

| Application Details | |
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| Application Reference Number: | 14/22/0051 |
| Application Type: | Full Planning Permission |
| Earliest decision date: | 07 March 2024 |
| Expiry Date | 16 February 2023 |
| Extension of time | 28 June 2024 |
| Decision Level | Committee |
| Description: | Installation and operation of solar farm together with associated works, equipment and infrastructure on land at Ham Farm, Creech St Michael |
| Site Address: | HAM FARM, CREECH ST MICHAEL, TAUNTON |
| Parish: | 14 |
| Conservation Area: | No |
| Somerset Levels and Moors RAMSAR Catchment Area: | Yes |
| National Landscape (AONB): | No |
| Case Officer: | Mr G Clifford |
| Agent: | |
| Applicant: | NOVUS RENEWABLE SERVICES LTD |
| Committee Date: | |
| Reason for reporting application to Committee | In line with the Council's Scheme of Delegation due to number of objections received and Officer's recommendation for approval. |

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The principle of development is considered to be compliant with Policies SD1, the overarching policy in the Local Plan, and it complies with the Local Plan when taken as whole given that the development plan supports a move towards renewable energy. The delivery of solar array farms is also supported by national planning and energy policies.

2.2 Whilst it is acknowledged that the proposal would lead to a temporary loss of an area of best and most versatile agricultural land, the report sets out the reasons why it is considered that, on balance, this particular proposal cannot be refused

exclusively on the basis of using BMV land. The proposed development would be sited on high quality agricultural land (Grade 3); however solar array farms are classified as 'temporary installations' ensuring that there would be no permanent or irreversible loss of high quality agricultural land with the ability to potentially provide a less intensive agricultural activity on the site being retained. The proposal therefore accords with the National Planning Policy Framework.

2.3 The proposed development will have impacts on the both the local landscape character and visual amenity of the area, but this proposed site has been selected as it is not within a designated area. New landscaping secured through planning conditions would mitigate the impact on the Public Rights of Way to an acceptable level whilst delivering a form of energy from a renewable resource in accordance with Policy CP1. The development would therefore contribute towards addressing the reliance on fossil fuels and offsetting associated environmental impacts.

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

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

2.6 The proposed development would not generate an unacceptable impact on highway safety subject to conditions and would provide adequate access and egress to and from the site. The proposal would therefore accord with the NPPF and Policies SD1, CP6 and DM1 of the Taunton Deane Core Strategy.

2.7 Appropriate consideration has been given to matters of flood risk and drainage to ensure that the development would not give rise to new risk to property or the environment. The proposal accords with the NPPF and Policy CP8 of the Taunton Deane Core Strategy.

2.8 The proposal would not result in any adverse harm to the amenities of neighbouring or nearby properties in terms of undue loss of privacy or cause undue overlooking, overshadowing, overbearing or noise and disturbance impacts. The proposal would therefore accord with NPPF and Policies CP1 and DM1 of the Taunton Deane Core Strategy.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Time limit
- Approved Plans
- Operation period

- Decommissioning
- Materials
- Landscaping
- Archaeology
- Recording of archaeology
- Nesting bird protection
- Construction Environmental Management Plan (CEMP)
- Landscape and Environmental Management Plan (LEMP)
- Flood risk
- Pipe protection
- Lighting
- Soil Management
- Panel height
- Surface water drainage
- Highway survey
- Construction traffic Management Plan
- Access details

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement, badger, newts, dormice, drainage and rights of way and surface water drainage.

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is for the construction of a free standing, static solar photovoltaic (PV) farm together with associated development over approximately 30ha and would generate around 22MW of electricity to feed into the local distribution network. This would equate to the power to supply over 5500 homes per year based on an

average consumption of 4,271 kWh and would offset approximately 4600 tonnes in CO2 emissions per year.

In addition to the solar panels the scheme comprises:

34 inward facing CCTV security cameras (approximately 3m high)

Associated access works and internal access tracks, the latter being of geotextile membrane with crushed stone to the surface 4m in width

Primary substation measuring 8.1m x 2.7m with a height of 3.85m and a satellite dish and customer substation

7 no. transformers with conversion buildings 3.0m in height and 3.5m x 10.5m

Spares container measuring 6.1m x 2.4m and 2.6m high

Perimeter security fencing in the form of post and wire mesh net would be erected around the site and would be approximately 1.92 metres in height

Palisade fencing erected inside the site would have a height of 2.97m

Landscape planting

Solar Panel Modules

The solar array will be made up of solar panels mounted on two levels in frame tables at an inclination of 15-30 degrees depending upon the localised topography. Each frame would be supported on an aluminium frame that will be pushed or screwed into the ground. The front bottom edge of the panels will be typically 0.8m to 1.1m above existing ground level. Overall panel heights from ground level will be approximately 3.1 metres. The panels will be designed with anti-reflective glass fronts to reduce any glint and glare on the surroundings. The spacing between the arrays will vary across the site but is generally laid out in a uniform manner to accommodate topographical changes across the land. All the panels placed on the site would be orientated to face south and would be fixed in place. The proposal does not consist of panels that follow the path of the sun. Panels are opaque and are designed specifically to absorb rather than reflect the sun's rays.

String Inverters

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

Transformer and Substations

The transformers will be located amongst the solar panels to reduce their impact on the site and will have dark green or brown housings. The transformers will step up the voltage generated by the solar panels up to the connection voltage of the

distribution network. A connection will be made to the network via the substation which contains switchgear, isolation and metering equipment. The customer and DNO substations will be finished in a dark colour. Connection to the network is to the west of the site on land under the same ownership.

Operation

The proposed development would be in place for a temporary 40-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 40 years is a lengthy period of time, it is not permanent. The solar farm will not be permanently staffed and the installation will be monitored remotely. There will be regular maintenance visits throughout the year, in addition to regular landscape and cleaning maintenance.

4.2 Sites and surroundings

The site lies around 300m to the south of the village of Ham around 1km from Creech St Michael. The Wessex Water Treatment Works lies immediate to the west of the site. The River Tone lies to the north and the nearest house on Knapp Road lies around 60m from the northern boundary. Solar panels at Higher Knapp are located 680m to the east, while the A358 is approximately 1.6km to the south west. The site consists of around ten agricultural fields used for livestock grazing and arable. The site is gently undulating and rises towards the south to approximately 26m AOD. The internal field boundaries consist of hedges with a small number of trees, with the external boundaries consisting of more trees, particularly at the boundary with the Wessex Water site and to the south west and east. There are a small number of trees within the fields themselves and there are drainage ditches and ponds towards the centre of the application site area. The site can be accessed from the public highway to the north via a farm access track and also a public bridleway T10/27 which runs through the site. Public Right of Way T17/37 runs adjacent to the north east corner of the site boundary. The land is not subject to any landscape designations and there are no heritage assets within the site.

5. Planning (and enforcement) history

None

6. Environmental Impact Assessment

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

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

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

A request for a Screening Opinion was submitted to SWTDC under regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations) on 20 October 2021.

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

A Screening Opinion was adopted pursuant to application 14/21/0044/SCO on 2 December 2021, stating that it was the view of the former Somerset West and Taunton Council that the proposed development does not constitute EIA Development. A request was recently made in April 2024 by the CPRE to the Government requesting the Secretary of State use his powers to make a screening direction in respect of the application. This was advised to the Authority by the Planning Casework Unit of the Department for Levelling Up, Housing and Communities on 14th May and led to the deferral of the application from the last committee. The Secretary of State has since declined to issue a screening direction by letter dated 23 May 2024 and so Members are now able to determine the application.

7. Habitats Regulations Assessment

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

8. Consultation and Representations

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

8.1 Date of consultation: 23 November 2022

8.2 Date of revised consultation (if applicable): 12 October 2023

8.3 Press Date: 01 December 2022

8.4 Site Notice Date: 06 December 2022

8.5 **Consultees** the following were consulted:

| Consultee | Comment | Officer Comment |
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| RUISHTON & THORNFALCON PARISH COUNCIL | No objections but concern over emergency access, transporting components to site and adequate screening. | Noted see Sections 10.9,10.6 and 10.4 |
| NORTH CURRY PARISH COUNCIL | Difficult to support - while Parish appreciate the environmental need for solar farms, it still considers the site too large. The PC is pleased to see the battery storage has been removed from the amended application. This development would result in the loss of best most versatile agricultural land, a possible increased risk of flooding and limiting access for emergency services during periods of flooding, and the loss of valued landscape adjacent to Thornhill. | Noted see Sections 10.2, 10.4 and 10.9 |
| CREECH ST MICHAEL PARISH COUNCIL | Objects in principle on grounds contrary to national and local policy and on grounds of landscape impact, presumption of solar farms on BMV land and substantial harm to setting | Noted see Sections 10.2, 10.4, 10.5 and 10.6 |

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| | <p>of 3 designated heritage assets. The Parish Council fully supports the Highway's position and requests that the Planning Authority rejects the notion that these recommended highways amendments be dealt with through the imposition of conditions, preferring that they be made by way of an amended application. This will allow for these matters, which are not insignificant, to be fully and thoroughly considered by all consultees.</p> | |
| LANDSCAPE | <p>Measures to mitigate the impact on the landscape character and the visual impact of the surrounding area have been included in the most recent revision of the design. Further details on planting and management strategy will be needed prior to commencement to ensure that the planting is successfully able to screen the development as shown.</p> <p>While I understand the concerns of the CPRE consultant I don't consider additional viewpoints for an LVIA are required to give a reasonable impression of the impact of the scheme on the landscape.</p> | See Section 10.4 |
| SCC - ECOLOGY | <p>Recommend conditions regarding bird protection, construction environmental</p> | See Section 10.7 |

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| | <p>management plan, a landscape and ecological management plan and informatives re badgers, newts and dormice.</p> | |
| <p>NATURAL ENGLAND</p> | <p>The proposed development will not have likely significant effects on the Somerset Levels and Moors SPA and Ramsar Site. The development will not damage or destroy the interest features for which nearby SSSI sites were notified. We advise a LSE is unlikely in respect of Hestercombe House SAC and recommend a condition so as not to increase light levels. The development is likely to affect c. 20 ha of BMV agricultural land (based on the applicant's survey). We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken. Opportunities</p> | <p>See Section 10.7</p> <p>See Section 10.2</p> <p>See Section 10.8</p> |

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| | to secure net gain for biodiversity should be sought through the development and conditioned. | |
| SCC - TRANSPORT DEVELOPMENT GROUP | The Highway Authority does not object to the principle of the proposed development, however there are further details needed to ensure the construction phase of the development is acceptably mitigated. Whilst preferable for matters to be addressed prior to determination should the LPA be minded to progress the application with a view to approving it then it is requested conditions be imposed re access details, Construction traffic management plan and Road condition survey | See Section 10.6 |
| SCC - RIGHTS OF WAY | Plan ref. V2 now covers the area through which the PROWs run. The proposed landscaping such as new hedgerows and pollarded trees will create additional shading on the path surface and potentially add to the maintenance upkeep of the path. We therefore seek a financial contribution towards future path improvements as may be required, to be captured in a suitable legal agreement. The proposed access track will require surface authorisation from SC Rights of Way Group where it coincides with bridleway T 10/27. | See Section 10.6 |

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| LEAD LOCAL FLOOD AUTHORITY | We are happy to condition maintenance details and expect that due consideration will be given to mitigated soil compaction through suitable pre-commencement condition. We proposed conditions to ensure the development is properly drained in accordance with the NPPF. | See Section 10.9 |
| ENVIRONMENT AGENCY | Provided the LPA is satisfied with the Sequential Test, no objection subject to condition in accordance with the FRA. | See Section 10.9 |
| THE RAMBLERS ASSOCIATION | No comments | |
| PLACEMAKING OFFICER | No comments | |
| GARDEN TOWN CO-ORDINATOR | No comments | |
| Nutrient Neutrality Officer | Application not caught by phosphates and not required to produce a NNA or HRA. | See Section 10.7 |
| INTERNAL DRAINAGE BOARD | Objects. The FRA and Drainage Strategy remains as its original submission from 2022, it suggests there is scope within the site to incorporate small surface water storage features into the development however, the proposed approach does not incorporate these features. The approach proposed relies on the site with the panels installed to be able to mimic the greenfield condition. | Section 10.9 |

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| | <p>Experience from reviewing other Solar Farm developments is that a precautionary approach to the surface water runoff is often adopted allowing for a small percentage of the total panel area to be considered as impermeable for which appropriate SuDS are then provided to manage any effects resulting from the development such as the concentration of runoff or soil compaction. Such an approach would be particularly relevant in this case due to the flood risk vulnerability within the downstream catchment. Comments from the LLFA indicate that a surface water drainage strategy should be conditioned, the concern with this approach would be that space on the site for surface water drainage features has not been allocated within the proposed layout. To address the concern a precautionary approach should adopted or appropriate space within the layout should be identified before determination such that SuDS features identified during the creation of a more detailed strategy can be incorporated.</p> | |
| TREE OFFICER | Having reviewed the submitted documents, particularly the arboricultural | Section 10.4 |

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| | <p>statement, my comment is that I am broadly in agreement with it and that adherence to it must be a condition of consent. Emphasis should be placed on supervision by the project arborist and the requirement to give this council at least two days' prior notice that the tree protection measures have been installed prior to construction.</p> | |
| CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE | The Authority will make detailed comments when consulted by Building Control. | Noted |
| POLICE ARCHITECTURAL LIAISON OFFICER | No objection subject to comments re fencing and security. | See Section 10.11 |
| WESSEX WATER | We are satisfied that protection measures for both the construction period and normal operating periods can be formally agreed should the development achieve planning permission. As such we are now satisfied that at this stage the protection measures can be managed with the use of pre-construction planning condition as given. | See Section 10.9 |
| PLANNING POLICY | No comments | |
| HISTORIC ENGLAND | No comment, we suggest you seek views of your specialist conservation and archaeological advisers. | See Section 10.5 |

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| HERITAGE | <p>The visit to the area of the site has confirmed the advice outlined in my original comments dated 02 March 2023, that the appreciation of these listed building in the context of their connection to the historic navigation of the River Tone and the historic core of the village of Ham, as well as the architectural interest that they have, are the focus of their significance. The proposal site, which is part of the wider landscape of the surrounding levels, does not form part of the significance of these buildings. Additionally, the views from the buildings are obscured by vegetation either surrounding the buildings, in the case of Coalharbour House, or from vegetation along the roadside of White Street and adjacent copses of trees to the south of the road.</p> <p>Therefore, the original interpretation of the minimal, temporary level of harm of the scheme upon these heritage assets is maintained.</p> | See Section 10.5 |
| SCC - COUNTY ARCHAEOLOGIST | Surveys reveal evidence of areas containing later pre-historic and Roman period archaeology. The remains are of local significance and any impacts can be mitigated through | Noted see section 10.5 |

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| | investigation. Recommend conditions. | |
| Environmental Health - all Areas including Housing Standards | It is noted that in the amended application the battery storage units have been removed, and that these were the main source of noise on the original application due to the HVAC units. The new Report states that the level of noise from plant at the site will be below background noise levels at nearly all the nearby noise sensitive properties and equal to background levels at two properties. It is also noted that these predictions were a worst case scenario based on the plant running at 100% capacity, whereas in practice the plant would be running at a lower level when there is less sunshine, which would include the more sensitive early mornings and evenings. Based on the information provided by the applicant there is no evidence to suggest that the plant will cause unreasonable levels of noise. | See Section 10.13 |

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

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

8.6.1 Summary of objections - 169 letters of objection received. Full text and details can be found on the Public Access website. The grounds of objection raise the following:

CPRE

- Tone river valley is a valued landscape
- Inappropriate use BMV use, as 67% is grade 3a
- Impact appraisal inadequate -No viewpoint from Drove next to the river
- Landscape consultant criticises LVIA, considers additional viewpoints needed and considers the scheme to cause significant harm.
- Adverse cumulative impacts are unacceptable
- Trees in montages in leaf and hedges will not screen views
- Adverse impacts on rights of way and walkers.
- Harm to setting of LBs
- Appeal re loss of food production for 40yrs can outweigh benefits

VISUAL IMPACT

- Visually prominent in landscape and LVIA inadequate/misleading
- Impact on views from bridleway/PROW
- Adverse visual impact with panel height due to flood risk
- Panel height could vary
- Impact and loss of rural character of area
- Industrialisation of landscape
- Images don't reflect real impact of panels and assoc storage
- Harm to rural views and blights view from high ground
- 40 years is not temporary
- Impact on vista to Thorn Hill
- Mitigation screening inadequate
- Creation of industrial landscape, unsightly and loss of beauty, detrimental landscape impact
- Visual impact misleading

- result in excessive glint and glare impact
- Screening not sufficient to offset harmful visual impact
- Tone river valley is a valued landscape
- No viewpoint from Drove next to the river
- Trees in montages in leaf and hedges will not screen views
- Precedent

BMV

- Inappropriate use of best & most versatile land contrary to government guidance
- No compelling evidence as to why necessary on BMV land
- BMV use as 67% is grade 3a
- Will industrialise versatile agricultural land that should be retained for food security
- Loss of productive farm land
- Loss of prime farm land that is Best and Most Versatile (BMV)
- Government advise first purpose of farmland is about food production

HERITAGE

- Adverse impact on setting of LBs
- Average of 300m too close to dwellings
- Impact on designated heritage assets

FLOODING

- Concern over soakaway ability due to panels and so increase surface water
- Ham has pumps to manage surface water run-off and flood risk will increase
- Countryside in Flood zone 2
- Research shows solar installations increase flood risk
- It is not essential utilities infrastructure
- Inadequate solution and claimed authority is negligent in assessing flood impacts and cannot be rectified by conditions
- Access road to site floods
- Access issues during flooding

- Poor access/fire access with flooding
- Wessex Water objection

AMENITY

- Loss of privacy
- Inadequate noise assessment
- Noise disturbance of battery storage containers
- Light pollution
- Risk of contamination
- Risk of fire and hazardous gases and no fire access/lack of contingencies
- Noise pollution affecting quality of life
- Amenity harmed by CCTV
- Glint and glare and noise re-assessment
- Noise pollution affecting quality of life

WILDLIFE/BIODIVERSITY

- Wildlife impact
- Grazing could be harmful monoculture
- Impact on residents and wildlife
- Will prevent deer and birds moving through landscape
- Biodiversity loss site could be rewilded
- Screening inadequate and harmful to wildlife

HIGHWAYS

- Roads not up to standard for large vehicles
- Impact on bridleway (ROW) T10/27
- Increase traffic
- Impact on children's safety
- Access roads (inc Lipe Lane) inadequate for construction traffic
- Problems of construction lorries
- Impact of construction and maintenance

OTHER

- Contrary to policies SC1, DM2, CP1, OC1, NH5 and NH8
- 22MW output claim not shown to be achievable and capacity thought to be closer to 12MW. With BESS and no of panels removed how can output be the same.
- Conflicting information the LPA cannot properly assess
- Site selection assessment is a reverse engineered exercise
- Availability of grid connection not material
- Vandalism of unsupervised site
- Impact on cycling and tourism
- Impact on mental well being
- Devalue houses
- Need for regular checks and funding for decommissioning
- Loss of views, devalue house, land ownership and control,
- No benefits
- Detrimental to health
- Affect local tourist industry
- Gas and fire risk with proximity to WWTW
- Cumulative impact
- Offset by carbon footprint of panels
- Viability with removal of BESS
- EIS required
- Precedent

8.6.2 Summary of support - 7 letters of support on grounds of

- need for clean energy and biodiversity enhancement,
- nearest neighbour is treatment works and at a distance minimising safety risk,
- limited visual impact,
- not in a sensitive area,
- unlikely to create significant environmental impacts,

- no damage to soils so not affect agricultural land quality,
- not generate waste,
- unlikely to create significant noise, pollution or lead to accidents.
- need related to grid infrastructure and capacity
- support for children's future

A further 311 letters of support were received from canvassing of the town centre.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

SD1 - Presumption in favour of sustainable development,
 SP1 - Sustainable development locations,
 CP1 - Climate change,
 CP2 - Economy,
 CP6 - Transport and accessibility,
 CP7 - Infrastructure,
 CP8 - Environment,
 DM1 - General requirements,
 DM2 - Development in the countryside,
 A1 - Parking Requirements,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 ENV2 - Tree planting within new developments,

ENV4 - Archaeology,
D8 - Safety,
I4 - Water infrastructure,
SB1 - Settlement Boundaries,

Supplementary Planning Documents

District Wide Design Guide, December 2021

Other relevant policy documents:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Overarching National Policy Statement for Energy (EN-1) (January 2024)

National Policy Statement for Renewable Energy Infrastructure (EN-3) (January 2024)

Written Ministerial Statement '*Solar and protecting our Food Security and Best and Most Versatile (BMV) Land* - 15 May 2024

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

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

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

Neighbourhood plans:

Creech St Michael

CSM1 - Cycle and footpath network

CSM2 - Parish Traffic Management Plan

9.1 National Planning Policy Framework

Sections 2, 4, 14, 15 and 16

10. Material Planning Considerations

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

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

10.1 The principle of development

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

Local Plan Policies re: principle of development

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

10.1.3 Strategic Objective 1 (Climate Change) of the Core Strategy states that 'Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects'. Policy CP1 (Climate Change), referred to above,

supports renewable projects, stating that "Proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that:

Their scale, form, design, materials and cumulative impacts can be satisfactorily assimilated into the landscape or built environment and would not harm the character of these areas and has no overriding adverse impact on the amenity of the area in respect of noise, dust, odour and traffic generation;

Impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal, and,

Provision is made for the removal of the facilities and reinstatement of the site should it cease to be operational."

10.1.4 As set out, the aim of Policy CP1 is to support the development of low and/or zero carbon economy and to ensure that energy generating proposals provide appropriate mitigation to address adverse impacts and optimise beneficial impacts. Having regard to these matters and the assessment of development impacts in the following sections, the principle of large-scale ground-mounted solar array farms in the area is acceptable, and the Climate Emergency perhaps provides some justification for public benefits outweighing the diminution of certain assets. But this must only be when such developments are sited in the right locations and respond to their context in the right way. Having regard to these considerations, the principle of the scheme is considered to be in accordance with the policies in the Local Plan when taken as a whole, particularly as the Local Plan supports a drive towards renewable energy as set out in Policy CP1.

Material Considerations re: principle of development

10.1.5 In November 2020 Somerset Council declared a Climate Emergency and as a consequence now has the aim of reducing carbon emissions in the County and making Somerset a county resilient to the effects of Climate Change. The strategy sets ambitious goals to become a carbon-neutral county by 2030, outlines what the previous five Councils and now Somerset Council intend to do to address the most important issues around the Climate and Ecological emergency and, importantly, highlights the importance of renewable energy generation as a major part of the solution and a way that we can take action locally and through planning policies and decisions.

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

10.1.7 The Carbon Neutrality and Climate Resilience (CNCR) Action Plan recognises that 'whilst a more proactive approach is required, the significance and sensitivity of our landscapes (particularly protected ones) and settings of our heritage assets do remain important'. This approach aligns with criteria set out under CS Policy CP1 and whilst it should be noted that the Climate Emergency cannot and should not be used to justify otherwise unsuitable or unreasonably detrimental proposals, considering the direct role the proposal can play in meeting our climate targets, it is an important material consideration which should be afforded significant weight.

10.1.8 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. Paragraphs 157-178 of the NPPF refers to meeting the challenge of climate change, flooding and coastal change.

Paragraph 157 states that the planning system should support the transition to a low carbon future in a changing climate and it should help to:

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

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

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

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

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

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

- the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and

- the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

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

The NPPG notes the importance of ensuring great care is taken to enable heritage assets to be conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.

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

10.1.12 In addition to the NPPF and NPPG, the Overarching National Policy Statement for Energy (NPS)(EN-1) was revised in January 2024 and highlights the UK's commitment to cut greenhouse gas emissions to net zero by 2050 (compared to 1990 levels). There is a national drive towards renewable energy and one role of the planning system is to provide a framework which allows for the development of the types of essential infrastructure where it is acceptable in planning terms.

10.1.13 Paragraph 1.2.1 of this NPS outlines in its role in the planning system and confirms that within England, EN1 (in accordance with EN3) is a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). In terms of sustainable development the Government's wider objectives for energy infrastructure include contributing to sustainable development and ensuring that the country's energy infrastructure is safe. Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of society and the economy, for both current and future generations.

10.1.14 The move to a low carbon economy meets the environmental objectives of sustainable development as set out under Paragraph 8 of the NPPF. Having regard to this and EN-1, it can be concluded that this proposal, which supports a shift towards a renewable energy network, contributes towards sustainable development and, in turn means that the scheme before the Local Planning Authority is compliant in principle with Policy SD1 of the adopted Local Plan. Policy SD1 seeks to ensure that the decision maker takes a positive approach that reflect a presumption in favour of sustainable development. The decision maker is also required to work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.

10.1.15 The revised National Policy Statement for renewable energy infrastructure (NPS EN-3) was published by the Department for Energy Security & Net Zero in January. It states that *"Solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation"*. *"Solar farms can be built quickly and, coupled with consistent reductions in the cost*

of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free”.

10.1.16 Chapter 2.10 of EN-3 refers to Solar Photovoltaic Generation and paragraphs 2.10.9 – 2.10.162 provide comprehensive guidance on key considerations and assessing the siting of solar farms. Factors influencing site selection and design include:

- Landscape, visual and residential amenity (due to the potential for a significant zone of influence and impacts on visual amenity and glint and glare);
- Agriculture land classification and land type
- Construction (including accessibility for both construction and operation)
- Public Rights of Way
- Security and Lighting
- Network connection
- Site layout design and appearance
- Project Lifetime (length of temporary consent)
- Decommissioning
- Biodiversity and ecological conservation
- Cultural Heritage (including archaeology)

10.1.17 The Government has committed to a sustained growth in solar capacity to ensure that England is on a pathway to meet net zero emissions. As such, solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector (Para. 2.10.9 of EN-3).

10.1.18 The NPS’s recognise that to meet the Government’s objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to ‘dramatically increase the volume of energy supplied from low carbon sources’ and to reduce the amount provided by fossil fuels. Solar is recognised as being the cheapest form of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are ‘likely to be composed predominantly of wind and solar’.

10.1.19 At a national level, May 2019 saw the UK Government declare a climate emergency. In response, the UK Climate Change Act 2008 (2050 Target Amendment) Order 2019 sets a legally binding target to reduce net greenhouse gas emissions from their 1990 levels by 100% and by 2050 to be ‘Net Zero’ with a

decarbonised economy. In addition, there is a commitment to reduce carbon emissions by 78% compared with 1990 levels by 2035, bringing forward a previously set target by 15 years.

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

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

Conclusion on other material considerations and the Principle of Development

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

Other Government policies that carry less weight but are still considered to be relevant material considerations for the purposes of planning, include the UK Climate Change Act 2008 (2050 Target Amendment) Order 2019, Ten Point Plan for a Green Industrial Revolution (November 2020) and the Energy White Paper 2021 (December 2020).

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

10.2 Agricultural Land Classification

10.2.1 The development comprises around 30 hectares of agricultural land. Core Strategy Policy CP8 seeks to protect the environment from inappropriate and harmful development. Whilst the policy does not specifically set out the Council's position in regard to development affecting Best and Most Versatile agricultural land, its tests for proposals in relation to environmental impact are considered to encompass the principles of protecting Best and Most Versatile Land.

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

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

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

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

10.2.4 It should also be noted that the granting of permission for large solar array farms is a temporary form of development and there is the opportunity to require land to be put back to its former state at the end of this time period through appropriate decommissioning of the site. In most cases, permissions are limited to around 25 years though in some instances 40 years has been allowed, including within this authority area. Given the "temporary" period of operation the ground is not permanently taken out of agricultural use. This view is reflected in the response on Natural England who are the statutory consultee in this instance. Furthermore, there are ways to continue agricultural use alongside the generation of energy such as grazing smaller livestock such as sheep which can manage the grassland in a sustainable way. Certain management regimes coupled with a strategy for the delivery of biodiversity gain, can also ensure the slow regeneration of soils to in fact increase the agricultural value of land over time if they have currently been degraded through years of intensive farming.

10.2.5 Paragraph 180(b), of the NPPF, places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The Framework defines Best and Most Versatile (BMV) agricultural land as being land in Grades 1, 2 and 3a. The NPPG (Guide to assessing development proposals on agricultural land, 2021) requires local planning authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development proposals. The revised NPPF at footnote 62 states "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered,

alongside the other policies in this Framework, when deciding what sites are most appropriate for development". This does not preclude the use of such areas but reflects that this has to be considered alongside other policies when reaching a decision on an appropriate site. This view is also reflected in the Statement made by the Secretary of State for Energy Security and Net Zero on 15 May 2024 which looked at food security as well as energy security. The statement advises "due weight needs to be given to the proposed use of the Best and Most Versatile land when considering when planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of high quality land is necessary."

10.2.6 The applicant has commissioned Kernon Countryside Consultants Ltd to carry out an assessment of the Agricultural Land Classification (ALC) system for England and Wales. The associated report (dated June 2022) provided details of the detailed ALC survey that was carried out and found that the land quality across the site comprises a mixture of ALC Grades 3a and 3b with no grade 1 or 2 land. The value of land across the site does vary, but 67% is Grade 3a and 33% being Grade 3b. So 67% of the site is BMV land.

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

10.2.8 NPS EN-3 is a relevant material consideration and now holds some weight as it was adopted as recently as January this year. It states that "land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible." (Para 2.10.29). It further states that "Whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered"(Para 2.10.30).

10.2.9 EN-3 recognises that development of solar PV may use some agricultural land and that applicants are therefore required to explain their choice of site. The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England.

10.2.10 Having regard to CS Policy CP8, the NPPF and NPPG, development on this type of agricultural land shall only be granted on an exceptional basis if the presumption in favour of sustainable development outweighs the need to protect it. It should be noted that this proposed development is temporary in nature, albeit for forty years and, for the purposes of planning, this temporary impact must be weighed against the benefits when assessing the compliance of this scheme with Policy CP8. Natural England raise no objection to the scheme. The use would not be a

permanent and total loss of land. The majority of the land could continue in agricultural use during the operation of the solar farm, although this would not be in arable use for which some of the site has been used for. That said the farmer has a right to farm the land in the way they see fit. The Inspector in the recent Washford appeal decision recognised that "the fact that the proposal would limit the ability to carry out any arable farming does not, in my view, mean that it results in the loss of agricultural land when it can still be used for other agricultural purposes."

10.2.11 Site selection is also relevant to the question of whether best and most versatile land needs to be developed. As set out in Section 10.3 below a site selection process has been carried out which has ascertained that this site could be suitable for solar PV as it is located outside of the boundaries of any protected land designation, such as a National Landscape. There are also very limited areas of non BMV land in the wider area which could support the development and this is confirmed within the ALC report. It has been demonstrated that to deliver a solar farm on land not classified as BMV would be difficult to achieve due to the vast majority of the land in the wider area being BMV.

10.2.12 In conclusion, whilst the development would result in the temporary development of BMV, the proposed development on Grade 3 land is considered to contribute towards sustainable development and it is a type of development that is nationally supported through EN-1 and the NPPF.

10.3 Site Selection

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

10.3.2 The NPPF also does not provide specific locational requirements for solar farms and therefore the NPPG is used to provide guidance. The NPPG states that locating such development will need to take account of the technical requirements of the technology to include proximity of grid connection infrastructure and site size with consideration to also be given to possible physical and environmental impacts.

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

- the availability of utilities and viability of a grid connection;
- land availability;
- compatibility with national and local planning policy;
- preference for previously developed land or industrial settings;
- visual impact, and

- proximity to community sensitive locations and areas of designated environmental significance.

10.3.3 The supporting information to the application confirms that a grid connection is available in close proximity to the site; that there is no suitable previously developed land, or lower grade agricultural land for a solar development of a type and scale comparable to the current application; that the site is outside and a distance from any National Park or National Landscape Area; there are no ancient woodlands in proximity or priority habitats; that the land is available and suitable. The site is effectively unconstrained save for the presence of public rights of way.

10.3.4 Whilst need for the development does not need to be demonstrated, information submitted in support of the planning application has sought to explain the reason for the site location and indicates that in determining the location of this proposal, one of the primary factors is to ensure that there is close availability to an existing national grid point location. The point of connection to the local distribution network would be to an existing 33kV overhead line, located around 50m west of the access point.

10.3.5 Objections have raised concerns over site selection. The general approach to site selection is set out above and there is no requirement under local or national policy to justify site selection in detail. The matter of seeking and presenting alternative sites cannot be afforded significant material weight in the planning balance and this scheme needs to be determined on its individual merits.

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

10.3.7 Whilst the loss of best and most versatile land would have a potential impact on the production of food on the site, the proposed development would provide significant benefits as described above. Key consultees including Natural England do not object to the proposals and recognise the temporary use of the land and its impact upon BMV being time limited. It is considered that the loss of best and most versatile land cannot be considered a reason on its own to refuse the application under CS Policy CP8 or the NPPF.

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

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

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

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

10.4.4 The substations and transformer station compound will accommodate all of the necessary equipment to enable the solar farm electrical system to be controlled, monitored, metered and connected to the network. The compound is located to the western edge of the application site and will be around 75m west of the public right of way. The compound will be directly accessed off the site access track. The wider development will see the solar panels erected on ground mounted frames that are aligned east-west across the site, with new access tracks serving the transformer locations. Each parcel of solar array will have transformer stations located off the access tracks and these are located to the inner area of the site rather than the field edges.

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

10.4.6 Cumulatively the equipment and associated infrastructure will materially change the appearance of the site for the lifespan of the project but has been designed to make efficient use of the land and respond to site constraints and the relationships to existing planting, landscape features and the PROW. It is nationally recognised that energy projects will have an inevitable impact on the landscape therefore the acceptability of a project has to have regard to the quality of that landscape and its capacity to accommodate change.

10.4.7 The adopted Overarching National Policy Statement for Energy (EN-1) states that when *'having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate'*. EN-1 advises that a judgement is to be made as to *'whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project'* having regard also to whether the project is temporary and/or capable of being reversed.

10.4.8 The Planning Practice Guidance (Para 013 Reference ID: 5-013-20150327) similarly requires consideration of the visual impact of solar farms (noting that ground mounted solar panels are likely to have a reduced zone of visual influence than other energy generation projects) and to the potential to mitigate landscape and visual impacts. Importantly, it should be recognised that emphasis at the national level is to mitigate identified impacts to an acceptable level rather than stipulating that all impacts have to be removed in their entirety. An objection has been received on the basis that to maintain a minimum height of 0.8m and to allow for alteration of the angle of the panels may mean the top of the panel will protrude higher than 3.1m and so lead to an increased visual impact. To address this a condition with regard to panel height is proposed.

10.4.9 Objection has been received from the public, including a local rambler, the CPRE and the Chairman of the Taunton Deane Bridleways Association, over the adverse impact of the development upon landscape character within the immediate and wider landscape setting and cumulative impact. The Landscape Officer has considered the scheme and not raised objection on these grounds. Reference is made to Thorn Clump, however this is not a Special Landscape Feature and lies to the south of the application site. It is acknowledged that the development will alter the appearance of the area and landscape, albeit that impact will be for a limited time period. The site access has adequate visibility and it is not envisaged that it would need to be modified so there will be no hedge removal. Additional hedging within the site will be provided to help mitigate the impact.

10.4.10 Objections have been raised in terms of impact on and enjoyment of the PROW. The Council's Landscape Officer also initially raised a concern over the proximity to the public bridleway T10/27 that runs through the site and suggested mitigation. A 4m wide route set between hedges, setting the panels back from the PROW and also suggested additional hedge and tree planting within the site to help with screening and to reinstate a lost hedge was proposed. These mitigation measures have been included in the revised layout to address the Landscape Officer's points and no objection is raised. The range of mitigation measures will not only assist in the screening of the solar panels but also enhance the biodiversity value on the site.

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

10.5 Designated Heritage Assets

10.5.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker, when considering whether to grant planning permission for development which affects a listed building or its setting, shall pay special regard to the desirability of preserving the building or setting or any features of special architectural interest which it possesses. The framework defines the setting of a heritage asset as the surroundings in which the asset is experienced.

10.5.2 There have been a number of objections on the basis of impact on the setting of listed buildings, including a heritage consultant's report on behalf of the owner of Coalharbour House, a grade II* listed building. Other nearby listed properties include Ham Wharf House, Ham Mills and Greenlands Old Ham Wharf Farm all grade II. These properties developed in relation to the development along the river and the area of Ham Wharf. In a wider context Birds and Knapp Farmhouses have also been considered in the assessment.

10.5.3 The area of Ham Wharf lies over 300m north of the application site with screening in between and there are no listed buildings within the site itself. As Coalharbour House is Grade II* Historic England were notified of the scheme and they have raised no objection to the development. The Conservation Officer has assessed the significance of the heritage assets and their setting and concludes that the wider landscape views towards the site make little if any contribution to the significance of the heritage assets. On this basis it is considered there would be only a very limited impact and certainly less than substantial harm to the heritage assets.

10.5.6 An archaeological assessment of the site was carried out as part of the submission and this included a geophysical survey followed by a trench evaluation. The limited finds identified small scale use of the site beginning in the Neolithic or Early Bronze Age, with further occupation in the late Iron Age continuing into the early roman period. South West Heritage Trust has reviewed the information of the trench evaluation and recommended further assessment to be carried out which can be controlled by way of conditions which are recommended.

10.5.7 In considering the impact of development on heritage assets, the NPPF at Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation regardless of whether the potential harm amounts to substantial or less than substantial harm to the significance. The level of harm to designated heritage assets has been assessed based on the significance of the assets and determined to be of less than substantial harm in relation to the setting of listed buildings at Ham Wharf with mitigation additionally proposed in terms of additional planting. Notwithstanding this, where development comprises even less than substantial harm, the NPPF at Paragraph 208 requires that any harm should be weighed against the public benefits of the proposal.

10.5.8 In this instance, the main public benefits of the proposed development derive from the contribution towards generating energy from a renewable source across a

temporary period. This weighs significantly in favour of the proposal when having regard to the Government directions to nationally achieve net zero carbon by 2050. Further benefits are also derived from biodiversity net gains and additional landscaping. The level of harm identified is to the setting and is less than substantial. Whilst this is still afforded considerable weight and importance, the impact would be temporary and for only a short period in the overall age and lifespan of the heritage assets. It is therefore considered that the limited harm identified to significance through changes in their setting, whether balanced on an individual basis or cumulatively, is outweighed by the public benefits of contributing towards net zero carbon.

10.5.9 Therefore, having regard to the duties of Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 the proposal is considered acceptable in this regard. The proposal is also considered to be in accordance with Policies CP1, CP8 and DM1 of the Taunton Deane Core Strategy and ENV4 of the Site Allocations and Development Management Plan (SADMP).

10.6 Transport and Access

10.6.1 It is proposed that vehicles would enter the site via an existing gated access junction with the road through Ham. Internal tracks will be provided within the site to provide access for construction vehicles and the maintenance of the site. The tracks will be akin to agricultural tracks and be constructed of permeable materials, such as crushed stone or loose bound gravel. These internal tracks have been positioned to limit the number of field boundary crossings or impacts on existing vegetation and hedgerows. The tracks generally follow existing and new hedgerows.

10.6.2 The application has received objections citing concern over traffic and highway safety associated to the proposals. The Highway Authority has commented and raised points they consider need to be addressed to mitigate the construction phase and have suggested conditions to address these matters. The applicant has advised that the construction phase is anticipated to take 4 months. Access during construction will be controlled such that there would be no need for HGV's to pass and so the access width can remain as single track with a single farm gateway. The track will be permeable so as to not increase run off.

10.6.3 The site will be accessed via a new purpose built track from White Street where the existing visibility is considered adequate. The access would also follow an existing route taken by agricultural vehicles on the fields, limiting any impacts on the landscape and existing site to accommodate the proposed development. The site would be gated and only accessible to fully-trained personnel for maintenance purposes.

10.6.4 Whilst the development, once operational, will generate low traffic levels, the construction phase will lead to significant traffic generation, in particular HGV movements to the site. The submission outlines the route which delivery vehicles will be expected to take when travelling to and leaving the site. This is stated as being via the M5, exiting at junction 25, where vehicles will then be routed south along the

A358, left on to Lipe Lane, after 1.3km take a right turn on to Ham Lane and then after a further 1.0km take a left turn on to White Street. The access to the site is approximately 0.4km along White Street. A Construction Traffic Management Plan (CTMP) is proposed which will address the scale of vehicles access on the site as well as times during the day. The removal of the battery storage facility from the application will reduce the scale of construction vehicles required and a route plan will be provided for site contractors. Conditions regarding the access, CTMP and condition survey are proposed largely as suggested by the Highway Authority and this is considered to address highway safety matters as well as policy CSM2 of the Neighbourhood Plan. The applicant has indicated to Officer's that they would accept a CTMP condition and are accepting of a pre-commencement condition. This is not an unreasonable request and will ensure that Officers can assess and agree to the construction and traffic management for the development before works commence, thereby ensuring that there is no adverse impacts upon highway safety.

10.6.5 The development will also impact on the public right of way through the site and the Rights of Way Officer has commented that the proposed planting may create additional shading and potentially add to maintenance upkeep. The right of way which is a public bridleway will be protected and where it runs through the site and adjacent to the open field there will be a buffer of wildflower planting, tree planting and hedge planting, with the panels being set back around 15m from the right of way. The Rights of Way Group has control over surface treatment of the route and given the applicant will be responsible for upkeep of the site, a condition in respect of maintenance rather than a legal agreement is considered appropriate.

10.7 Ecology/Environment

10.7.1 The applicant has submitted an Ecological Assessment with the application. The site is dominated by arable/poor semi-improved grassland fields of negligible ecological importance bounded by species poor intact hedgerows with trees, wet ditches and ponds of local ecological importance. Surveys were conducted in respect of birds, bats, newts and badgers. The site is located within the potential zone of influence with the Somerset Levels and Moors Special Area of Conservation and RAMSAR as well as zone C of the Hestercombe House Special Area of Conservation (SAC). The site also lies close to the SSSI's at Curry and Hay Moors and West Sedgemoor. No statutory or non-statutory sites lie within the site itself.

10.7.2 Natural England have commented on the application and consider there will be no likely significant effects on the Somerset Levels and Moors Special Area of Conservation and RAMSAR site, no impact on the SSSI's and no likely significant effect on the Hestercombe House SAC. An appropriate condition on lighting is recommended.

10.7.3 The Somerset Ecologist has provided comments on the application and considers there will be no adverse impact on the Hestercombe House SAC or the Curry and Hay Moors SSSI. It was recognised that there were ecological features on

site and a number of conditions and informatives were recommended and are included within the recommendation. The development would not have a phosphate impact and a HRA is not required in this case.

10.7.4 As discussed below, the proposed development will result in an enhancement of the ecological value of the site. Taking into account the NPPF the Authority consider that this scheme is in accordance with policies CP1 and CP8 of the Taunton Deane Core Strategy as it will not generate unacceptable adverse impacts on biodiversity and the development will not directly affect designated sites.

10.8 Biodiversity Net Gain

10.8.1 Policy CP8 of the Taunton Deane Core Strategy requires that development will not generate unacceptable adverse impacts on biodiversity, and seeks to ensure a net gain where possible, enhancing and restoring the ecological network. This is in line with the NPPF.

10.8.2 With the Environment Act 2021 (the 2021 Act) receiving Royal Assent, changes have been made to the Natural and Rural Communities Act 2006 placing a statutory duty on public authorities to have regard to in the exercise of their functions (including planning), to the purpose of conserving *and enhancing* biodiversity. The 2021 Act also sets a clear direction of travel for national policy to secure a 10% biodiversity gain from all new developments. The implementation timetable for BNG involving commercial developments such as this is now January 2024. As such, combined with existing policy, we should be expecting the proposal to deliver a biodiversity gain, aiming towards a 10% gain. This, combined with an appropriate management plan may help to address concerns about loss of agricultural land. Further, this approach can help to guide an ecologically and landscape-character appropriate response to any landscape and visual impact mitigation.

10.8.3 The application is supported by a Biodiversity Net Gain Assessment prepared by Tyler Grange Group Ltd dated September 2022 and an Arboricultural Statement and tree survey. No trees are being lost and new tree planting is proposed which will give new habitat and provide screening. Existing hedgerows and trees will be protected during construction and bird and bat boxes will be installed across the site on suitable trees, new wildflower grassland will be created and over 700m of new native hedge planting and an orchard created. This results in a net gain of over 19% in terms of habitat and 16% for hedgerows.

10.8.4 Under the 2021 Act, all planning permissions granted in England will have to deliver at least 10% biodiversity net gain but this will be a requirement from January 2024 on newly submitted applications and is not mandatory on the current proposal. However, the Biodiversity Net Gain Assessment concludes that the proposal would considerably exceed the 10% biodiversity net gain objective of the legislation. Having regard to the BNG provision within the site it is concluded that the proposed development is in accordance with Policy CP8 of the Core Strategy.

10.9 Flood Risk and Drainage

10.9.1 The application site is largely within flood zone 1, although there are two small areas within zone 2. A Flood Risk Assessment was submitted in support of the planning application. In accordance with the NPPF, Annex 3, the proposed scheme is classified as 'essential infrastructure' using the flood risk vulnerability classification.

10.9.2 The NPPF seeks to steer development to areas of the lowest risk of flooding through the Sequential Test. The developer advises this development follows the sequential approach to flood risk by siting the vulnerable facilities such as the transformers and substation outside of the modelled flood extent of zone 2. The development is not subject to the Exception Test as the solar farm is considered as 'essential infrastructure' under the NPPF. It is claimed that the applicant considers policy DM2 to support the scheme as it is essential utilities infrastructure, however it is essential infrastructure and objections point out that as such it is not supported and is contrary to DM2. Policy DM2 sets out a range of development in the countryside that is supported and does not set out development in the countryside that will be resisted. Therefore if a use is not specified in the policy is not automatically resisted but has to be carefully assessed in light of all other policy considerations, such as CP1 and CP8 as referred to above.

10.9.3 The proposal is for the panels to be set a minimum of 0.8m above ground level to ensure they do not impede any surface water flows. This also enables livestock grazing. An objection has been received on the basis that panels increase run off and research paper from America is quoted. However this research found "modelling showed that the solar panels themselves did not have a significant effect on runoff volumes, peaks or times to peak." Ground cover such as gravel under the panels could increase the need for water management but that is not the case in this application where grass is proposed below the panels and a condition is proposed re maintenance as suggested by the LLFA. The Internal Drainage Board objects and recommends that the surface water is dealt with before determination with space being identified for SuDS features. There is scope within the site identified for such features and the view of the other drainage bodies that this matter can be conditioned is agreed with and an appropriate condition is proposed.

10.9.4 Another objection relates to flooding of the approach roads. It is accepted that the approach road through Ham floods on occasions, however there would be no risk to health from flooding as the development will be unmanned and when site visits are required safety would be managed through an appropriate flood plan. The access and fire risk have been considered and the Fire Authority has not raised objection to the scheme.

10.9.5 In terms of surface water the NPPF and policy I4 of the SADMP encourage the use of Sustainable Urban Drainage systems to reduce flood risk. It is proposed that beneath each array, there would be a shallow depression along the drip line (planted or stone filled) that would enhance natural drainage storage and help

prevent erosion. The feature would also enhance dispersion of water evenly throughout the surrounding drier soil as it overflows into the wider landscape, whilst promoting evapotranspiration. Excess runoff will behave as if it were a greenfield site such that the water will continue to follow the natural topography of the land, whereby runoff enters the unnamed watercourses adjacent/within the site and in the wider area. Overall there is not considered to be a significant change in the surface water characteristics of the site.

10.9.6 An objection has been made that the Authority has not carried out its duty of care in respect of flood risk. However the relevant bodies have been consulted. The Environment Agency do not raise objection to the proposal but recommend a condition regarding being in accordance with the FRA. The Lead Local Flood Authority also do not object and suggest conditions re soil compaction and sustainable drainage. Wessex Water has accepted a condition to secure protection of its infrastructure. Based on the submitted information the development is considered to be in accordance with policies CP1, CP8 and DM1 of the Core Strategy and policy I4 of the SADMP which seek to ensure that proposals are sited and mitigate against flood risk.

10.10 Glint and Glare

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

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

10.10.3 The supporting Glint and Glare Assessment assesses the possible effects of the development upon surrounding road users, nearby properties, railway line and aviation. The assessment confirms that reflections will be generated and that theoretically they could be detected from a range of receptor points. An objection was raised on the basis that the submission omitted a residential receptor. An addendum has been added to address this. Following a detailed analysis and accounting for existing vegetation and intervening features that will block views of reflective areas from these receptor points, glint and glare is not considered to affect

any of the identified receptors. As such, no adverse harm is considered to arise in terms of glint and glare.

10.11 Security and Lighting

10.11.1 The site would be enclosed by fencing and security cameras on perimeter posts around the site to provide security and to prevent theft and criminal damage during the construction and operational phases of the site. The use of technology will avoid the need for lighting on the site and a condition has been proposed to control this. The Crime Prevention Design Advisor from Avon and Somerset Police has raised no objection.

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

10.12 Operational Life and Decommissioning

10.12.1 The application seeks planning permission for a temporary 40 year operating lifespan for the development. As already recognised in this report, solar farms are temporary developments and can be removed quickly and with minimal localised impacts such that the land can be restored to its previous use. Such is recognised in the NPPG. The 40 year temporary period is commensurate with other solar PV schemes coming forward in England. The forty-year timescale reflects technical advances in the longevity of solar panels but also the contribution UK Government expects solar generated electricity to the national energy supply. Should the promoter of the scheme wish to continue operating beyond the forty-year period, then a further planning application would need to be submitted at that time and considered on the material considerations, applicable at the time.

10.12.2 At the end of the life of the scheme, be that the forty-year timescale proposed or earlier, the applicant/owner/operator can decommission the site. The proposed scheme has been designed to be fully reversible, therefore enabling the removal of all structures, ground fixings and concrete foot/supports and the land to be reinstated to its predevelopment condition and agricultural use. This will be conditioned and reflects the requirements of policy CP1.

10.13 Other Matters

10.13.1 Objections have raised concern over food security due to the impact that this type of development may have on food security for the country. It should be noted that there is also a need for energy security and there is a clear drive, from a policy perspective at the national level, to move towards a renewable energy network. therefore there is a fine balance to be struck between the existing and proposed

uses of the site. It needs to be taken into account that the proposed use contributes towards sustainable development and is supported by the NPPF and the adopted Local Plan when taken as a whole.

10.13.2 Objections have been made on noise grounds and the initial concern was over the adequacy of the initial noise report and the impact of the air conditioning units for the battery storage facility. This has been removed from the application and a revised noise report provided. The Environmental Health Officer is satisfied with the information provided and that there would be no noise above background noise levels in respect of nearby noise sensitive properties. There is no evidence to suggest the development will cause unreasonable noise levels to warrant an objection on this ground. The removal of the battery storage facility has also removed a large concern over fire risk at the site which stemmed from potential overheating of the batteries. The Fire Officer has raised no concern over the revised scheme.

10.13.3 Concerns have also been raised in respect of precedent and contrary to policies SC1, DM2, CP1, OC1, NH5 and NH8. Each application has to be considered on its merits and allowing a scheme here would not set a precedent for similar types of development on other sites. With this in mind relevant policies for each site have to be taken into consideration. Policies SC1, OC1, NH5 and NH8 all relate to the former West Somerset area and do not apply to the site. Policy DM2 relates to development in the countryside and DM2.8 allows for essential utilities infrastructure and this reflects the aims of policy CP1 in supporting development of renewable and low carbon sources of energy, including large scale freestanding installations.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not applicable

12 Planning balance and conclusion

12.1 The principle of development is considered to be compliant with Policy SD1, the overarching policy in the Local Plan, and it complies with the Local Plan when taken as whole given that the development plan supports a move towards renewable energy. The delivery of solar array farms is also supported by national planning and energy policies.

12.2 Whilst it is acknowledged that the proposal would lead to a temporary loss of an area of best and most versatile agricultural land, the report sets out the reasons why it is considered that, on balance, this particular proposal cannot be refused exclusively on the basis of using BMV land. The proposed development would be partially sited on high quality agricultural land(3a); however solar array farms are

classified as 'temporary installations' ensuring that there would be no permanent or irreversible loss of high quality agricultural land with the ability to potentially provide a less intensive agricultural activity on the site being retained. The proposal therefore accords with the National Planning Policy Framework.

12.3 The proposed development will have impacts on the both the local landscape character and visual amenity of the area, but this proposed site has been selected as it is not within a designated area (i.e., National Park or National Landscape Area (formerly AONB)). New landscaping secured through planning conditions would mitigate the impact on the Public Right of Ways to an acceptable level whilst delivering a form of energy from a renewable resource in accordance with Policy CP1. The development would therefore contribute towards addressing the reliance on fossil fuels and offsetting associated environmental impacts.

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

12.5 The proposed development would not generate an unacceptable impact on highway safety subject to conditions and would provide adequate access and egress to and from the site in accordance with highway requirements. The proposal would therefore accord with the NPPF and Policies SD1, CP6 and DM1 of the Taunton Deane Core Strategy and CSM2 of the Neighbourhood Plan.

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

12.7 Appropriate consideration has been given to matters of flood risk and drainage to ensure that the development would not give rise to new risks to property or the environment. The proposal accords with the NPPF and Policy CP8 of the Taunton Deane Core Strategy.

12.8 The proposal would not result in any adverse harm to the amenities of neighbouring or nearby properties in terms of undue loss of privacy or cause undue overlooking, overshadowing, overbearing or noise and disturbance impacts. The proposal would therefore accord with NPPF and Policy DM1 of the Taunton Deane Core Strategy.

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

12.10 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

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

Appendix 1 – Planning Conditions and Informatives

Conditions

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

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

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

- (A1) DrNo V1 Site Location Plan
- (A3) DrNo V1 Application Boundary
- (A0) DrNo V2 PRow Plan
- (A3) DrNo HF09 Proposed Site Layout
- (A3) DrNo V1 PV Panel Details
- (A3) DrNo V1 Transformer
- (A3) DrNo V1 Substation
- (A3) DrNo V1 Spares Container
- (A3) DrNo V1 CCTV and Security Fence Elevations
- (A3) DrNo V1 Security Gate Details
- (A3) DrNo V1 Palisade Fence

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

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

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

4. Within 3 months of the solar array permanently ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, the development hereby permitted shall cease and the array, and associated infrastructure, shall be permanently removed from the land, and the site restored to its former condition (allowing for any appropriate

enhancements) in accordance with details to be submitted to, and approved in writing by, the Local Planning authority prior to such works being carried out.

Reason: To ensure that the site is properly restored at the expiry of the permission, in the interests of protecting visual amenity including the protection of ecology and biodiversity.

5. Prior to the construction of the substation structures details of the materials to be used in the construction of the external surfaces of the substation, transformers, cctv and satellite dish development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

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

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority within 14 days of completion.

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

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

7. 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 Local Planning Authority. The WSI shall include details of the archaeological investigation, 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 WSI.

Reason: To ensure the preservation of archaeological remains.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests

8. No electricity shall be generated from the site until the archaeological investigation required by condition 7 has been completed and post-excavation analysis has been initiated in accordance with the Written Scheme of Investigation and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: To ensure the preservation and recording of archaeological remains in accordance with policy ENV4 of the Site Allocations and Development Management Plan.

9. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of building structures commences. Should any active nests be found then works in the immediate area shall cease until the ecologist has confirmed to the Local Planning Authority in writing that the nests are empty. In no circumstances shall netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a biodiversity 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. Protective fencing, such as Heras fencing, will be installed around Pond 3 and adjacent suitable Greater Crested Newts (GCN) habitat to prevent any impact occurring to GCN during construction works. In addition, precautionary working methods will be undertaken across the site to ensure that no offence takes place during the proposed works beyond 250m from P3.
 - d. 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), including nesting birds habitat clearance measures, badgers buffer zones etc.
 - e. The location and timing of sensitive works to avoid harm to biodiversity features.
 - f. The times during construction when specialist ecologists need to be present on site to oversee works.

- g. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- h. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
- i. Use of protective fences, exclusion barriers and warning signs.
- j. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.
- k. 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, unless otherwise agreed in writing by the Local Planning Authority.

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 CP8 of the Taunton Deane Local Plan Core Strategy.

A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy CP8 Taunton Deane Local Plan

- 11. A Landscape and Ecological Management Plan (LEMP) 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 LEMP shall include the following:
 - a. Description and evaluation of features to be managed.
 - i. Retained hedgerows would be enhanced through infill planting with a diverse mix of native species to improve their structure and diversity and managed by rotational cutting to also increase structure and height.
 - ii. The proposals for the site include new hedgerow planting and neutral grassland planting, increasing overall amount of suitable amphibian habitat across the site. In addition, the new hedgerows will be planted to provide better connectivity between existing hedgerows on site, allowing amphibians to move more freely throughout the site post development.
 - iii. The ponds and ditches on site would all be enhanced through the removal of vegetation which is causing them to be overshadowed and by de-silting. Where required the margins would be planted with native emergent vegetation to provide greater species diversity.

iv. The proposed orchard would provide additional foraging opportunities for badgers post-development, with fruit bearing species included, such as apple *Malus* spp and the new hedgerow could improve connectivity. In addition, gaps will be provided under fences to ensure that connectivity across the site is maintained for badgers post development.

v. Landscaping proposals within the site, including retained and enhanced hedgerows along with new sections of hedgerow, the creation of neutral grassland and the new orchard planting will maintain and enhance foraging and commuting opportunities for bats within the site post-development. Furthermore, the new planting will ensure connectivity is maintained to suitable foraging/commuting habitat in the wider area.

b. Ecological trends and constraints on site that might influence management.

c. Aims and objectives of management.

i. New and retained hedgerows would be subject to sensitive management including rotational thinning to allow greater structure and diversity within the understorey and ground flora layers. Such measures would be included within the LEMP and would include coppicing of the hedgerow to allow greater density within the re-growth vegetation where this is deemed necessary

d. Appropriate management options for achieving aims and objectives.

e. Prescriptions for management actions.

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

g. Details of the body or organization responsible for implementation of the plan.

h. On-going monitoring and remedial measures.

i. Enhancements

i. To create a further enhancement for bats, four bat boxes, such as Vivara Pro or similar, will be installed on suitable retained trees within the hedgerows on site.

ii. To create further enhancements for birds, a variety of four nest boxes would also be placed on the retained mature trees in order to increase nesting opportunities.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP 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 'Favourable Conservation Status' of populations 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 CP8 of the Taunton Deane Local Plan Core Strategy.

12. The development shall be carried out in accordance with the submitted Flood Risk Assessment ('Ham Farm, Taunton – Solar Farm – Flood Risk Assessment & Drainage Strategy', ref. 2912_FRD v.2.0 dated 16 September 2022, RAB Consultants Limited) and the following mitigation measures it details:
- Solar panels shall be mounted so that the lowest edge of the panel will be a minimum of 0.8m above ground level, as detailed in section 4.1.1.
 - Substations, and other sensitive equipment shall be located outside the extent of a 1 in 100 (1%) flood event (including for climate change) shown in Figure 3, as detailed in section 4.1.1.
 - A Flood Management Plan shall be prepared, to guide site operatives in the appropriateness of proactive/reactive site visits when flood conditions are forecast, as detailed in 4.2.2.
 - In addition, compensatory flood storage should be provided for any loss of fluvial floodplain volume because of this development.

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

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

13. Prior to the commencement of any part of the development, details of Pipe Protection and Works Method Statement to ensure the protection of the Wessex Water assets which cross the site, shall be submitted to, and approved in writing by the Local Planning Authority, in liaison with Wessex Water.

Reason: To ensure that the 3 effluent disposal mains and the public foul sewer that traverse the site and the access track are protected from damage during both the construction phase and normal operating conditions.

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

Reason: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with Policies CP8 and DM1

of the Taunton Deane Core Strategy and the National Planning Policy Framework.

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

Reason: To minimise light pollution in this rural area and in the interests of biodiversity and ecology, in accordance with Policy CP8 of the Taunton Deane Core Strategy.

16. The solar panels shall not exceed 3.1m above ground level.

Reason: To safeguard the character and visual amenity of the area.

17. No development shall be commenced until details of the sustainable 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 (2023) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the development is properly drained in accordance with the National Planning Policy Framework.

18. No development shall take place until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- 1 A plan to a scale of 1:1000 showing the location of all defects identified;
- 2 A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Thereafter, the developer shall identify any damage sustained to the adopted highway for the duration of the development process and make good such

damage in agreement with and to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

19. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed CTMP must be implemented and adhered to fully for the duration of the entire construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

20. Details of the proposed access to the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. The access shall be constructed in accordance with the agreed details prior to commencement and shall thereafter be retained and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
3. Should any GCN be recorded during any of the works across the site then all works will stop, and a Natural England Licence applied for. Works will not proceed again within areas of potential GCN habitat until the licence has been granted. If a dormouse or evidence of dormice is found during this survey, the removal of hedgerow to facilitate access will be completed under precautionary working methods without a Natural England licence, and under

the supervision of a suitably qualified ECoW following a thorough fingertip search of the area that is to be removed.

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

Where access tracks need to be provided, permeable tracks should be used, and localised SUDS should be used to control any run-off.

During construction the following comments apply:

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Where possible, waste washings from any concrete should be discharge into the foul sewer, with the agreement of Wessex Water.

Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011.

If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to Waste (England and Wales) Regulations 2011.

There is the potential for the proposed installation to act as an "ecological trap" for certain types of insects that are attracted to polarised light. This is an area that has been researched with reference to aquatic insects. Therefore, it is recommended that ponds are placed strategically around the site.

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