore not considered to be significant beyond a Site level.'*

Proposed mitigation includes hedgerow buffers; site clearance controls and ecologist supervision; precautionary construction methods; and new meadow grassland below the solar arrays and wildflower grassland within the field margins to provide new foraging, commuting and refuge opportunities.

Habitat Regulations Assessment (HRA):

Due to the primary and potential impact on nationally significant habitats sites (three SAC's), this application has been supported by a shadow HRA Appropriate Assessment to further understand any likely significant effects from the proposals. Conclusions are summarised by in the submitted ecological assessment thus:

> *'4.6 No adverse impacts upon Salisbury Plain SAC are anticipated, given that the proposed development will not alter the distribution or abundance of juniper populations, and the negligible changes in road traffic mean it is highly unlikely that*

any additional traffic generated by the proposed development would be significant enough to result in an appreciable effect upon the SAC via any increases in air pollution. Potential impacts on Salisbury Plain SPA are also ruled out given that there will be no direct or indirect impacts upon the breeding and wintering bird populations for which this site is designated.

4.7 In relation to Bath & Bradford on Avon Bats SAC and Mells Valley SAC, potential effects as a result of loss and degradation, or fragmentation though lighting impacts, of functionally linked bat habitat outside of the SAC boundary could occur. As such, detailed Habitat Evaluation Procedure (HEP) calculations have been undertaken to determine the adequacy of habitat retention, enhancement, and creation measures in mitigating for those habitats lost to development, as detailed within the Mendip District Council's Supplementary Planning Document (SPD). This process, and its outcome, are summarised in Section 5.'

The sHRA has been endorsed by the Somerset Ecologist. The sHRA concludes that the proposed development is unlikely to have an adverse effect on the integrity of the Mells Valley SAC alone or in combination, provided the mitigation measures outlined are subject to conditions as recommended. Following further consultation with Natural England, no comments have been received. Consultation comments have been requested a number of times and the statutory timescale for comments has long passed. In these circumstances, it is considered reasonable to progress to a decision on the basis of the ecology team's sHRA endorsement.

Although no lighting is proposed as part of this application, a lighting condition would ensure lighting for bats consideration is undertaken if lighting is proposed in the future.

Biodiversity Net Gain (BNG):

The submitted ecological assessment confirms that some habitat loss forms part of the proposal. However, other habitat is to be retained, protected, enhanced and created. As such, the application states biodiversity net gain (BNG) would be significantly above the

new 10% national policy requirement (noting this application was submitted before this national requirement became mandatory). This is summarised in the table below, taken from the submitted Ecological Appraisal.

Table EDP 4.3: Net Impact on Habitats

	Habitat Units	Hedgerow Units	River Units
Total Net Unit Change	82.67	29.18	3.31
Total Net % Change	+50.57%	+19.25%	+17.15%

The information submitted is sufficient to demonstrate the BNG in planning terms. Although neighbour comments have stated this should be better substantiated, the application meets planning policy requirements in this regard.

Conditions, Informatives and Legal Agreement:

Some of the individual conditions recommended by the Somerset Ecologist can be controlled by a single condition requiring compliance with recommendations set out in the submitted ecological documents, which reduces the number of conditions necessary.

As badgers are statutorily protected, and measures are included in the agreed ecological information, a further condition requiring a further on site badger survey is not necessary.

As hazel dormice have been confirmed absent from the site, a detailed condition on hazel dormice protections is not considered necessary.

Although the Somerset Ecologist has recommended the LEMP is included in a legal agreement, there is no reason why it cannot be included as a condition – it is also enhanced to a LEAMP.

Advice notes are recommended to remind of the developer of the legal protections of badgers and recommended construction protection measures and the tree nesting period.

Consultation comments received have stated that ecological monitoring must be robust. The controls as recommended are concluded to be appropriate and acceptable within the parameters of planning.

Ecology Conclusion:

The solar panels and associated development would result in biodiversity net gain above policy requirements, as well as suitable mitigation. Impacts on habitats and protected species are concluded to be acceptable, subject to the inclusion of conditions and informatives. Following confirmation of the location of the skylark mitigation, a legal agreement is no longer necessary. The proposal is concluded to accord with Local Plan policies 5 and 6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Heritage Assets:

There are no listed buildings, conservation areas or scheduled monuments within the site itself.

There are various listed buildings near the site, including:

- Flexham Farm (GII) which is on the southern side of Bradford Road, and would see solar development on either side of it, with landscaping mitigation.
- Frith Farm (GII) immediately north of Bradford Road
- No. 8 Frome Road (GII) which is south west of the proposed solar development

There are various other listed buildings further south on Bradford Road; and the Church of St Lawrence (GI) is located off Frome Road, west of the application site.

The site is also outside but relatively close to Rode Conservation Area.

The Devil's Bed and Bolster long barrow scheduled monument is located outside the application site to the south east.

There are different categories of harm to heritage assets including:

- Substantial harm – such as significant alteration or demolition of the asset – where works should only be permitted in exceptional circumstances (see paras 205-207 of the NPPF). Substantial harm has not been identified as part of this application.
- Less than substantial harm – impacts to the significance of heritage assets should be considered on a scale (low, medium or high) – development should only be permitted where harms are outweighed by public benefits (see para 208 of the NPPF). Less than substantial harm has been identified in this case.
- No harm identified – public benefits do not need to be outweighed by public benefits.

Appeal ref APP/U1105/W/23/3320714 at Land to the south and west of Marsh Green, Marsh Green, East Devon was allowed on 30.10.2023. This identified heritage harm at the lower end of 'less than substantial'. This appeal was allowed.

Appeal ref APP/P0119/W/22/3294810 at Land at Elm Farm, Bristol Road, Iron Acton, Bristol was dismissed on 13.11.2023. In this case, substantial heritage harm was identified due to significant impacts on a GI listed asset. Due to the substantial harm identified, this appeal was dismissed.

Whilst each case is assessed on its own merits, it is noted that the current application is concluded to represent 'less than substantial harm'.

It is noted that comments from Historic England do not represent an objection to the application. Comments highlight concerns in relation to historic assets and call for changes. Comments refer to archaeological heritage assets in particular, but also refer to the impact on the church and the rural landscape. Recommendations refer to

archaeological matters. As outlined below, additional information has since been submitted in relation to the scheduled monument, and the original objection from the county archaeologist has now been removed in favour of a standard condition. It is therefore concluded that matters in relation to archaeology have been addressed.

It is noted that Rode Parish Council and various neighbours have also objected on the basis of harm to heritage assets.

Impact on the Setting of a Listed Buildings:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Conservation Officer has not objected to the proposal in relation to impacts on the Church of St Lawrence (GI) and commented thus:

> *'From walking around the church yard, in mid-winter, from the ground level I do not expect the panels to be visible. They may be visible from the bell tower; however, I do consider this small impact to be acceptable.'*

Verbal comments from the Conservation Officer have confirmed that heritage harm on the church would be at the low end of less than sub harm.

The Conservation Officer has verbally clarified that harms to listed buildings are concluded as follows:

- Flexham Farm (GII) – less than substantial, medium. Mitigation insufficient and not outweighed by public benefits.

- Frith Farm (GII) – less than substantial, low to medium. Mitigation insufficient and not outweighed by public benefits.
- No. 8 Frome Road (GII) – less than substantial, low. Mitigation measures and proposal acceptable in relation to public benefits.
- Other listed buildings on Bradford Road – less than substantial, low – due to the proximity to the site this would be the same harm as to the conservation area. This harm would be outweighed by public benefits.

The main concerns relate to the impacts on the significance of Flexham Farm and Frith Farm. As above, through the life of the application revisions have been made including setting the development further off Flexham Farm, additional planting and agreeing to keep inverters further way from Flexham Farm. These alterations further mitigate impacts on Firth Farm, which sits north of Bradford Road. Impacts to the north (rear) of Firth Farm would be unaffected as there is no solar development proposed north of Firth Farm. Views and impacts to the south would be significantly altered through the development of the solar farm. The Conservation Officer has concluded that the balance as set out in para 208 of the NPPF has not passed for these two assets, and the public benefits of the solar farm would not outweigh the harms.

The harms identified by the Conservation Officer are agreed at medium and low to medium for Flexham Farm and Firth Farm respectively. It is noted that assessment of the public benefits, including whether they outweigh conservation harm, is for the decision maker and not for the consultee. This balancing exercise should be informed by advice from the consultee. Considering the substantial benefits associated with the development, including providing renewable energy for an estimated 16,000 homes, it is concluded by planning officers that the public benefits would outweigh the harms in this case. The Planning Committee will need to form a view on this.

Impact on Rode Conservation Area:

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Verbal comments from the Conservation Officer have confirmed the final proposal is considered to represent a low level of less than substantial harm to the conservation area, and that this harm would be outweighed by public benefits. This conclusion is agreed.

Relevant factors here include the distance from the conservation area and mitigation planting. Having regards to the Rode Conservation Area Character Appraisal (2009), it is concluded the proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Archaeology:

It has been confirmed that there are archaeological features within the site. Additional information has been submitted to the Somerset archaeologist, including results of trial trenching and a proposed mitigation strategy which includes excavation. The Somerset Archaeologist has concluded that this is proportionate to the significance and acceptable to meet the requirements of set out in Chapter 16 of the NPPF. The Somerset Archaeologist has not objected to the scheme, subject to the inclusion of a condition for agreement of programme of works in accordance with a Written Scheme of Investigation (POW). This condition is recommended accordingly, and the proposal is concluded to be acceptable in this regard. As above, this is considered acceptable to address the comments raised through the first consultation by Historic England. It is noted that Historic England did not comment on as part of the second consultation.

Conservation Conclusion:

The Conservation Officer has objected to the proposal. Verbal comments have clarified that this objection primarily relates to impacts on Flexham Farm and Frith Farm – where harms are considered 'medium' and 'low to medium' less than substantial respectively. The Conservation Officer has confirmed that all other harms are considered at the low end of less than substantial harm and would be outweighed by the public benefits of renewable energy creation.

Historic England has not objected to the proposal, but raised matters for consideration which are considered adequately addressed through the submission of additional information to the satisfaction of the Somerset Archaeologist.

Harms to historic assets are acknowledged, including the cumulative harms and harms to the rural setting of the village. The NPPF makes it clear that when less than substantial harm is identified, justification for harm must be clear and convincing and the harm or loss must be outweighed by public benefits. The proposal for clean, renewable energy, which would complement the Council's aspirations of carbon reduction in a climate emergency, at the scale proposed, is considered a public benefit that outweighs the less than substantial harm at the low/medium to low end of the spectrum by way of possible impact to significance of listed buildings through setting.

It is concluded that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposal accords with DP3 of the adopted Local Plan Part 1 (2014), policy 6 of the Rode Neighbourhood Plan (2017) and part 16 of the National Planning Policy Framework.

Trees and Hedgerows:

The site includes trees and hedgerows on field borders. The application is accompanied by an Arboricultural Report prepared by Tree Hertiage which includes a Tree Constraints Plan and Arboricultural Impact Assessment. Further, a Landscape, Ecology and Arboricultural Management Framework has been prepared by EDP.

The Arboricultural Report confirms that the survey included a total of 166 trees, 30 groups, 1 woodland, and 20 hedgerows. It concludes tree and hedgerow loss as summarised in its conclusion:

> *'10.1 A total of 4 trees will require removal to allow for improved vehicle access. Trees T17, T33, T34 and T135.*

10.2 A total of 9 hedges will require sections removing for access roads. Hedges H1, H13, H25, H26, H35, H47, H48, H51, and H52.

10.3 A total of 3 hedge will require sections removing for the cable route. Hedges H2, H10, and H11.

10.4 Special Measures will be required to allow access roads through tree RPAs for 3 trees. Trees T82, and one tree from each group G27, and G28.'

Temporary gaps are proposed in hedgerow during construction, which are proposed to be filled post construction.

The submitted Tree Constraints Plan and Arboricultural Impact Assessment (AIA) drawings show existing trees and hedgerows, including the trees to be removed. The Arb Report recommends tree protection fencing, although this is not shown on the AIA. It also relies on security fencing, which would need to be in place before construction begins to protect these trees and hedgerows, and does not protect the root protection areas of all relevant trees and hedgerows. Conditions are therefore recommended to require agreement of detailed tree protection measures prior to construction. It is noted that a 10m buffer is required around many hedgerows for ecological purposes, and this is covered by another condition as it covers different trees and hedgerows.

Although a broad Landscape, Ecological and Arboricultural Management Plan (LEAMP) has been submitted as part of the application, the submission and agreement of a detailed LEAMP is recommended by condition. This includes sensitive hedgerow management, watercourse management, new planting management, etc.

The application has also been supported by a Landscape and Ecology Strategy plan. This high level plan shows additional planting proposed, including thickening existing

hedgerows, tree planting at key positions across the site and reinstatement of historic hedgerows in zone 3. A condition is recommended to agree the detailed planting.

As outlined in the highways section on this report, following comments from the highway authority (HA), minor works are proposed on trees along Monkley Lane – raising the canopies to allow the higher articulated vehicles to utilise it. Updated proposed tree works have been submitted and agreed by the HA. None of these trees are formally protected, and works within the highway and for highway safety reasons are concluded to be acceptable. Works to trees and hedges planted on private land but overhanging the highway, would be subject to a s171 licence from the highway authority, and the applicant is reminded of this requirement by a recommended informative. A condition is recommended to ensure these tree works are undertaken before construction of this part of the site. Any tree works must respect the bird nesting season requirements, as set out in a recommended informative.

As such, this application is considered acceptable subject to a suite of conditions recommended to agree the detailed layout; agree detailed Arboricultural Method Statement, Tree Protection Plan and tree protection measures; site layout; and detailed planting plan, including species.

On balance the tree and hedgerow losses are acceptable in the street scene, in the context of the benefits of the proposed development. As summarised elsewhere in this report, the changes to the hedgerow are considered acceptable in ecological terms, and biodiversity net gain is recommended to be secured as part of the development. Further planting is proposed within the site, including adjacent to the PROW.

The proposed development will have an acceptable impact on a trees and hedgerows which has significant visual or amenity value. The proposal accords with DP1 and DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Drainage:

The site is all within flood zone 1 meaning the principle of development is acceptable in drainage terms but the applicant must demonstrate suitable drainage management. The buildings and areas of hardstanding in particular are considered in relation to surface water management.

The application has been supported by a Flood Risk Assessment (FRA) which has been amended during the life of the application.

Following lengthy discussions with the applicant and the Lead Local Flood Authority (LLFA) and the submission of additional information, the LLFA has confirmed there are no objections to the proposal. The LLFA has confirmed surface water can be adequately managed within the site without significant impact on neighbouring sites.

Permeable gravel is proposed for the compounds and access tracks. The ground near the battery storage facility is impermeable therefore gravel bases are proposed to store runoff and discharge to the watercourse at slower rates than currently. The LLFA engineer has confirmed this represents a betterment to the watercourse and nearby byway.

The Environment Agency (EA) has commented on the application as part of the first round of consultation, offering no objection and recommending conditions and an informative. One recommended condition relates to the control of water used for the control, containment and removal of water used for extinguishing in the event of a catastrophic fire. This is duly recommended. The other condition relates to wheel washing facilities for construction traffic. This is recommended to be incorporated into the CTMP condition. Finally, the EA has recommended an informative reminding the applicant of natural flood management and ditch crossing consents. This is recommended accordingly. Although the EA requested additional time to consider the application as part of the second round of consultation, the agreed timescale has passed and no further comments have been received. It is not considered reasonable to delay determination of the application for these comments, particularly considering comments have been received as part of the first round of consultation. If any further comments are received prior to the decision being made, these will be communicated to the planning committee.

Conditions are recommended to ensure detailed drainage management measures are agreed, including the location of features including swales and infiltration.

In conclusion on this matter, the proposed development will not have an adverse impact on flood risk or represent a danger to water quality or pollution. The proposal accords with Development Policies 8 and 23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Fire Safety and Battery Energy Storage Site (BASS):

The application includes a battery storage facility, which is required to store the electricity generated at the site. The NPPG on 'Renewable and low carbon energy' outlines these facilities thus:

> *'Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.'*

In terms of planning applications, the NPPG includes the following requirements:

> *'Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runway, and emergency services access can be considered before an application is made.*

Applicants are also encouraged to consider guidance produced by the National Fire Chiefs Council when preparing the application.

The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.'

Local Planning Authorities (LPA's) are encouraged to consult with their local fire and rescue service prior to determining applications for the following reason:

'This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application.'

The National Fire Chiefs Council (NFCC) guidance titled 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' (2022) is also referenced in the NPPG. This confirms that consultation with the local fire and rescue service is encouraged, but this is not a statutory requirement. This also confirms that:

'The NFCC's expectation is that a comprehensive risk management process must be undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain and review risk controls. From this process a robust Emergency Response Plan should be developed.'

The guidance goes on to state that:

'The guidance does not seek to provide a full specification or opinion on the entirety of a BESS system design. Instead, the aim is to limit the content to such matters that directly relate to facilitating a safe and effective response, by the fire and rescue service, to a fire or vapour cloud release involving a BESS installation.

This includes factors such as facilities for the fire and rescue service, and design factors that contribute to reducing the escalation in the severity of an incident.'

The application has been supported by a draft Battery Safety Plan. It is customary for plans to be submitted in draft form, with a detailed version to be agreed via condition in consultation with the local fire and rescue service. Devon and Somerset Fire and Rescue Service has reviewed the draft plan and made some recommendations to inform the applicant's detailed plan preparation at condition stage. It is noted that many elements of the detailed safety precautions are covered by building regulations. Devon and Somerset Fire and Rescue Service has not objected to the application, and there is no reason to conclude the development could not be delivered with acceptable fire and emergency plans in place.

No objections have been received on the basis of road suitability from either the highway authority (HA) or the local fire and rescue service. The HA has confirmed Monkley Lane is concluded to be acceptable in relation to large vehicles this is concluded to include emergency service vehicles.

It is therefore concluded that the application can meet the requirements set out in the NPPG on 'Renewable and low carbon energy' and NFCC guidance 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' (2022). No objections have been received from the HA or the local fire and rescue service. It is noted that development would also be subject to building control, which sits outside the scope of planning. A condition is recommended which would require the submission and agreement of a detailed safety plan, which would be subject to further consultation with the local fire local fire and rescue service.

Pollution:

No statutory consultee objections have been received on pollution grounds. The recommended condition for detailed surface water drainage condition includes pollution controls; and a number of conditions and an informative are included as recommended by

the Environment Agency on emergency fire water controls, pollution controls and a Construction Environmental Management Plan (CEMP).

Sustainability and Renewable Energy:

The application makes a significant contribution to renewable energy provision, and this weighs heavily in the planning balance.

Some objections have commented that the panels cannot be recycled; they are not carbon neutral; the carbon footprint of the overall development is unknown; and the development would lead to an increased carbon footprint through impacts on food production and flying in food. It is concluded the proposed development would make a significant betterment than the existing site.

Environmental Impact Assessment:

This development falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (category 3a 'Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)' of Schedule 2 and exceeds the threshold criteria with regards to the area of the development and has therefore been screened. It has been determined that the proposal would not result in significant environmental effects. As such an Environmental Impact Assessment was not required, although the environmental effects have been assessed and are set out in this report.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different

people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Community Payments:

The applicant has confirmed that a payment is proposed to the parish council, as summarised below:

> *'It is Low Carbon's policy that the communities hosting their solar farms receive a direct, tangible benefit and as such, a formal Community Benefit has been offered. These offers have been made outside of the planning process and were not offered to make the development acceptable in planning terms. The acceptance of this offer does not prevent Parish Councils or any other person, from raising objections to the application and it imposes no obligations on the Council, or any other person, to support the application.*
>
> *This project will offer a Community Benefit Fund equivalent to £2,800 per MWp as a one-off payment, available to the local communities hosting the project (there is also an option to take the equivalent monies as an annual payment). Low Carbon generally signs a separate legal agreement with the relevant Parish Council/s which falls outside of the planning process. The deeds will simply set out some broad terms to provide a framework for how the Fund can be administered locally.'*

Some neighbours have commented they believe this would be insufficient.

It is important to note that this payment does not meet the CIL tests for planning obligations, and this sits outside the planning process and has no weight in the planning balance.

Education Benefits:

The application includes a statement on intentions to engage with local schools and be involved in renewable energy education. This is summarised by the applicant in the 'Planning Benefits Letter' (received 14.03.2024 thus:

> *'Solar farms can provide an excellent resource for local schools to learn about renewable energy. Should the solar project achieve consent, Low Carbon will look to provide educational benefits in connection with the Proposed Development to local schools. Low Carbon is in the process of communicating with local schools and other local groups with the aim to create partnerships to offer regular visits to the solar farm and renewables workshop for local children. The sessions would be designed to help children familiarise themselves with the technology and understand the impacts of climate change. Through this programme we aim to inspire a future generation of children who are passionate about renewables and careers in engineering.'*

As there is no formal commitment or control mechanism this cannot be weighed in the planning balance.

Tourism Impacts:

Some neighbour comments have outlined concerns the proposed development would impact on the tourist economy, including local pubs and hot air ballon businesses. It is acknowledged that that the local PROW network may influence tourism, but it is not unreasonable to walk past a solar farm as part of a walk through the countryside. Although hot air balloons would not be able to land on solar panels, there are many other suitable landing locations for this infrequent occurrence. Due to the nature of the development it is considered unlikely the proposed solar farm would adversely affect the local tourism economy.

Impact on Horses and Horse Riders:

It is noted that Monkley Lane and the byway to the south of Monkley Lane are used by horses. Objections have been received outlining concerns in relation to traffic, construction traffic and noise. Both the HA and the noise specialist in the Environmental Protection team have confirmed the proposed development would be acceptable – and the HA has referred to the proposed banksman on Monkley Lane during construction. Therefore impacts are concluded to be acceptable.

Non-Planning Matters:

Consultation comments have raised concerns in relation to private property prices. This is not a planner matter, so cannot be weighed in the planning balance.

Other Matters Raised Through Consultation:

Some consultation comments have questioned the motives of the developer. Regardless, the local planning authority needs to determine the application.

Some neighbour comments have disagreed with the use of ‘farm’ in the term ‘solar farm’. Notwithstanding the terminology used, the development proposal is clear.

Neighbour comments have raised previous enforcement history at one of the sites - unauthorised hedgerow removal. This in itself is not a reason to withhold planning permission.

The recommended conditions on decommissioning the solar development are acceptable in planning terms. There is no justification in planning terms for further details on decommissioning agreements between landowners and developers, or a basis for any bond with the council.

The proposed development is considered acceptable in relation to its impact on passing aircraft and air balloons. This has been adequately addressed in the submitted Glint and Glare Study.

Conclusion and Planning Balance:

The council has declared a climate emergency. National and local policy supports renewable energy development, if the impacts are acceptable. Following lengthy discussions with the applicant including at pre application stage, various changes have been made, and the proposal is now considered acceptable in landscape and heritage terms. Although the development would be seen and would change the character in some locations, due to the site context, proposed mitigation planting and hedgerow works this harm is considered acceptable when weighed against the benefits of the proposal.

Although 40 years is a significant period of time, the land is proposed to be restored to agricultural land at the end of this.

Identified harms include landscape harm and harm to the character and appearance of the site. Other harms include conservation harms. It is noted that the solar farm is proposed for 40 years, after which it would be decommissioned and returned to agricultural use. As such, the application should be considered in the context that the harms would be temporary and reversible (be it for a 40 year timescale).

Benefits include generation of renewable energy which the applicant estimates would equate to over 16,000 households annually. Other benefits include biodiversity net gain, a permissive bridleway through the operational lifetime of the application and construction and operation jobs. Considering all the harms and benefits in the overall planning balance, the benefits are concluded to outweigh the harms and the application is recommended for approval in this case.

Benefits and harms are summarised in the tables below – with table 1 outing the terms associated with the hierarchy of benefits and harms; and table 2 outlining the harms and benefits associated with this development proposal:

Table 1: Harms and Benefits Hierarchy

Substantial benefit/harm
Very significant benefit/harm
Significant benefit/harm
Moderate benefit/harm
Limited benefit/harm
Very limited benefit/harm
No/neutral benefit/harm

Table 2: Benefits and harms of this proposal

Benefit/Harm	**Benefits**	**Harms**	**Neutral**
Renewable energy generation	Substantial benefit		
Biodiversity net gain	Moderate benefit		
Permissive bridleway	Moderate benefit		
Construction and operation jobs	Limited benefit		
Landscape harm		Significant harm	
Heritage harm		Significant harm	
Loss of agricultural land		Moderate harm	
Impact on local tourism			Neutral

All other relevant planning matters have been considered during the life of the application including trees, heritage, drainage, design, amenity, highways, public rights of way, ecology and biodiversity net gain. Subject to the inclusion of a suite of planning conditions the application is recommended for APPROVAL.

Recommendation

Approval

Conditions

1. **Plans List (Compliance)**

   This decision relates to the following:

   o LCS053-SP-01 - LOCATION PLAN - received 10.11.2023

   o LCS053-SP-01_REV09 - LOCATION PLAN (WITH BLUE LINE) - received 17.04.2024

   o DZ-01 - ZONE PLAN - received 07.02.2024

   o LCS053-CC-01_REV01 - COMPOUND PLAN - received 29.02.2024

   o EDP7927_D037G - LANDSCAPE AND ECOLOGY STRATEGY - received 29.02.2024

   o 410558-MMD-XX-BA22-DR-C-0002 P2 - Site Access 2 Visibility Splays & Vehicle Tracking Sheet 1 of 2 - submitted as part of RESPONSE TO HIGHWAYS COMMENTS - received 30.01.2024

   o 410558-MMD-XX-BA22-DR-C-0002 P2 - Site Access 2 Visibility Splays & Vehicle Tracking Sheet 2 of 2 - submitted as part of RESPONSE TO HIGHWAYS COMMENTS - received 30.01.2024

   o 410558-MMD-XX-BA22-DR-C-0004 P1 - A361 / Monkley Lane Visibility Splays & Vehicle Tracking Sheet 1 of 2 - submitted as part of RESPONSE TO HIGHWAYS COMMENTS - received 30.01.2024

   o 410558-MMD-XX-BA22-DR-C-0004 P1 - A361 / Monkley Lane Visibility Splays & Vehicle Tracking Sheet 2 of 2 - submitted as part of RESPONSE TO HIGHWAYS COMMENTS - received 30.01.2024

   o 61147SAITDWIN302A - ACCESS 2 - PASSING PLACES AND GATES FIGURE_P2 -

received 07.03.2024

o SD-06.2 REV 02 - ACCESS TRACK CROSS SECTION - received 10.11.2023

o SD-09.1 REV 01 - DNO TRACK CROSS SECTION STANDARD DETAIL - 10.11.2023

o SD-11 REV 01 - 40FT BATTERY CONTAINER (HVAC ON GROUND) - received 10.11.2023

o SD-26 REV 01 - LILO SUBSTATION COMPOUND PLAN - received 10.11.2023

o SD-27 REV 01 - LILO SUBSTATION COMPOUND ELEVATIONS - received 10.11.2023

o SD-32 REV 04 - GATEWAY PLAN STANDARD DETAIL - received 10.11.2023

o SD-33 REV 02 - 20FT SPARE PARTS CONTAINER - received 10.11.2023

o SD-34 REV 02 - TRANSFORMER STATION FRONT REAR AND TOP VIEW - received 10.11.2023

o SD-35 REV 02 - TRANSFORMER STATION SIDE VIEWS - received 10.11.2023

o SD-35.1 REV 01 - INVERTER STATION SIDE VIEWS - received 10.11.2023

o SD-39.4 REV 01 - SOLAR PANEL ELEVATION MAX HEIGHT 3M - received 10.11.2023

o SD-44 REV 01 - CUSTOMER SUBSTATION ELEVATIONS & DIMENSIONS PLAN - received 10.11.2023

o SD-47 REV 01 - PANEL ARRANGEMENT 4 LANDSCAPE 29.5 DEGREE TILT CONCRETE SHOE - received 10.11.2023

Reason: To define the terms and extent of the permission.

2. **Time Limit (Compliance)**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

3. **Time Limit (Temporary) - Solar (Compliance)**

The permission hereby granted shall expire no later than 40 years from the date when electrical power is first exported from the solar panels to the electricity grid network, excluding electricity exported during initial testing and commissioning (hereafter referred to as the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: Planning permission has been granted on the basis of the solar panels being operated for a temporary period only. Permission for a greater period of time would require re-assessment of its merits in relation to visual impact.

4. **Removal of Works (Bespoke Trigger)**

Not later than 12 months before the expiry of this permission, or, if before then, within 6 months of the point where the Solar Farm permanently ceases to produce electricity, a decommissioning and site restoration scheme, including a programme of implementation, shall be submitted to the Local Planning Authority for written approval.

The scheme shall make provision for, as a minimum, the removal of the solar panels and the associated above ground equipment and foundations to a depth of at least one metre below finished ground level. The approved scheme shall thereafter be fully implemented in accordance with the approved details.

Reason: Planning permission has been granted on the basis of the solar panels being operated for the production of renewable energy, its removal is required when production ceases.

5. **Detailed Layout (Bespoke Trigger)**

No solar panels, accesses, tracks, inverters, batteries, substation or switch rooms shall be constructed or installed unless in accordance with a detailed layout plan that has first been submitted to and approved in writing by the Local Planning Authority. The solar panels, accesses, tracks, inverters, batteries, substation or switch rooms hereby approved shall thereafter be constructed in accordance with

the approved details. The detailed plan shall be in broad accordance with plan ref LCS053-PLE-01_REV14[47] 'Indicative Layout Plan External', plan ref EDP7927_D037G 'LANDSCAPE AND ECOLOGY STRATEGY' received 29.02.2024 and EDP7927_D030C Manual Bat Transect Survey submitted as part of EDP7927_R011-C UPDATED TECHNICAL NOTE POST SUBMISSION ECOLOGY RESPONSE received on 12.03.2024. The detailed layout must not include any inverters in the northern half of zone 5.

Reason: To ensure the provision of an appropriate layout to the development in the interests of the appearance of the development and the surrounding area, to safeguard trees, to safeguard the historical interest and preserve the character and appearance of listed buildings and to prevent ecological harm and to provide biodiversity gain in accordance with policies DP1, DP3, DP4, DP5 and DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) and the NPPF.

6. **Solar Panel Colour (Compliance)**

Notwithstanding any information submitted with the application, all solar panels shall be finished in black external materials.

Reason: To ensure the provision of an appropriate design and landscape setting to the development in accordance with policies DP1, DP4 and DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

7. **Inverter, Battery, Substation and Switch Room Buildings - Materials (Bespoke Trigger)**

No external facing materials in respect of the walls and roofs of the inverter, battery, substation or switch room buildings hereby approved shall be constructed or installed unless in accordance with a schedule of materials and finishes to be used in the construction of the external surfaces that has first been submitted to and approved in writing by the Local Planning Authority. The buildings hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the provision of an appropriate design and landscape setting to the development in accordance with policies DP1, DP4 and DP7 of the Mendip

District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

8. **Removal of Solar Farm (Compliance)**

Within 6 months of the point where the Solar Farm permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, batteries, substation, switch room, fencing, CCTV cameras and other associated equipment, buildings and access tracks shall be removed from the land, and the land restored to agricultural use or to a condition to be agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the surrounding area in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Hard Boundary Treatments (Pre-Occupation)**

Prior to the development being operational details of design and materials of all forms of hard boundary treatments (gates and fencing) shall have been submitted to and approved in writing by the Local Planning Authority. Fencing shall include mammal gaps at 250m intervals. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area

in accordance with Policy DP1 and DP7 of the Mendip District Local Plan Part 1:

Strategy & Policies 2006-2029 (Adopted 2014).

10. **Permissive Bridleway (Pre-Occupation)**

The development hereby approved will not be brought into use until the permissive bridleway shown on drawing 'FINAL SITE LAYOUT PLAN' (ref: LCS053-PLE-01_REV14[47], received 28.02.2024) has been fully constructed and opened for public use.

Reason: To enhance local connectivity in accordance with policies DP1, DP7 and DP9 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

11. **Accesses and Gates (Bespoke Trigger)**

Any existing field access gates shall be set back at least 6m from the adjoining carriageway edge, be hung inwards and include properly consolidated and surfaced (not loose stone or gravel) over the first 6 metres of access. Once constructed, the access(es) and gate(s) shall be retained and maintained as per the approved details for the life of the permission.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 6m from the adjoining carriageway edge.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Access 2 (Compliance)**

Access 2 shall be constructed, including visibility splays, in accordance with details shown drawings 410558-MMD-XX-BA22-DR-C-0002 P2 'Site Access 2 Visibility Splays & Vehicle Tracking' Sheets 1 and 2 submitted as part of 'RESPONSE TO HIGHWAYS COMMENTS' (received 30.01.2024). Once constructed, the access shall be retained and maintained as per the approved details for the life of the permission.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Access 3 (Compliance)**

Access 3 shall be constructed, including visibility splays, in accordance with details shown on 410558-MMD-XX-BA22-DR-C-0004 P1 'A361 / Monkley Lane Visibility Splays & Vehicle Tracking' Sheets 1 and 2 submitted as part of 'RESPONSE TO HIGHWAYS COMMENTS' (received 30.01.2024). Once constructed, the access shall be retained and maintained as per the approved details for the life of the permission.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **Parking (Pre-Occupation)**

The development hereby approved shall not be brought into use until parking spaces have been provided on-site in accordance with details first submitted to and agreed in writing by the local planning authority. The areas allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Construction Environmental and Traffic Management Plan (Pre-Commencement)**

No development shall take place, including any demolition works, until a revised Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:

o 24 hour emergency contact number;

o Delivery and construction working hours;

o Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring

properties during construction);

o Routes for construction traffic;

o Locations for loading/unloading and storage of plant, waste and construction materials - in accordance with LCS053-CC-01_REV01 'COMPOUND PLAN' received 29.02.2024;

o Methods of preventing mud being carried onto the highway;

o Measures to control the emission of dust and dirt during construction;

o Measures to protect vulnerable road users (cyclists and pedestrians);

o Any necessary temporary traffic management measures;

o Arrangements for turning vehicles;

o Arrangements to receive abnormal loads or unusually large vehicles;

o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;

o Wheel washing facilities;

o Signage scheme for the public and construction workers regarding use of the public rights of way/byways during construction.

o the use of plant and machinery and safeguarding measures to deal with pollution risks

o wheel washing and vehicle wash-down and disposal of resultant dirty water to deal with pollution risks

o oils/chemicals and materials to deal with pollution risks

o the use and routing of heavy plant and vehicles to deal with pollution risks

o the location and form of work and storage areas and compounds to deal with pollution risks

o the control and removal of spoil and wastes to deal with pollution risks

Reason: To prevent pollution of the water environment and tTo ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1:

Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

16. **Tree Works Associated with Access 3 (Bespoke Trigger)**

Prior to the commencement of any development in zones 14, 15 or 16 as shown on plan DZ-01 'ZONE PLAN' (received 07.02.2024), tree canopy work shall be carried out in accordance with the details submitted in the Tree Survey Schedule at appendix A of the Highways Response ref PLNE/2023/027367 (received 30.01.2024). Tree canopy works shall be undertaken to ensure a maximum height of 5m above carriageway level or the minimum height required for the reasonably associated vehicles to pass.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

17. **Surface Water Drainage System (Pre-Commencement)**

No development shall be commenced until details of the surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010) and include a Construction Environmental Management Plan for the construction phase. The development shall include measures to prevent pollution. The development shall control and attenuate surface water and discharge at greenfield rates. Once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality, to prevent flooding and to avoid pollution of the environment in accordance with DP7, 8 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition

precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

18. **Surface Water Drainage System Responsibility and Maintenance (Pre-Commencement)**

No development approved by this permission shall be brought into use until a plan for the future responsibility and maintenance of the surface water drainage system, landscaping and access tracks has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF. This is a condition precedent because it is necessary to understand the management and maintenance arrangements prior to any initial construction works which may prejudice the surface water drainage strategy.

19. **Overland Flow and Surface Water (Bespoke Trigger)**

Prior to the commencement of any development in zones 14, 15 or 16 as shown on plan DZ-01 'ZONE PLAN' (received 07.02.2024), a scheme to manage overland flow and surface water shall be submitted to and approved by the Local Planning Authority. The scheme to manage overland flow and surface water shall demonstrate that no surface water shall be discharged onto the southeastern byway. This shall include details on watercourses under riparian ownership of the site and any necessary maintenance/remediation/improvement works. The approved scheme works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure that surface water and exceedance is managed in accordance with the NPPF, and to prevent surface water from being discharge onto the southeastern byway. In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with DP7, 8 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works

which may prejudice the surface water drainage strategy.

20. **Battery Safety Management Plan (Bespoke Trigger)**

No development of the Battery Energy Storage System shall commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the local planning authority in consultation with the local fire and rescue service.

The submitted BSMP shall include:

o Details of a continuously operating battery management system (BMS) and observation arrangements.

o Details of a sensitive fire and gas detection system and further fire, heat and gas detectors.

o Details of an automatically operated fire suppression system.

o Details of the battery container design and separation distances including access arrangements for vehicles.

The development shall be operated in accordance with the approved scheme for the lifetime of the development.

Reason: To ensure safe operation of the battery facility in accordance with policy DP8 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) and NPPG Renewable and Low Carbon Energy (2023)

21. **Battery Storage Surface Water Drainage (Bespoke Trigger)**

No development of the Battery Energy Storage System shall commence until a final scheme to dispose of surface water for the battery storage area has been submitted to and approved in writing by the local planning authority. This should include impermeable areas surrounding the battery units (as shown indrawing 60-102, version 02 in the Flood Risk Assessment (FRA)), a directed flow hydrobrake chamber restricting run off of contaminated firewater, and a contaminated effluent storage area also with impermeable areas surround it (as shown indrawing 60-102, version 02 in the FRA). The final drainage designs must demonstrate that in the

event of a battery fire, all firefighting effluent can be retained on site with no discharge to surface our ground waterbodies. The scheme shall be implemented as approved for the lifetime of the development.

Reason: To ensure that any potentially contaminated effluent in the event of a pollution incident does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

22. **Emergency Pollution Control Method Statement (Bespoke Trigger)**

No development of the Battery Energy Storage System shall commence until such time as a detailed method statement and emergency plan for pollution control in the event of, and remediation following, a battery fire incident has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not necessarily be limited to:

o The pollution control methods used in case of a fire, such as how and when valves will be closed to ensure firewater is stored on site and ensuring there is sufficient capacity within the system if needed.

o How and where contaminated surface water, materials and drainage infrastructure will be sampled, managed and remediated/replaced following a fire incident to ensure no contamination enters the environment when normal operation resumes.

The scheme shall be implemented as approved in the event of a fire incident.

Reason: To ensure that the any potentially contaminated effluent does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

23. **Archaeology - Programme of Works in Accordance with a Written Scheme of Investigation (Pre-Commencement)**

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site

and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

24. **Replacement Ecological Habitat (Pre-Commencement)**

Prior commencement of development, a minimum habitat enhancement area of 11.28ha accessible to greater horseshoe bats shall be provided within the application site in accordance with a layout, planting schedule and timetable for implementation which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European and UK protected and priority species in accordance with policy DP5 of the Mendip Local Plan, and to provide net gain in accordance with paragraph 174(d) of the National Planning Policy Framework. This is a pre commencement condition because the ecological mitigation need to be agreed and implemented before construction begins to avoid ecological harm and ensure biodiversity net gain.

25. **External Lighting (Bespoke Trigger)**

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: To avoid harm to bats and wildlife in accordance with policies DP5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

26. **CEMP: Biodiversity (Pre-Commencement)**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local Plan. This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

27. **Landscape, Ecological and Arboricultural Management Plan (LEAMP) (Pre-Commencement)**

A Landscape, Ecological and Arboricultural Management Plan (LEAMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEAMP shall include the following:

a) Detailed demonstration of how the objectives of the 'Landscape, Ecology and Arboricultural Management Framework' prepared by EDP (received 10.11.2023) will be delivered.

b) Description and evaluation of features to be managed.

c) A final design and layout plan which demarks (by way of clear measurements) all buffer zones between sensitive habitats and any built development and shows that the existing field margins have been extended to 10m adjacent to hedgerows H10, H17, H18, H19, H41, H46, H50 and H52. The remaining field margins will be between 6-8m width total buffer zones between the boundary features and the development footprint. All retained and proposed hedgerows will be maintained at a minimum 3m height and 3m width to provide optimal corridors for bats. All woodland habitats will be protected with a 10m minimum no build buffer on all extents of the woodland. All water courses will be buffered by a 10m 'no build' buffer either side. The final design will also show where 'hop-over' points will be installed with native tree planting where small sections of hedgerow or treeline are to be removed for access purposes.

d) Ecological trends and constraints on site that might influence management.

e) Aims and objectives of management.

f) Appropriate management options for achieving aims and objectives, including the sensitive habitat and ecological hedgerow buffers.

g) Prescriptions for management actions.

h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

i) Details of the body or organization responsible for implementation of the plan.

j) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out

(where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

28. **Implementation of Ecological Recommendations (Compliance)**

The development hereby approved will not be brought into use until the recommendations of the 'Ecological Appraisal' prepared by EDP (received 10.11.2023), 'Bat and Dormouse Addendum Report' prepared by EDP (received 12.12.2023) and updated 'Technical Note: Post-submission Response Regarding Ecological Matters' prepared by EDP (ref EDP7927_R011-C, received 12.03.2024) have been implemented.

Reason: To ensure that the implementation and success of the Ecological Assessment, to prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the NPPF.

29. **Biodiversity Enhancements (Pre-Occupation)**

The development hereby approved will not be brought into use until use until the following biodiversity enhancements have been delivered in suitable locations across the site:

a) Two barn boxes - erected on a suitable tree(s)

b) Twelve Kent bat boxes (or similar) - on to a mature tree on site, facing south or west, at a height above 3m.

c) A minimum of twelve Vivara Pro Woodstone Nest Boxes (32mm hole version) (or similar) - mounted between 1.5m and 3m high on the northerly facing aspect of

trees.

d) A minimum of twelve Vivara Pro Barcelona Woodstone Bird Box (open front design) (or similar) - mounted between 1.5m and 3m high on the northerly facing aspect of trees.

e) A minimum of twelve log piles for hibernating common reptiles/ amphibians - to be created within the hedgerow boundaries.

f) A minimum of twelve dormouse boxes - to be installed within the woodland and retained hedgerows on site

All biodiversity enhancement measures shall be retained and maintained throughout the life of the planning permission.

Reason: To ensure that the implementation and success of the Ecological Assessment, to prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the NPPF.

30. **Great Crested Newt District Level Licence (Pre-Commencement)**

No development shall commence until a Great Crested Newt District Level Licence issued by Natural England (pursuant of regulation 55 of the Habitats Regulations 2019) and the respective District Level Licence payment receipt have been submitted to and approved in writing by the Local Planning:

Reason: In the interests protected species and in accordance with policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

31. **Farmland Bird Management Strategy (Pre-Commencement)**

No development shall commence until a Farmland Bird Management Strategy (FBMS) has been submitted to and agreed in writing by the Local Planning Authority prior. The FBMS shall include:

a. The location of 3ha of skylark plots, which must be within the application site (red line and/or blue line) and on land under the applicant's control.

b. Confirmation the skylark plots will be located within an arable field of winter or spring cereal crops with an open aspect; be located a minimum of 10m from boundary features including woodland, hedgerows, and treelines, in addition to overhead lines; and established at a minimum density of two plots per hectare.

c. A management plan, including monitoring and remedial actions in the event of skylark population decline.

Once formally agreed, the FBMS will be fully adhered to throughout the life of the permission.

Reason: To avoid harm to skylark and provide sufficient mitigation for the development in accordance with policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

32. **Soft Landscaping (Pre-Occupation)**

The development shall not be brought into use until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification for new planting to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation. The soft landscaping scheme will include confirmation that all species used in the planting proposals shall be locally native species of local provenance, including planting of fruiting trees, field maple, ash, hornbeam, dogwood, spindle and beech.

All planting works shall be carried out in accordance with the approved details. The works shall be carried out during the next available planting season following completion. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first

submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

33. **Tree Protection Plan (Pre-Commencement)**

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

No development activity shall commence until the protective measures as stated in the approved annotated tree protection plan are implemented. The approved tree protection measures shall be in place for the duration of the construction work.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Development Policy 1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

2. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

4. Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st MARCH to 31st AUGUST, no works should be undertaken to trees which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found to be present in the trees works should immediately cease until specialist advice has been obtained from Natural England.

5. **Legal Protection Afforded to Badgers**

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

6. **Public Right of Way**

The proposed access track will require surface authorisation from SC Rights of Way Group where it crosses over path FR 13/17 and FR 13/18. The appropriate form should be emailed to: clare.haskins@somerset.gov.uk

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

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

o A PROW being made less convenient for continued public use.

o New furniture being needed along a PROW.

o Installing any apparatus within or across the PROW.

o Changes to the surface of a PROW being needed.

o Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

o make a PROW less convenient for continued public use; or

o create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/.

7. **LLFA Consent Requirements**

Somerset Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works.

8. **Highway Drainage**

Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.

9. **Minor Works on the Highway**

Under Section 171 of the Highways Act 198, a licence is required to undertake minor works on the highway, including works to trees on the highway.

10. **Environment Agency Notes to Applicant**

Natural Flood Management:

The construction of hard standings may change runoff rates. Given that the development is within the higher part of the catchment, you should consider utilising Natural Flood Management measures in the onsite watercourses, such as large woody debris to help delay peak flows.

Ditch crossings:

Where ditch crossings are required, they should be clear spanning to avoid disturbing the bankside habitat. Erection of flow control structures or any culverting

of an ordinary watercourse requires consent from the Lead Local Flood Authority and we recommend you consult them regarding this application.

Surface Water Drainage:

The Environment Agency recommends that battery energy storage sites have drainage systems which can be completely sealed in the event of a fire (i.e. there is no infiltration to ground), to adequately contain all contaminated firewater within the site to ensure there is no discharge of polluted water to ground or surface water bodies. The general principle of this has been set out by the applicant across several drainage proposals, but the Environment Agency recommend the current proposal is amended, where possible, to include an impermeable layer underneath the entire battery compound area, or across as much of the battery compound as possible surrounding the units, to minimize the risk of contaminated water entering the permeable gravel areas. The drainage scheme should demonstrate there is sufficient capacity to contain the expected volume of firefighting water in addition to any surface water within the system.

Fire Safeguards:

Sealed drainage limits the amount of potential contamination (and subsequent remediation required) of the soil and gravel by firefighting runoff, as well as reduces the risk to the wider environment in the event of a fire. The developer should engage with the Fire Rescue Service to make sure there is an adequate supply of water for the maximum expected duration of a fire.