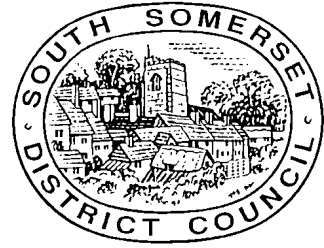


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 17th September 2014

5.30 pm

**The Guildhall
Fore Street
Chard
TA20 1PP**

(disabled access is available at this meeting venue)



The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **6.15 p.m.**

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris 01935 462055**, website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 9 September 2014.

A handwritten signature in black ink that reads 'Ian Clarke'.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

Area West Committee Membership

The following members are requested to attend the meeting:

Chairman: Angie Singleton
Vice-chairman: Paul Maxwell

Mike Best
Dave Bulmer
John Dyke
Carol Goodall
Brennie Halse

Jenny Kenton
Nigel Mermagen
Sue Osborne
Ric Pallister
Ros Roderigo

Kim Turner
Andrew Turpin
Linda Vijeh
Martin Wale

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses
- Environment – We want an attractive environment to live in with increased recycling and lower energy use
- Homes – We want decent housing for our residents that matches their income
- Health and Communities – We want communities that are healthy, self-reliant and have individuals who are willing to help each other

Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of Planning Applications

Consideration of planning applications will commence no earlier than 6.15pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend the Committee quarterly in February, May, August and November. They will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on reports prior to the meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Council has a well-established Area Committee system and through four Area Committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3rd Wednesday of the month in venues throughout Area West (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council’s website www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

The Council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council’s Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Area West Committee

Wednesday 17 September 2014

Agenda

Confidential Item

1. **Exclusion of Press and Public** (Page 1)
2. **Securing Future Facilities for Chard (Confidential) (Executive Decision)**
(Pages 2 - 3)

Preliminary Items

3. **To approve as a correct record the Minutes of the Previous Meeting**
4. **Apologies for Absence**
5. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors. Mike Best, Angie Singleton and Linda Vjeh

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

6. Public Question Time

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

7. Chairman's Announcements

Items for Discussion

- 8. Area West Committee - Forward Plan** (Pages 4 - 6)
- 9. Feasibility of SSDC and Chard Town Council Sharing Customer Service Reception** (Pages 7 - 8)
- 10. Feedback on Planning Applications Referred to the Regulation Committee** (Page 9)
- 11. Planning Appeals** (Pages 10 - 17)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 18 - 19)
- 13. Planning Application 14/02907/FUL - Stockbridge Farm, Stockbridge Road, Hinton St George** (Pages 20 - 39)
- 14. Planning Application 1403128FUL - Land OS 4734, Adjacent Lower Severalls Farm, Lower Severalls Farm Road, Crewkerne** (Pages 40 - 56)
- 15. Planning Application 14/02977/FUL - Land To North Of Hurcott Copse, Boxstone Hill, Hurcott** (Pages 57 - 70)
- 16. Date and Venue for Next Meeting** (Page 71)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

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Agenda Item 1

Exclusion of the Press and Public

The Committee is asked to agree that the following item (agenda item 2) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 2

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 8

Area West Committee - Forward Plan

Strategic Director: Rina Singh, (Place and Performance)
Assistant Director: Helen Rutter / Kim Close, (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

Background Papers: None.

Notes

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
 - (a) Feedback on Planning Applications referred to the Regulation Committee
 - (b) Chairman's announcements
 - (c) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
15 th October 2014	S106 Obligations	6 monthly Update Report	Neil Waddleton, S106 Monitoring Officer
15 th October 2014	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme.	Colin McDonald, Strategic Housing Manager
15 th October 2014	<i>Local Housing Needs in Area West</i>	<i>Service Update report</i>	<i>Kirsty Larkins, Housing and Welfare Manager</i>
15 th October 2014	Historic Buildings at Risk	Confidential report to update members on current Historic Buildings at Risk cases in Area West.	Greg Venn, Conservation Officer
15 th October 2014	<i>Meeting House Arts Centre, Ilminster</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Sue Osborne</i>
15 th October 2014	<i>Crewkerne Leisure Management (Aqua Centre)</i>	<i>Reports from members on outside organisations</i>	<i>Cllr. Angie Singleton</i>
19 th November 2014	Highways Maintenance Programme	To update members on the highways maintenance work carried out by the County Highway Authority.	Mike Fear, Assistant Highway Service Manager, Somerset County Council
19 th November 2014	Community Office Update	Service Update report	Lisa Davis, Community Office Support Manager
19 th November 2014	SSVCA Presentation	Update on SSVCA, including Voluntary Sector Support, Furnicare, Community Transport and the Flood Recovery work.	Sam Best, Chief Executive, South Somerset Association for Voluntary & Community Action Ltd (SSVCA)

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
19 th November 2014	<i>Crewkerne Heritage Centre</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. John Dyke</i>
19 th November 2014	<i>Chard and District Museum</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Brennie Halse</i>
17 th December 2014	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>To update members on the work of the Blackdown Hills AONB since the last report to Area West Committee.</i>	<i>Zoe Harris, Neighbourhood Development Officer (Communities) Cllr. Ros Roderigo</i>
17 th December 2014	Area West Development Work Programme Overview	To present an overview of projects in the Area West Development Work Programme 2014/15	Andrew Gillespie, Area Development Manager (West)
17 th December 2014	LEADER Programme for Rural Economic Development	To report on the outcome of applications for funding.	Helen Rutter, Assistant Director (Communities)
21 st January 2015	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements on neighbourhood policing and partnership working to reduce crime and the fear of crime.	Sgt. Rob Jameson
21 st January 2015	<i>Ilminster Forum</i>	<i>Reports from members on outside organisations</i>	<i>Zoe Harris, Neighbourhood Development Officer (Communities) Cllr. Carol Goodall</i>
21 st January 2015	<i>A Better Crewkerne and District (ABCD)</i>	<i>Reports from members on Outside Organisations</i>	<i>Zoe Harris, Neighbourhood Development Officer (Communities) Cllr. Mike Best</i>
18 th February 2015	<i>Ile Youth Centre Management Committee (Ilminster)</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Kim Turner</i>
TBC	<i>Update on Assets in Area West</i>	<i>A representative from the Strategic Asset Steering Group (SASG) to give an update on the assets in Area West.</i>	<i>Vega Sturgess, Strategic Director (Operations & Customer Focus) Donna Parham, Assistant Director (Finance & Corporate Services)</i>
TBC	<i>Promoting Crewkerne and Ilminster Project</i>	<i>Update on progress</i>	<i>Zoe Harris, Neighbourhood Development Officer (Communities)</i>

Agenda Item 9

Feasibility of SSDC and Chard Town Council Sharing Customer Service Reception

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Andrew Gillespie, Area West Development
Lead Officer: As above,
Contact Details: andrew.gillespie@southsomerset.gov.uk or 01460 260426

Purpose of the Report

To recommend that the option for Chard Town Council and SSDC to offer a shared customer service desk in Chard Guildhall is not taken up at this time.

Public Interest

Consideration has been given to the costs and potential benefits of establishing a shared Customer Service desk in Chard Guildhall.

Recommendation

That the option for Chard Town Council and SSDC to offer a shared customer service desk in Chard Guildhall is not taken up at this time.

Background

The option of a shared “front desk” was considered in 2013 as part of a possible relocation of the Area West team from Holyrood Lacemill to Chard Guildhall. However, it was then agreed that smaller offices within the Lacemill would be more suitable accommodation for the Area West team and that move took place in early 2014.

It was agreed that an investigation into the likely costs and benefits of moving the SSDC Customer Service Desk to the Guildhall should still take place and a small SSDC/CTC working group was established to do this.

Costs v Benefits

The final meeting of the working party was held in June 2014. Issues considered included Staffing, IT, Management, Operations and set up costs and possible cost savings.

The conclusion reached was that, taken in isolation, the potential benefits to customers of sharing a front desk service in the Guildhall would not justify the estimated costs involved.

However, the working party recognized that both the costs and benefits involved in working towards a partnership approach could change in the future and there would be potential for further consideration then.

Financial Implications

None

Council Plan Implications

None

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

None

Background Papers

Issues and Options papers on Project File

Agenda Item 10

Feedback on Planning Applications Referred to the Regulation Committee

There is no feedback to report on planning applications referred to the Regulation Committee.

Agenda Item 11

Planning Appeals

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Dismissed

13/04961/FUL – Land adjoining Bray Cottage, Birchwood Road, Buckland St Mary, Chard
Proposed change of use of land from agricultural to mixed use. Retention of 3 No. shepherds huts, decking, summer house and extension to existing garage and all other associated works for proposed business plan (personal permission to applicant) (GR 324052/114135)

The Inspector's decision letter is shown on the following pages.

Background Papers: None

Appeal Decision

Site visit made on 4 August 2014

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2014

Appeal Ref: APP/R3325/A/14/2218272

The Paddock, Birchwood, Chard, Somerset TA20 3QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Helen Humble against the decision of South Somerset District Council.
 - The application Ref 13/04961/FUL, dated 27 November 2013, was refused by notice dated 24 February 2014.
 - The development proposed is "1) Change in use of land from agricultural to mixed use with residence. 2) Retrospective permission for retention of 3 No shepherds huts, decking, summer house and extension to existing garage for accommodation linked to business plan. 3) A personnel permission to reside on the land for Helen Humble. 4) To allow non-residential use of a yurt 28 days a year, siting of a compost toilet for community use."
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ms Helen Humble against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The drawings submitted for the appeal included a site location plan (ref Drg.No.TP01) that showed Bray Cottage and land surrounding it to be within the ownership of the appellant. This was different to the drawing considered by the Council in their determination of the planning application, which showed no other land apart than the appeal site being in the ownership of the appellant. The appellant has confirmed that she only owns the land outlined in red on this drawing. With the agreement of the parties I have considered the appeal on the basis of the land ownership as considered by the Council in its determination of the application.
4. The site area shown on Drg.No.TP01 differs from that shown on Drawing No TP04. Whilst it was advised on site by the appellant that the application site area was as shown on Drg.No.TP01, Drawing No TP04 shows the details of the proposed layout for the development, but excludes the southernmost tip of the site. Both parties have confirmed that the site area would be as shown on Drg.No.TP01, and that the proposed paddock for the alpacas would extend to the southern boundary as shown on this plan. I have therefore considered the appeal on the basis of the site area being as shown on Drg.No.TP01.

Main Issues

5. The main issues are **firstly**, whether the enterprise justifies residential accommodation, having regard to the aims of national and local planning policies which seek to restrict new residential development in the countryside; **secondly**, the effect of the proposal on the character and appearance of the surrounding countryside, having particular regard to the location of the site within the Blackdown Hills Area of Outstanding Natural Beauty; **thirdly**, whether the personal circumstances of the appellant outweigh local and national policies that aim to restrict residential development in the countryside; and **fourthly**, whether it would create a precedent.

Reasons

Countryside Location

6. The appeal site lies in the countryside within a small cluster of residential properties. It occupies the corner formed by the junction of Blind Lane with Waterhayes Lane. The properties in Birchwood are mostly detached houses in large gardens, positioned on a hillside. The surrounding area is a mix of farmland and woods, with many of the fields being bounded by hedgerows. The hills and narrow, steep sided valleys, are a striking feature of the area, and combined with the fields, hedges and woods, gives an attractive and verdant appearance to the landscape.
7. The northern boundary of the site is bounded by a mature hedgerow, near to which are the three huts that are the appellant's home. They are positioned in a C-shape with a covered wooden veranda between them that provides access to the huts and additional space. Vehicular access to the site is at the corner near to the road junction, with a gravelled area providing parking. Beyond this is a wooden summerhouse, whilst to the western side of the huts are further outbuildings and an additional parking area.
8. Birchwood is an isolated settlement within a rural location, and any occupiers of the appeal site would be heavily reliant on the private car to access employment, shops, leisure and other facilities. The residential use of the site would be contrary to the requirements of Policy ST3 of the South Somerset Local Plan (2006) (LP), that seeks to strictly control and restrict development to defined settlements.
9. Under the requirements of paragraph 55 of the National Planning Policy Framework (the Framework), where isolated new dwellings in the countryside are to be provided there should be special justification for them, such as an essential need for a rural worker to live permanently at or near their place of work in the countryside. The appellant has provided a Business Plan for 2013 – 2018 that proposes a number of uses for the site that she considers would require a need to live there.
10. It is the appellant's intention to initially only have 3 breeding alpacas, and these would be housed on site overnight and mostly grazed elsewhere. Whilst I appreciate the potential for difficult births with alpacas, the numbers kept would be small, and would only increase gradually, after several years, and in the meantime the appellant would be working part-time. On the basis of the evidence before me concerning the appellant's intentions for the keeping of

alpacas, there would not be an essential need for a permanent dwelling on the site.

11. In addition to caring for the alpacas, bees and chickens, the appellant would also be running yoga and therapy workshops from the appeal site. The sessions would only be for limited numbers at any one time. Nevertheless, the remote location of the site would necessitate a heavy reliance on the private car. I note the appellant's contention that small businesses and rural diversification should be encouraged, and that car-sharing and sustainable means of transport would be promoted to users. However, the site is located in a remote area, on a steep hillside. The roads to it are unlit, and as such I do not consider that walking or cycling to the site would be either safe or convenient. The Framework supports a prosperous rural economy that is based on sustainable development, including seeking to reduce the reliance on the private car. On the evidence before me, the proposal would not satisfy these requirements.
12. I acknowledge the appellant's connection to the land, and that such classes could provide a community and personal benefit for some people in an attractive location. However, neither the yoga or therapy sessions, nor the community toilet and library, would require an essential and permanent requirement to live on the site.
13. I therefore do not consider that the enterprise proposed for the site would justify a permanent dwelling. As such, it would be contrary to the objectives of the Framework referred to above, and the requirements of LP Policy ST3.

Character and Appearance

14. The site lies within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), and the Framework requires the protection of these areas, placing great weight on conserving their landscape and scenic beauty. LP Policy EC2 favours the conservation of the natural beauty of the landscape, and development proposals that would cause unacceptable harm to the natural beauty of the landscape should not be permitted.
15. The appeal site lies on a hillside in a landscape that has a dramatic and verdant quality due to the topography and presence of agricultural fields, mature hedgerows and trees. In addition to the huts and the associated covered decking, there is a summerhouse to the east of them, and a garage and shed to the west. Whilst the huts are painted to blend in with the surrounding countryside, they are clearly visible within the area, and can be seen from Waterhayes and Blind Lanes. The huts, combined with the car parking, existing outbuildings and current domestic uses occurring on the site, have substantially changed its character and appearance to one dominated by residential buildings and uses, which is at harmful odds with the natural beauty of the AONB.
16. Furthermore, the additional uses proposed by the appellant for the site would require a number of other buildings and structures, including a yurt, a toilet for community uses, a mobile chicken coop and a field shelter. Whilst the latter two structures would be expected features of a rural landscape, they would be located apart from each other, and would spread development across the site. Although some of the proposed buildings and structures would not be permanent, they would nevertheless have a presence. When combined with

other proposed structures and alterations, including the enlarged area that would be required for parking and the provision of visibility splays, along with the retention of the existing buildings, they would significantly change the appearance of the site and would unacceptably erode the open and scenic character of this protected landscape.

17. I appreciate that some structures were in place before the huts were installed. Notwithstanding this, the retention of the existing buildings and uses and the provision of the proposed ones and structures, would be contrary to LP Policy EC2 and the objective of the Framework that seeks to conserve the landscape and scenic beauty of AONBs.

Personal Circumstances

18. The appellant considers there are important personal reasons that necessitate her continuing to live on the site. The appellant has lived in Birchwood for many years, and has experienced a number of life events there, including selling the family home, Bray Cottage. Several people have stated that she is a much liked and respected member of the community, and that her work and activities are greatly valued. However, these in themselves are not the special justification as required by the Framework for granting planning permission in this case.
19. A refusal of planning permission would oblige the appellant to leave the site. The Inspector for the previous appeal on the site considered the personal circumstances of the appellant in great depth before dismissing it. The appellant has a strong emotional attachment to the area, and considers her home is fundamental to her well-being, and leaving it would impact on her ability to undertake her job. As with the previous appeal, these are not matters to be considered lightly.
20. The appellant has produced medical evidence which suggests that removal from her home would be "*likely* to have a deleterious impact on her mental health functioning" (my emphasis). Clearly there is concern as to the impact dismissing the appeal would have on the appellant's health. However, this medical advice is tentative. Furthermore, as noted above, the appellant has only lived on the appeal site since the sale of Bray Cottage. In my consideration of the case before me I have not dismissed the appellant's concerns lightly, but where an exception is to be made in overriding national and local policy, the evidence has to be decisive. On the basis of the evidence before me, this is not the case.
21. The appellant has referred to her rights under Articles 8 and 9 of the Human Rights Act. I recognise that the dismissal of the appeal would interfere with the appellant's home and family life, and that she considers she would not be able to practice her spiritual beliefs or needs if she has to move from the site. However, this must be weighed against the wider public interest. For the reasons given above, I have found that the proposal would not be sustainable development, nor protect the natural beauty of the AONB. I am satisfied that these legitimate aims can only be adequately safeguarded by the refusal of planning permission. On balance, I consider the dismissal of the appeal would not have a disproportionate effect on the appellant.
22. I therefore find that in this case the personal circumstances of the appellant are not sufficient to outweigh the restriction of residential development in the

countryside, and as such it would be contrary to LP Policy ST3 and the objectives of the Framework referred to above.

Precedent

23. The Council are concerned that this case would cause a precedent for similar applications both in the AONB and elsewhere in the countryside. Whilst there is considerable pressure from people who want to live in the countryside, the restrictive LP Policies and the objectives of paragraph 55 of the Framework, have considerable weight. Where there are compelling grounds for granting permission on the basis of the circumstances of an individual, these would need to be carefully assessed on an individual basis in light of the development plan and all other material considerations.

Other Matters

24. The appellant and local residents have referred to a number of other developments in the area that have been permitted, including large farm buildings. However, they are not comparable to the scheme I have before me, nor do I have the full planning history of these developments before me, and in any case each application has to be treated on its own individual merits in accordance with the requirements of the development plan and all other material considerations.

25. Finally, concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

26. When considered either separately or together, neither of these other matters would outweigh the harm I have found as regards the main issues.

Conclusion

27. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR

Costs Decision

Site visit made on 4 August 2014

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2014

Costs application in relation to Appeal Ref: APP/R3325/A/14/2218272 The Paddock, Birchwood, Chard, Somerset TA20 3QH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Helen Humble for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for "1) Change in use in land from agricultural to mixed use with residence. 2) Retrospective permission for retention of 3 No shepherds huts, decking, summer house and extension to existing garage for accommodation linked to business plan. 3) A personnel permission to reside on the land for Helen Humble. 4) To allow non-residential use of a yurt 28 days a year, siting of a compost toilet for community use."
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process.
3. The application for a full award of costs and the response by the Council have been made in writing and will not be repeated here in any detail. The appellant considers that the actions of the Council required unnecessary expense, and that their decision was based on an unfair and unequal application of planning policy. Furthermore the appellant considers the Council's decision was unacceptably delayed and the decision influenced, with an undue weight having been given to precedence.
4. Both national and local policy restrict residential development in the countryside, unless there are very special circumstances that justify making an exception. After having carefully considered the evidence before me, I have not supported the appeal for the reasons given in my decision.
5. To provide evidence for her case, the appellant has had to pay for letters from medical and veterinary experts, and for the services of a planning consultant. However, expert advice and opinion, including sensitive personal information, had to be provided to allow an assessment as to whether very special circumstances existed that would justify making an exception in this instance. As such, I do not consider the appellant has incurred wasted expense.

6. The consideration of planning applications and appeals involves matters of judgement that are at times finely balanced. Local planning authorities are expected to consider the development plan, the requirements of national guidance, and any other material consideration when determining a planning application. I consider this has been done.
7. Whilst the appellant may not agree with the weight that the Council gave to the consideration of her personal circumstances and proposed business plan, it is one of judgement, based on the details of each particular case. The Council was not unreasonable in this regard, merely it gave a different weight to the issues.
8. The consideration of the planning application at a Committee would have been a decision for the Council. I note that in this case it was referred to Committee due to the number of supporting representations that were received. Whilst there may have been a delay in determining the application with regard to the Committee cycle, I do not consider the Council unacceptably delayed the determination of the application.
9. I find that the Council did not act unreasonably in reaching the decision it made on the application, and nor do I consider the appellant has incurred unnecessary or wasted expense. I therefore conclude that an award of costs is not justified.

J J Evans

INSPECTOR

Agenda Item 12

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 6.15pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.05pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	EGGWOOD	14/02907/FUL	Installation of agricultural Anaerobic Digester	Stockbridge Farm, Stockbridge Road, Hinton St George	Mr Mark Voss
14	ILMINSTER	14/02977/FUL	Installation of up to 10MW ground mounted photovoltaic solar energy generating system	Land To North Of Hurcott Copse, Boxstone Hill, Hurcott	Mr Chris Wilson
15	EGGWOOD	14/03128/FUL	Installation of a 10.80MWp solar farm and associated infrastructure	Land OS 4734, Adjacent Lower Severalls Farm, Lower Severalls Farm Road, Crewkerne	Sigma Solar Ltd

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 13

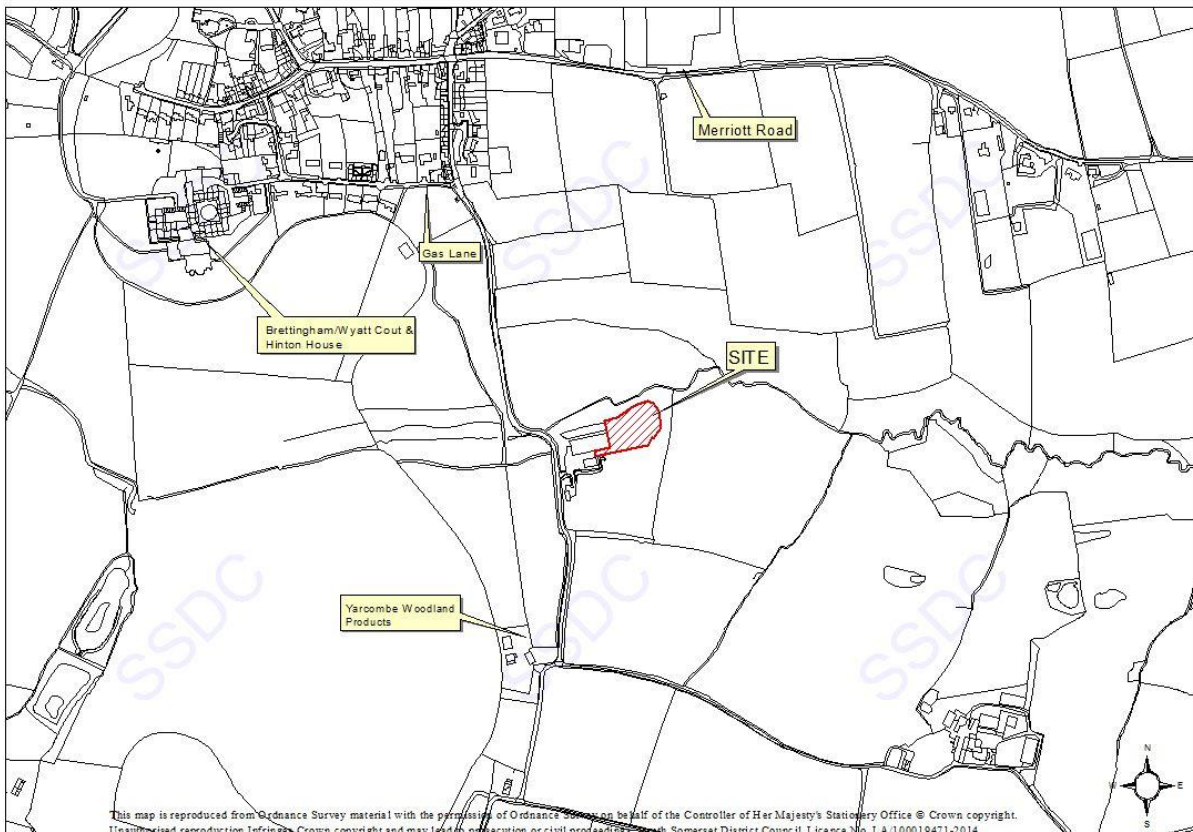
Officer Report On Planning Application: 14/02907/FUL

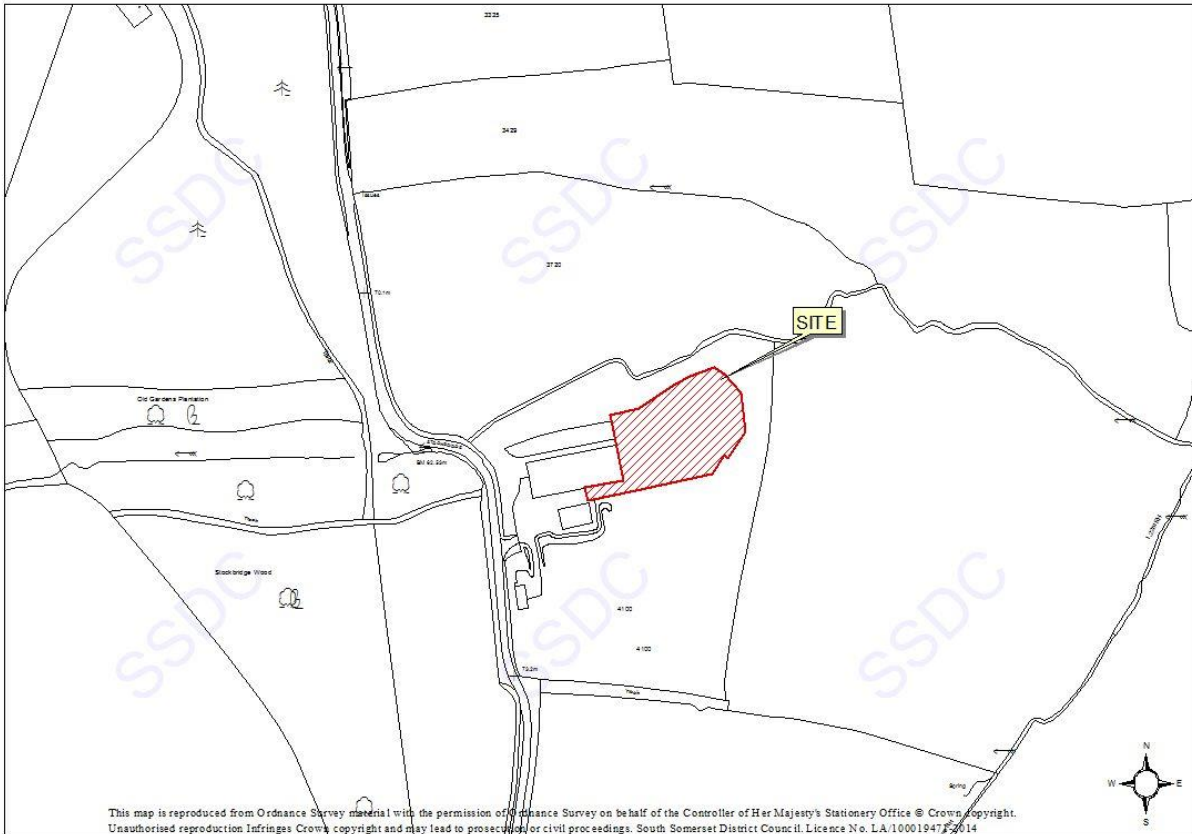
Proposal :	Installation of agricultural Anaerobic Digester (GR 342375/112016)
Site Address:	Stockbridge Farm Stockbridge Road Hinton St George
Parish:	Hinton St George
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	26th August 2014
Applicant :	Mr Mark Voss
Agent: (no agent if blank)	Mr Nick Williams Berrys Willow House East Shrewsbury Business Park Shrewsbury Shropshire SY2 6LG
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area West Committee at the request of the Area Chair and with the agreement of the Development Control Manager.

SITE DESCRIPTION AND PROPOSAL





The site consists of an existing farm holding located approximately 400 metres to the south of Hinton St George. The holding extends to approximately 60 acres and consists of a beef rearing enterprise.

The proposed site is located directly to the east of the existing farm yard buildings. Ground levels fall from the south to the north of the site. There is an existing agricultural building located to the east of the proposed site with a maximum height of 74.44 metres AOD. Natural ground levels fall towards the northern site boundary which is formed by a line of trees and a stream. The eastern site boundary comprises an existing hedge.

The application proposes a 250kw digester. It is proposed that the digester would be fed by feedstock generated from the holding at Stockbridge Farm and also by an associated holding located at Higher Burrow Farm, approximately 6 miles to the north of the site.

The agricultural business comprises a 700 head beef rearing enterprise. The applicant has confirmed that the cattle are Holstein bull calves which are from local dairy farms and are grown for veal. Numbers between the two sites fluctuate, however on average approximately 60% of the cattle are housed at Higher Burrow and 40% at Stockbridge Farm.

It is proposed that the AD plant would process approximately 5,165 tonnes of feedstock per annum generated from the two sites. The farms already generate this volume of manure and currently the manure is transported via the highway network and 14 tonne trailers from Higher Burrow Farm to Stockbridge Farm and then transported to the adjoining holding, Furland Farm for use as an organic fertiliser.

The feedstock will comprise 4700 tonnes of manure and 465 tonnes of 'TMR' and silage cattle feed. TMR stands for 'Total Mixed Ration'. This is a combination of individual cattle feeds comprising of silage, cereal and protein grains. The 'waste' TMR to be used as

feedstock will comprise the leftovers in the trough which equate to 1-1.5 tonnes a day. Currently this waste TMR is placed with manures and left in heaps prior to spreading.

It is proposed that manure would be transported to the site during the day and stored within the site prior to feeding into the digester. The resulting liquid digestate would be fed into the existing irrigation system on the adjoining holding, Furland Farm. This would involve connection via an underground pipe. The solid residue would be used as cattle bedding at the Higher Burrow and Stockbridge farm sites. It is proposed that the movements back to Higher Burrow will take place within the empty trailers once they are empty of manure.

The applicant has provided lab test results which indicate the amount of gas that would be produced by the manure. The size of the AD plant as proposed is a result of these test results to ensure that the AD plant can be operated from feedstock generated at the two sites. The test results indicate that the manure produces 108m³ CH₄ (methane) / fresh tonne of manure and 218m³ CH₄ / fresh tonne of waste feed. For comparison, the average figure for manure would be approximately 46m³ CH₄ / fresh tonne.

Building operations would primarily comprise the following:

- Concrete access road and ramp leading to a lower concrete containing the AD plant. Ground levels would be 62.5 AOD, approximately 4 metres lower than ground levels around the existing adjoining agricultural building.
- There would be a higher concrete yard adjoining the existing agricultural building located at 66.5 AOD and would contain the Combined Heat and Power (CHP) Plant.
- The proposed digestate store tank would be located on the lower yard and would be circular in shape with a flat top. It would have a maximum height of 6.8 metres and would measure 20 metres in width.
- The liquid buffer tank would be circular in shape and would measure 7 metres in width by 4 metres in height.
- The digester tank would be circular in shape and would contain an upper element with a dome roof. The lower element would measure 20 metres in width by 7 metres in height. The dome roof would have a maximum height of 12.3 metres (74.8 AOD).
- The digestate store tank would measure 25 metres in width and would have a maximum height of 7 metres.
- The separator Clamp would be located between the digester tank and digester store. It would measure 1.2 by 4 metres and would have a maximum height of 4 metres.
- A bund is proposed to the northern site boundary. Amended plans have been received which have lowered the bund height by 1 metre to 64.5 AOD and re-profiled the outer face of the bund.
- Indicative landscaping details have been shown to include buffer planting to the north and east of the AD plant consisting of a mix of native species.
- It is proposed that the tanks would be clad in juniper green.

In terms of the process, manure would be fed into the digestion tank which is located closest to the existing agricultural building. The tank to the north eastern corner of the site consists of the digestate store. This is where the digestate is stored following being passed through a separator that separates it into liquid and solid form. The solid residue is collected here whilst the liquid digestate is passed into the digestate store prior to spreading onto neighbouring farmland via an underground connection to the existing irrigation system within the adjoining holding, Furland Farm.

Electricity would be exported via underground connection to the adjoining overhead powerlines to the west of the site.

Background to Anaerobic Digestion (AD)/Principle of development:

Anaerobic digestion is a process whereby bacteria breaks down biodegradable materials in a sealed container to produce a biogas. The gas can be used to generate electricity and heat through a Combined Heat and Power (CHP) unit which produces electricity. Electricity can be used on site and also exported into the local electricity grid.

The process generates both liquid and solid residue (digestate). The digestate can be used as fertiliser whilst the solid residue can be used for a variety of uses such as livestock bedding. The digestate produces significantly less odour when compared to traditional organic fertilizers.

It should be noted that farm-based AD plants are regulated by the Environment Agency (EA) through Environmental Permitting Regulations, rather than through the planning system.

Both national and local policy support the increase in the use and supply of renewable energy. These considerations are discussed further within the report below.

The proposed development would support an existing agricultural business and would comply in principle with the Governments National Anaerobic Digestion Strategy and Action Plan published in 2011. Within this strategy, there is a commitment to increasing energy from waste through anaerobic digestion.

The principle of the development is considered to be acceptable subject to compliance with the relevant development plan policies in respect to the character and appearance of the landscape, the nearby Grade II Listed Park, residential amenity and highway issues.

HISTORY

09/04195/FUL - Erection of an agricultural building and bio gas green energy plant with associated access, yard, areas and landscaping works (approved 2010).

There have been various applications for farm buildings and in relation to the farm shop on the opposite side of the road.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant development plan primarily comprises the saved policies of the adopted South Somerset Local Plan (2006). However, the emerging Local Plan which will replace the adopted Local Plan is in an advanced stage of adoption. The proposed 'Submission South Somerset Local Plan (2006 - 2028)' was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter to the Council outlining some issues of concern. The Examination resumed in June 2014 following additional work being undertaken by the Council to address the Inspector's concerns. It is anticipated that the emerging Local Plan will be ready for adoption early in 2015. Having regard to the advanced stage in the adoption of the emerging Local Plan, emerging policies can be afforded some weight in determining the application.

The saved policies of most relevance to the proposal within the adopted Local Plan:

ST3 Development in the open countryside
ST5 - General principles of Development
ST6 - Quality of Development
EH8 Historic Parks and Gardens
EC3 - Landscape Character
EP2- Noise generating uses
EP3- Light pollution
EP4- Waste generation
EP7- Odour and amenity
EP9- Pollution control
ME5- Farm diversification

The saved policies of most relevance to the proposal within the emerging Local Plan:
Policy EQ1- Addressing Climate Change in South Somerset

Policy-related Material Considerations

National Planning Policy Framework (the NPPF) is a material consideration.

Chapter 1. Building a strong, competitive economy

Chapter 3. Supporting a prosperous rural economy

Chapter 4. Promoting sustainable transport

Chapter 10. Meeting the challenge of climate change, flooding and coastal change

Chapter 11. Conserving and enhancing the natural environment 25

Chapter 12. Conserving and enhancing the historic environment

National Planning Practice Guidance (the NPPG) is a material consideration.

South Somerset Sustainable Community Strategy

Goal 8 - Quality Development

Goal 10 - Energy

Goal 11 - Environment

The NPPF has significant weight in the determination of this application. Of note the proposal would meet the definition of renewable energy set out in the NPPF and the NPPG.

Paragraph 17 of the NPPF sets out 12 core planning principles for the planning system. Of relevance to this proposal one of these planning principles states that planning should:

"support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy");

More specifically paragraph 98 states that in determining applications for renewable energy Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable. These impacts will be discussed within the main body of this report and in this instance, impacts of the development are considered to be noise and other pollution, highway and landscape impacts. Whilst the NPPF is supportive of renewable energy development and chapter 3 is supportive of promoting a prosperous rural economy, chapters 4, 11 and 12 also relate to ensuring that appropriate weight is given to protecting the natural environment and general amenity.

In relation to Local planning policy, the adopted Local Plan is relevant. Local Plan Policies are given a degree of weight in accordance with their consistency with the NPPF. Saved

Policies that are relevant to the proposal are listed above and relate primarily to consideration of the impacts of planning proposals in relation to general amenity (noise, visual impact etc.).

Within the emerging Local Plan, Policy EQ1 relates specifically to addressing the impacts of climate change. Policy EQ1 states (inter alia) that:

"Development of renewable and low carbon energy generation will be encouraged and permitted, providing there are no significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets, and biodiversity".

CONSULTATIONS

Hinton St George Parish Council

Please note that Hinton St George Parish Council recommend approval for the above application with the following conditions:

That a proviso is placed such that the plant cannot receive additional fuel from sources other than Stockbridge Farm or Higher Burrow Farm.

That vehicles transporting the fuel will not pass through the village of Hinton St George.

Highway Authority

First response:
No observations

Second response:
This is an agricultural activity in the countryside so is acceptable in principle. It appears that the overall number of vehicle movements will drop as a result of the development proposed and that the farmer takes efforts to spread these movements over a number of local roads to reduce the impact even further. As such there is no reason why the application should attract a highway objection.

Third response:
The Highway Authority have been consulted in relation to the amended proposed vehicle routing and in relation to the weight of vehicles resulting from the use of larger trailers. No substantive comments have been received from the Highway Authority. Members will be updated during the committee meeting.

Notwithstanding the above, the following additional comments have been received:
The routes should avoid the weight restriction where vehicles exceed this, however this should form a guide only as local circumstance on rival roads may impact on route choice.

Landscape Officer

First response:
I believe there are a number of issues:

1) The site lays against the immediate edge of Hinton Park, which is a grade 2 registered historic park and garden (HP&G). The east edge of the park is denoted by an enclosing tree belt, whilst open countryside to the east - which comprises its setting - is primarily open agricultural land, with only a sparse, sporadic, development presence. Stockbridge Farm is

the only farm building group alongside the park's immediate edge, and this development is a recent rather than a historic addition.

Whilst farm buildings have been accepted as an appropriate form of development at the park's edge, this plant is of an industrial character, particularly with its expression of large volume cylinder tanks. As such, this expression is completely at variance with local character, and would thus fail to meet LP policy ST5 criteria 4.

2) The visibility of development becomes an issue when development form is considered to be contrary to local character, to thus present its incongruity to public view. In this instance, I would acknowledge that the site is not obtrusive. It lays within a headwater valley of the Merriott Brook, and I note it to be screened from the adjacent road by the farm buildings, whilst residential views are limited to residential dwellings by Furland Farm, and from properties at/adjacent the head of South Street, Hinton St George. Occasional local views can be gained from the village hall and community woodland, but as the woodland cover matures these will lessen. Longer public views toward the site are in the main obscured by tree lines and hedgerows.

3) We have noted that AD plants of this scale within the district have required the import of waste to become viable. This is a small unit, and such a need is likely here. If this is the case, then there is a potential traffic impact, which is also a landscape impact, for the local lanes are narrow and little trafficked. I consider an increase in traffic volume and scale on the local lanes will potentially impact upon the tranquillity of the area, but without detail, am unable to quantify this.

4) There are elements of the proposed layout that are not sympathetic to the local landscape. A bund to a 3 metre height with steep side slopes is clearly artificial, and will be incongruous in character. Nor is there any indication of any landscape mitigation.

Looking at these issues, it appears that the proposal will be at variance with local character, and this point is given greater weight due to the location of the AD Plant within the setting of the HP&G, and thus there are grounds for a landscape objection. However, there is limited public perception of this proposal, and it would appear that there is scope to further reduce these views by landscape mitigation, which would balance the adverse character impact in-part. Similarly, there may be scope to modify the bund arrangement. Whilst I anticipate traffic impacts, these are not quantified. Consequently I would advise that if this proposal is to be considered acceptable from a landscape standpoint, further detail/modification is required;

- (a) Planting mitigation is incorporated into the scheme pre-determination, to limit views toward the site, with particular attention to the north and southeast sides of the plant;
- (b) The outer face of the bund is relaxed to enable planting, with land outside the plant remodelled to easier gradients, to allow substantive planting, and;
- (c) Traffic detail is confirmed to enable all parties to judge if they are acceptable.

If a satisfactory landscape and ground modelling scheme can be worked up and agreed, and traffic volumes are acceptable, than on balance we may get to a stage where there is no landscape objection to the proposal.

Second response:

In relation to the bund, this appears more sympathetic and I think is acceptable.

The area indicated for planting is fine as a basis for a detailed scheme, but I would also foresee the need for individual tree planting across the face of the bund, to the edge of the

concrete yard. If you're minded to approve, then please condition the requirement for a detailed planting proposal, to be submitted and approved pre-commencement - which can incorporate this additional planting.

Garden History Society

Under a new working arrangement Somerset Gardens Trust works closely with the Garden History Society (the statutory Consultee on Registered Parks and Gardens) to comment on planning applications affecting gardens and landscapes that are listed and unlisted heritage assets. Our comments on applications are forwarded to, and kept by, the Garden History Society.

Hinton Park is on the English Heritage Register of Historic Parks and Gardens (Grade II). A Park associated with Hinton House existed in the early C16 and was gradually extended so that by 1569 it was estimated to have a circumference of 4miles (6.5km). The Park is recorded at Hinton on both Saxton's map of Somerset (1575) and Speed's map (1610). Expansion continued into the mid C18 taking in much of the former south and west fields in the parish of Hinton, and land in the parish of Dinnington. Road diversions effected between 1766 and 1772 and the clearance of the hamlet of Croft allowed the park to achieve its present size. Ornamental planting in the park began as early as 1652 when cherry trees were purchased in London and continued until c 1817 when 'American' clumps were formed near the house. The present configuration of plantations within the park appears to date from the early C19 programme of improvement. (Quoted from the EH listing description).

The Somerset Heritage Centre holds as archive of Poulett Papers from one of which the following description of the views from the Hinton Park is taken. The Estate affords some exquisite Nature Pictures, and from any of the hills one looks upon some of the best land in England, land which is usefully occupied, and land yielding such pasture, root, and orchard crops as to make up in measure for the less profitable cereals.

The views then, from the Hinton entrance gate, the Castle Hill, the Lopen Hill, hills in the park, and up by Chillington Down present wide expanses, and in some instances panoramas even, of great natural beauty .This perfectly describes the setting that contributes to the significance of the Registered Park.

In the Planning Statement accompanying the application Point 1.2 Site Location states 'The Farm occupies a rural location predominantly surrounded by agricultural pasture and arable land interspersed with copses of trees and small rural settlements.'

Again reinforcing the wider setting and rural nature of the views from, and into, nearby Hinton Park.

Other contributors, including your own SSDC Landscape Architect, have remarked on the size of the Stockbridge Farm AD which would introduce an industrial development on the very edge of Hinton Park. During the winter months cover afforded by deciduous trees will be reduced and the current gentle nature of the agricultural land and farm will be changed.

While mindful of the Government support for renewable energy projects we would urge that NPPF 129 is given equal weight. 'Local planning authorities should identify and assess particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal'.

If you are mindful to approve the application we would ask that your Landscape Architect is closely consulted on any landscape mitigation to ensure there is minimal impact on the historical views from Hinton Park.

Environment Agency

No objections subject to conditions and informatives being included within the decision.

A condition is requested to include a waste management plan to demonstrate there is sufficient storage for the digestate, sufficient land available to spread on and how the cropping regime and nutrient requirements may affect this. It is considered that this has been discussed sufficiently during consideration of the application, however, further details are considered to be reasonable to be included as a planning condition.

A further condition to include details of the construction of the storage facilities is requested.

Second response:

The amended plans in relation to the re-profiled bund would be acceptable.

Environmental Protection Department

First response:

Such installations as proposed are subject to permitting under the Environmental Permitting (England and Wales) Regulations 2010.

Accordingly the standard rules permit that the site will have to operate under covers issues such as odour and noise and vibration.

It is generally regarded that the Environmental Permitting (England and Wales) Regulations 2010, is the primary legislation to control odours and noise.

That being the case I raise no objections to the application.

Subsequent comments:

Resulting noise at noise sensitive properties should be well below background noise levels in the area. For example in the centre of Yeovil background could be as high as 35dB. Distance attenuation alone will reduce levels down to about 25 dB at 300m from source.

The AD plant would be subject the Environmental Permitting (England and Wales) Regulations 2010. Section 3.3 and 3.4 cover odour and noise.

The findings of the noise assessment confirm my opinion on the issue of noise.

Climate Change Officer

This is a very sustainable renewable energy development of exactly the type the council should be supporting.

The plant will generate electricity equivalent to that consumed by 450 South Somerset households (as compared to the 223 dwellings in Hinton St George). It will provide local electrical base load to compliment the more intermittent generation from photovoltaics in the area and displace grid electricity that can see losses of up to 11% over the long distances from large central power stations.

From a carbon efficiency perspective, injection of gas to the grid is preferable because heat

from AD plant is often wasted. However, gas injection at the scale of this particular plant is relatively expensive and the DAS includes an explanation of how the heat will be made good use of.

I strongly support this application.

Drainage engineer:

I've looked at the drainage details submitted as in respect of the above and I'm happy that proper provision is being made to deal with this

Ecologist:

The site is principally arable and disturbed ground and therefore not particularly ecologically sensitive. I've noted the 'Extended Phase 1 Habitat Survey Report'. This didn't identify any particularly significant ecological issues. The most significant issue is the risk of pollution to the nearby stream. I believe the Environment Agency would normally comment and recommend conditions in this respect.

REPRESENTATIONS

Letters of objection have been received from owner/occupiers of 37 nearby dwellings and letters of support have been received from owner/occupiers of 2 nearby dwellings.

The following objections have been made:

Highways:

- The application will result in larger vehicle loads through Hinton St George and increases in most months of the year.
- Hinton St George is a conservation Area and inappropriate to accommodate additional traffic due to weight limit, lack of footpaths, potholes, muddy, liable to flooding, narrow width of road etc.
- The increase in size of trailers to 14 tonnes is unsuitable due to the above.
- The application will be detrimental to safety of drivers, pedestrians, cyclists, horse riders and children due to the above considerations.
- Restrictions should be placed on the routes vehicles can take to avoid Hinton St George.
- Planning permission was refused in 2006 for a concrete processing operation on the basis of the impact on the junction with the A30 and the 'substandard' nature of the access lane.

Amenity:

- Noise will be 24 hours. Noise levels should be evaluated further to include impacts at night.
- The need for 24 hour lighting will be detrimental to amenity.
- The environment Agency states that mitigation will be required to control potential odour issues.

Heritage and Landscape

- Detrimental impact on the Listed Park.
- Contrary to local landscape character.
- Detrimental to the nearby Conservation Area.
- The existing buildings are visible from a wide area so the proposed development would have a significant impact on the landscape.
- If granted, a landscaping condition should include a combination of trees and shrubs to

screen the development.

Other matters:

- Claims over the predicted gas yield produced by the manure is not plausible and therefore the highway impacts could be greater than claimed. The origin/accreditation of the lab test results and method of sampling is not stated.
- The area where the digester is to be sited has been raised with large quantities of hardcore. There is a chance of the site subsiding if developed.
- A revised scheme, smaller in scale may be acceptable.
- In the event that the existing farming activities at Higher Burrow Farm reduce, material will have to be brought into the site from elsewhere.
- There have not been sufficient supporting information such as an odour, noise and traffic management plans.
- The development is on an industrial rather than farming scale.
- Local residents have had insufficient opportunity to comment. There has been insufficient consultation.
- Potential to pollute the adjacent stream.
- Impact on wildlife from noise.
- If approved, there should be a condition to state that there shall not be another agricultural worker dwelling on site.

CONSIDERATIONS

Landscape and visual impact

Overall, subject to conditions in relation to landscaping and external finishes, the proposal is considered to be acceptable in relation to landscape impact and the impact on the setting of the nearby Listed Park.

The Historic Garden Society have commented that paragraph 129 of the NPPF is given equal weight to the governments support of renewable energy schemes. Paragraph 129 states:

"Local planning authorities should identify and assess particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal".

In addition to the above, paragraph 132 of the NPPF states (inter alia) 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. The more important the asset, the greater the weight should be".

Having regard to the above, great weight must be given to the impact on the Listed Park. The scale and siting of the proposal is such that the impact on the Listed Park would be relatively limited in terms of views from vantage points into and out of the Park. It is noted that the Councils Landscape officer raised initial concerns over the development being at variance with the local landscape character. The Landscape Officer further commented that there are limited public views of the site and that it has merit in this regard and that alterations to the bund and additional soft landscaping would mitigate the impact of the development to an acceptable degree.

Furthermore, the site is considered to be relatively well related to the existing farm buildings,

being located directly to the east of the adjoining agricultural building. The site is located approximately 90 metres from the boundary of the nearby Listed Park. However, given the distance involved and the siting of existing buildings between the site and the Listed Park, it is considered that the impact would be acceptable. The Landscape Officer has viewed the amended plans which show alterations to the bund and indicative locations for native tree planting and has commented that the landscape impact from the amended scheme would be acceptable.

Overall, subject to conditions, the landscape impact of the proposal is considered to be acceptable and would not harm the setting of the nearby Listed Park.

The application states that the external finishes for the digester tanks and stores would be juniper green. The Councils landscape Officer has commented informally that lighter shades would assimilate better into the landscape than the shades indicated on the proposed plans. Notwithstanding this, it is considered that this issue can be addressed through a planning condition.

Residential amenity

Noise

The Councils Principal Environmental Protection Officer (the EPO) has not objected to the scheme and has further commented that Anaerobic Digestion Plants of this scale are regulated by the Environment Agency via the Environmental Permitting (England and Wales) Regulations 2010. These regulations cover issues such as noise and odour. This scheme covers a range of issues and ensures best practice in relation to a range of processes and associated environmental impacts.

The application site would be located approximately 400 metres from the nearest noise sensitive properties. The most significant element of the scheme in relation to noise is the Combined Heat and Power Unit. This would generate a noise level of 75 dB(A). at 1 metre from the plant. This noise level is similar to that of a typical vacuum cleaner. The EPO has further commented that this level of noise would not be of concern given the function between noise dampening and distance. In addition to the above, the applicant has submitted a noise assessment which states that noise levels at the nearest residential properties would be approximately 20 dB(A). The EPO has provided additional comment on this report stating that it confirms his opinion and findings.

Concerns have also been raised over vehicle reversing 'beepers' and the impact of these on residential properties. It is considered that it would not be reasonable to condition control of these through a planning condition given the manure is already transported to the site and this proposal would result in a reduction in vehicular movements. However, it is recommended that an appropriate informative is included within the decision notice.

Having regard to the above, it is considered that the proposal is acceptable in relation to noise impacts.

Odour

The EPO has raised no objections in relation to odour and has commented in relation to the Environment Agency permit scheme. It should be noted that anaerobic digestion takes place in air tight containers and therefore odours cannot escape during digestion. In addition the resulting digestate is considerably less odorous than manure and slurry. Currently manure is transported and stored in heaps at Stockbridge Farm prior to spreading on the fields at the

surrounding holding, Furland Farm.

The digestate would be pumped through an umbilical cord into the adjoining agricultural holding at Furland Farm. Having regard to the nature of the digestion process, it is considered that this process would not result in a substantive increase in odour emissions over the existing situation and is therefore acceptable in this regard.

Regard should be given to the judgement of a Planning Inspector on this issue. In paragraph 17 of the decision notice reference 2188741 the inspector states:

"Crucially, odour control forms a part of the EA's regulatory responsibility. It is not something that is a material planning consideration unless the extent of regulation the EA can impose would not deliver a level of odour commensurate with the other surrounding land assume that things might go wrong, and adopt a precautionary stance on that basis. It must be accepted that when the plant and equipment are operating under normal conditions, they would reflect the manufacturer's instructions and, thus, operate efficiently. Any shortcomings would then be addressed by the Regulator, the EA".

Highways

The impact on the local highway network has been of significant concern to local residents. It should be noted that the manure that would feed the AD plant is currently transported from the nearby holding, Higher Burrow Farm to Stockbridge Farm and the application states that this situation would continue regardless of the outcome of this planning application. The proposed AD plant would utilise the manure that the currently produced and transported to Stockbridge Farm.

The Highway Authority have been consulted on the application and initially commented that they had no observations to make. A written response was subsequently requested by the Council and the Highway Authority commented that due to the reduction in movements there would be no grounds for objecting to the proposal.

During consideration of the proposal, it has been drawn to the applicants attention that the vehicle routing options include roads that are subject to a 7 tonne weight restriction. The applicant has subsequently submitted amended vehicle routing options that include a short stretch of the A30. Concerns have been raised over the use of the A30 for tractors and trailers and over the increase in weight of vehicles. Whilst the Highway Authority have not raised this as a concern, further comment has been requested from the Highway Authority in relation to these specific issues and committee members will be updated with these comments at the committee meeting.

Documents submitted with the planning application indicate that existing manure, silage and straw loads from Higher Burrow to Stockbridge Farm total 368 movements per annum and with the addition of straw movements there are currently a total of 389 movements to service Stockbridge Farm. These are spread throughout the year with activity taking place every three months consisting of 92 loads during each active month.

The first impact of the development would be a reconfiguration of existing vehicular movements from concentrated periods every three months to a lower continuous level of movements to ensure a continuous supply for the AD plant. The resulting monthly level would be 15 loads a month. This would represent a substantial reduction from the existing 92 loads that take place during the active months.

Secondly, there would be a reduction in overall numbers over the year as the applicant

proposes to use larger trailers to transport manure, increasing the payload of trailers from 7 tonnes to 14 tonnes. Furthermore, there would be a reduction in straw bedding imports to the holdings as the solid digestate would be used as cattle bedding. Overall, the application submissions predict 160 vehicular movements per annum (assuming that larger trailers are used) to service the digester. This is a reduction in number over the existing situation.

Concern has been raised over the possibility of the feedstock generated by the two holdings not being sufficient to service the digester. The applicant has commissioned laboratory tests which demonstrate that the manure produces a higher amount of energy from methane (CH₄) compared to typical manure. The implication of this is that the weight of manure required to feed the digester would be lower than for average manure. In the event that the manure does not continue to be so rich, greater amounts will be required, thereby generating additional vehicular movements. The applicant has provided an explanation as to the content of the manure. The cattle are grown for veal and therefore they are fed a rich diet with average dry matter content at between 60 and 86%. The industry standard is to feed a moist mix as more silage is used averaging 40-45% DM. The resulting higher organic content of the manure results in greater amount of energy from methane. As such the overall vehicular movements to service the digester (13 a month) are considered to be very low. Notwithstanding this, it is considered in the event that the predicted number of vehicular movements is inaccurate, a higher number of vehicular movements would result, (for example 480 movements a year or 40 a month) it is considered unlikely that the impact could be judged as being severe. Further clarification has been requested in relation to the threshold for acceptable movements along the access road. Committee members will be updated with these comments at the committee meeting.

It should be noted that planning permission was refused in 2006 under reference 06/00784/COU for the development of a ready mix concrete plant, located at Oakland Farm. The plant would have resulted in 7 heavy vehicle movements a day and was refused due to the 'substandard' nature of the junction with the A30 at Liddon Hill and the lane from the junction to the site.

The proposed lorry movements within the 2006 scheme are considered to be significantly greater (7 a day) as opposed to the current predicted movements of 3 a week.

In relation to the weight of vehicles, the proposed access road from the A30 is not subject to a weight restriction and the Highway Authority have not raised this as a concern.

Concerns have been raised over safety issues in relation to the size of vehicles and issues such as the lack of forward visibility and width of the access roads. In countryside locations such as this, it is widely accepted that agricultural enterprises have to use large vehicles for a variety of reasons. Furthermore, alterations could be made to the existing agricultural activities at Stockbridge without planning control that would result in significant increases in heavy vehicle movements.

Overall for the reasons outlined above, the proposal is considered to be acceptable in relation to highway impact.

Loss of productive agricultural land

The proposal would result in a total loss of productive land of approximately 0.5 hectares. The Provisional Agricultural Land Classification map provided by Natural England indicates that the site is located within Grade 1 and Grade 2 Land. Grade 1 and Grade 2 are the two highest grades, being classified as Excellent and very good respectively.

Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile land and where development is necessary, poorer quality should be used in preference to higher quality.

In this instance, the loss of high quality land is acknowledged but is considered to be acceptable. The area to be lost would be relatively modest in relation to the overall area. In addition the proposed development is ancillary to the existing farming operations and would support the agricultural business economically and would contribute to the productive agricultural use of the land by way of production of fertiliser and animal bedding. Furthermore, the development would make a contribution to renewable energy provision and the Councils emerging policy on tackling climate change. As such the benefits of the proposal are considered to outweigh the loss of this section of the agricultural field and would therefore accord with Saved Policy EC1 and the relevant sections of the NPPF.

Ecology

Paragraph 109 of the NPPF state (inter alia) that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible"

An extended phase 1 habitat survey has been submitted with the application which consists of an assessment of the site following a field survey in June 2014 in relation to protected species. The report concludes that there is no evidence of protected species being present within the application site. The report identifies that the most significant ecological impact would be on the adjacent stream to the north of the site. The report identifies mitigation measures to limit the impact on ecology including pollution prevention measures, care over placement of external lighting and best practice in relation to impacts on badgers during construction.

In relation to enhancements to biodiversity, the report suggests suitable tree species for inclusion within the landscaping scheme, bird nesting boxes and creation of a species rich grassland. The Councils ecologist agrees with the findings and recommendations of this report. It is considered that suitable ecological enhancements can be incorporated into the soft landscaping scheme in order to mitigate the impact of the development.

Appeal decision

Appeal decisions by Planning Inspectors for schemes under similar circumstances are a material consideration that must be given substantial weight in the determination of planning applications.

Reference has been made by objectors to this scheme of a decision by Mid Devon District Council in relation to refuse planning permission for a 200kw AD plant at Nomansland near Tiverton. Reference is made to this decision with a view to justifying refusal of this application.

The application subsequently was considered at appeal under reference 2211282 whereby the Inspector granted permission for the scheme with costs awarded in favour of the applicant.

Environmental Impact Assessment

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. The proposed development is considered to fall within Schedule 2 (3a) and (11b). However, The site area, including landscaping and

associated development in relation to the connection with the electricity grid and the adjoining irrigation system would exceed 0.5 hectares and as such, a screening opinion has been undertaken to determine whether an EIA is required.

It was determined that the potential effects of the proposed development were not so significant as to require an Environmental Impact Assessment.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not applicable to this application.

CONCLUSION

Paragraph 98 of the NPPF states that Local Planning Authorities should approve applications for renewable energy where the impacts are (or can be made) acceptable. None of the specialist consultees have objected to the application and a package of planning conditions is recommended to mitigate the impact of the development and to ensure that the impacts of the development are acceptable.

RECOMMENDATION

Grant Permission subject to receipt of no substantive additional comments or objections from the Highway Authority being received.

01. The proposed development will satisfactorily respect the character and appearance of the area, will preserve the setting of the nearby Listed Park, will provide a needed and efficient means of dealing with farm waste, will contribute to renewable energy supply and will not have an adverse impact on residential amenity or highway safety in accordance with Saved Policies ST3, ST5, ST6, EH8, EC2, EC3, EP 2, EP3, EP4, EP7, EP9 and ME5 of the adopted South Somerset Local Plan and Chapters 3, 10, 11 and 12 of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The feedstock to serve the anaerobic digester hereby approved shall be limited to manure and farm waste associated with Stockbridge Farm as identified on unnumbered site location plan date stamped 30th June 2014 and from Higher Burrow Farm as identified on document titled 'Appendix 2 Higher Burrow Buildings Plan' date stamped 13th August 2014.

Reason: In the interests of general amenity and to preserve the setting of the Listed Park to accord with Saved Policies ST6 and EH8 of the adopted South Somerset Local Plan.

03. The development hereby permitted shall not be commenced until samples of all of the materials, colour and finish to be used for external surfaces of the digestion and storage tanks and have been submitted to and approved in writing by the Local

Planning Authority. Once agreed, no alterations or changes shall be made to the buildings without the written consent of the Local Planning Authority.

Reason: In the in interests of visual amenity and to preserve the setting of the Listed Park to accord with saved Policies ST6 and EH8 of the adopted South Somerset Local Plan.

04. The development hereby approved shall not be commenced until details of the surfacing materials for all hardstanding and access tracks have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and in the interests of visual amenity and to preserve the setting of the Listed Park in accordance with Saved Policies ST6 and EH8 of the adopted South Somerset Local Plan.

05. The anaerobic digester hereby approved shall not be brought into its intended use until the digestate pipeline has been implemented and is operational in accordance with details that have been submitted and approved in writing by the Local Planning Authority. The pipeline shall be retained and operated as such thereafter and it shall be the only means by which the digestate is transported to fields for spreading.

Reason: In the in interests of general amenity and to preserve the setting of the Listed Park to accord with saved Policies ST6 and EH8 of the adopted South Somerset Local Plan.

06. The anaerobic digester hereby approved shall not be brought into its intended use until the digestate pipeline has been implemented and is operational in accordance with details that have been submitted and approved in writing by the Local Planning Authority. The pipeline shall be retained and operated as such thereafter and it shall be the only means by which the digestate is transported to fields for spreading.

Reason: In the in interests of general amenity and to preserve the setting of the Listed Park to accord with saved Policies ST6 and EH8 of the adopted South Somerset Local Plan.

07. The development hereby approved shall not be commenced until details of underground and over ground development to connect the development to the electricity grid have been submitted to and approved by the Local Planning Authority.

Reason: In the in interests of general amenity and to preserve the setting of the Listed Park to accord with saved Policies ST6 and EH8 of the adopted South Somerset Local Plan.

08. Within 3 months of the cessation of the use of the development hereby approved, a scheme for removal of all buildings, structures, hard standings, plant and machinery, roadways, fencing or other structures in association with the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of the restoration and a timetable for completion. The scheme shall be fully implemented within 3 months of the date of approval.

Reason: To safeguard the amenities and character of the area in accordance with Saved Policies EC3 and ST6 of the adopted South Somerset Local Plan.

09. No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, routing for construction vehicles, parking for construction and contractors vehicles, expected number of construction vehicles per day and a scheme to reduce the number of construction and associated vehicles traveling to the site has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To safeguard highway safety and general amenity in accordance with in accordance with Saved Policies EP6, ST5 and ST6 of the adopted South Somerset Local Plan.

10. No external lighting shall be erected on the application site unless details including size, design, location and degree of luminance have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities and character of the area and to preserve the setting of the Listed Park in accordance with Saved Policies ST6, EC3 , EP3 and EH8 of the adopted South Somerset Local Plan.

11. No development shall commence unless a surface water drainage scheme for the site (to accord with SuDS requirements where necessary), based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Saved Policies ST5 and EP9 of the adopted South Somerset Local Plan and guidance in the NPPF.

12. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping, including a scheme for the provision of biodiversity enhancements. The landscaping scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities and character of the area and in accordance with Saved Policies EC3 and ST6 of the adopted South Somerset Local Plan.

13. Within 3 months of the cessation of the use of the development hereby approved, a scheme for the removal of all buildings, structures, hard-standings, plant and

machinery, roadways, fencing or other structures and equipment brought onto or erected on the land for the purposes of the development shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of restoration and a timescale for completion. The scheme shall be fully implemented within 3 months of the date of approval.

Reason: To safeguard the amenities and character of the area and in accordance with Saved Policies EC3 and ST6 of the adopted South Somerset Local Plan.

14. The development hereby approved shall not be commenced unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, pollution prevention measures (to include details of the construction of the storage tanks), hours of construction, routing for construction vehicles, parking for construction and contractors vehicles. The development shall thereafter be carried out in strict accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard highway safety and rural amenity in accordance with Saved Policies EP6, ST5 and ST6 of the adopted South Somerset Local Plan.

15. The development hereby approved shall not be commenced unless a farm waste management plan to include details of the storage capacity for digestate in relation to the area for spreading of the digestate and details of how the cropping regime and nutrient requirements may affect this.

Reason: To safeguard the amenities and character of the area and highway safety in accordance with Saved Policies EC3, ST5 and ST6 of the adopted South Somerset Local Plan.

Informatives:

01. The following informatives have been provided by the Environment Agency: This activity will require a Permit under the Environmental Permitting Regulations 2010. The Environment Agency is required to consider all forms of pollution when issuing an environmental Permit. Odour can be classed as pollution if it causes offences to man's senses. If a permit is issued for this site, it will require the operator to take all appropriate measures to prevent or minimise the emission of offensive odours from the activity. However, this does not mean that there will be no odour from these activities.

02. The proposal is to separate and dry the fibre element of the digestate and use it as animal bedding. The applicant is advised that the current situation is that this cannot be done without seeking an End of Waste Submission for the digestate fibre. The applicant is further advised to contact the Environment Agency to discuss this requirement further. If the applicant wishes to discuss their future proposal then they should contact Dan Aplin in our Environment Management Team on 01278 484617.

03. All new, substantially enlarged or re-constructed slurry lagoons must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. To comply, it has to be built in accordance with British Standards set out in CIRIA (Construction Industry Research and Information Association) Report 126. The applicant is advised to contact our local Environment Management team on 01278 484617 for further guidance.

04. The applicant is advised of the requirement to notify the Environment Agency in writing at least 14 days before construction. The appropriate forms are available at: <http://publications.environment-agency.gov.uk/pdf/GEHO0810BSXI-e-e.pdf> The Environment Agency will then be able to determine whether an inspection or any modifications to the construction plans might be required. This does not necessarily need to be covered as part of the planning process, but neither will it be considered as part of the permit application. We therefore recommend that the applicant demonstrate how they will ensure compliance with the SSAFO regulations at an early stage. Aspects such as 'will the silage effluent be directed into the AD plant' can be discussed.

Should any of the material for the construction of the proposed bund be imported then a permit or exemption will be required. If earth embankments are proposed to surround the slurry facilities then the material used will need to be suitably tested and agree with the Environment Agency to ensure that it is fit for the purpose of containing.

05. 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
- 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.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

In accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the applicant requires more specific guidance it is available on the Environment Agency website: www.environment-agency.gov.uk/subjects/waste/.

06. The applicant is advised that the amenities of nearby occupiers should be considered in relation to the use of vehicle reversing alarms.

Agenda Item 14

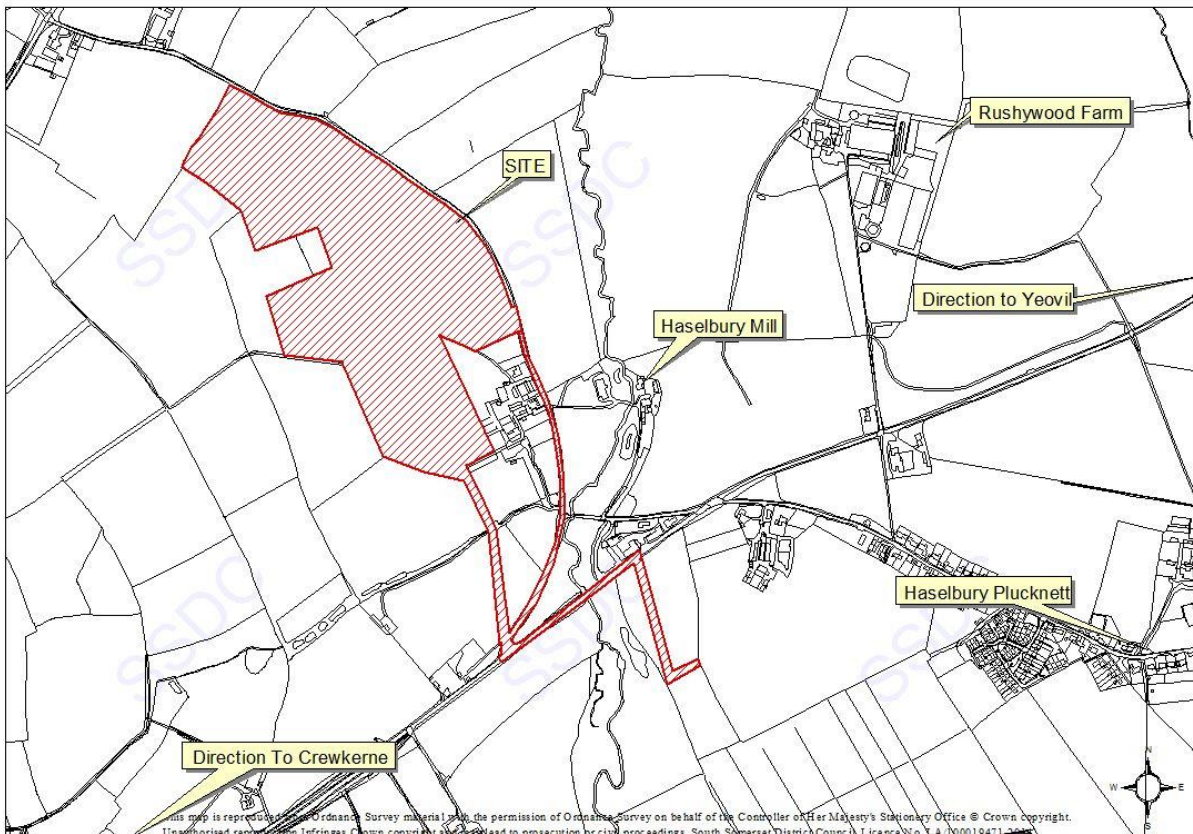
Officer Report On Planning Application: 14/03128/FUL

Proposal :	Installation of a 10.80MWp solar farm and associated infrastructure (GR 345439/111331)
Site Address:	Land OS 4734 Adjacent Lower Severalls Farm Lower Severalls Farm Road Crewkerne
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	14th October 2014
Applicant :	Sigma Solar Ltd
Agent: (no agent if blank)	Mrs Joanne Hawksworth 1 Blenheim Court Beaufort Office Park Woodlands Bradley Stoke Bristol BS32 4NE
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The size of the proposed development is such that under the Scheme of Delegation the application must be determined by Committee.

SITE DESCRIPTION AND PROPOSAL



This application is seeking planning permission to erect a 10.8MWp solar farm on a 21.83 hectare site to generate electricity to feed into the national grid over a 30 year period, after which time the infrastructure will be removed and the land restored. The main application site lies 1km north-east of Crewkerne, 1km south-east of Merriott and 1km west of Haselbury Plucknett along Lower Severalls Farm Road, a small part of the site includes a strip of land to the south of the A30 to provide the electrical connection to the grid. There are residential properties to the north-west and south of the site, with the southern site containing a listed farmhouse. Further to the south is the Grade 11* listed Haselbury Bridge which is also a scheduled ancient monument.

The scheme seeks to erect photovoltaic panels to be mounted on metal posts driven into the ground with a maximum overall height of 2.5m, orientated to face south and arranged into rows aligned in a west to east direction. The ground beneath will be left to grass over to allow the land to be grazed. Other associated infrastructure includes inverters and transformers, a substation, security fencing, security cameras and access track.

The application site covers agricultural fields (predominantly grade 3b with some grade 3a and 4), 21.83 hectares in area and is in an isolated open countryside location remote from any defined development areas with access currently derived via an existing farm access from Lower Severalls Farm Road. The site slopes gently from the western boundary to the eastern boundary. The site is not crossed or directly bounded by public footpaths but there are two in the immediate vicinity to the north-east (River Parrett Trail/Monarchs Way) and south west. The application does propose a permissive footpath to the immediate north-west of the site to link the two footpaths with a new native hedgerow to screen the path from the installation.

This application is supported by the following documents:

- Design and Access Statement
- Planning and Sustainability Statement
- Landscape and Visual Assessment
- Ecological Appraisal
- Flood Risk Assessment
- Agricultural Land Classification Report
- Transport Statement
- Construction Traffic Management Plan
- Statement of Community Involvement
- Heritage Desk-Based Assessment

RELEVANT HISTORY

14/00622/EIASS: Environmental Impact Assessment (EIA) screening request in relation to a proposed solar farm. EIA not required.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant development plan primarily comprises the saved policies of the adopted South Somerset Local Plan (2006). However, the emerging Local Plan which will replace the

adopted Local Plan is in an advanced stage of adoption. The proposed 'Submission South Somerset Local Plan (2006 - 2028)' was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter to the Council outlining some issues of concern. The Examination resumed in June 2014 following additional work being undertaken by the Council to address the Inspector's concerns. It is anticipated that the emerging Local Plan will be ready for adoption early in 2015. Having regard to the advanced stage in the adoption of the emerging Local Plan, emerging policies can be afforded some weight in determining the application.

Saved Policies of the Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC1 - Protecting the Best Agricultural Land

EC3 - Landscape Character

EC8 - Protected Species

EH1 - Development Proposals Affecting the Setting of Listed Buildings

Policies of Submission South Somerset Local Plan (2006 - 2028)

EQ1 - Addressing Climate Change in South Somerset

EQ2 - Design

EQ3 - Biodiversity

International and European Policy Context

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12.

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C.

The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

National Policy Context

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should

be generated from renewable sources.

The 2003 Energy White Paper provides a target of generating 40% of national electricity from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge, for example by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables local planning authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

UK Solar Strategy Part 2: Delivering a Brighter Future (April 2014)

Sets out advice in relation to large scale ground-mounted solar PV farms and suggests that LPAs will need to consider:-

- encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural economy

Part 7 - Requiring good design

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

The NPPF outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

The NPPF further advises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In determining applications, the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It is considered that the main thrust of the NPPF is to positively support sustainable development, and there is positive encouragement for renewable energy projects. However the NPPF reiterates the importance of protecting important landscapes, especially Areas of Outstanding Natural Beauty, as well as heritage and ecology assets.

Other Material Considerations

South Somerset Sustainable Community Strategy:

Goal 1 - Safe and Inclusive

Goal 3 - Healthy Environments

Goal 4 - Quality Public Services

Goal 5 - High Performance Local Economy

Goal 7 - Distinctiveness
Goal 8 - Quality Development
Goal 10 - Energy
Goal 11 - Environment

South Somerset Carbon Reduction and Climate Change Adaption Strategy 2010- 2014

CONSULTATIONS

Merriott Parish Council: (majority of site is within this parish):

Initial response

'IN ADVANCE OF A DECISION the Parish Council wish to have information on and agree the appropriate level of community benefit funding that is being offered with this development.

The road floods badly following significant rain fall. Reassurance that this has been identified and that the builders will improve drainage of this area is required.

In principle APPROVAL IS RECOMMENDED.'

In a further comment they note:

'..the contractor will need to be made aware that Lopen is a restricted weight road and access needs to be via the A356.'

Haselbury Plucknett Parish Council: (small part of site is within their parish):

1. Concern over increased traffic on what is already a busy 'rat run'
2. Closeness and expanse of road frontage of the development
3. Concern over lack of screening
4. Loss of agricultural land
5. The large scale of the development looks markedly out of character with the surrounding landscape. There are contradictory statements in the application about how visible the development will be but it looks as though it will be widely visible to the surrounding area and have a detrimental impact to the natural environment
6. If the application was to succeed how accessible would grants be for local projects as stated in the Design Statement
7. As stated in the Design Statement they will be improving the public rights of way in the area, in which case we would hope if the application is successful a condition would be made that the permissive path under the A30 is re-opened to provide a safer route for walkers.'

County Highway Authority:

Comments not yet received verbal update to be given.

Landscape Officer:

'I have read through the material submitted in support of the above application, which seeks consent for a 10.8MW solar array on farmland to the northwest of Lower Severalls Farm, and to the west side of the Merriott - Haselbury Plucknett road. I am familiar with the site and its wider landscape context.

National planning policy supports the development of renewable energy projects, providing there is no unacceptable adverse impact upon the landscape. Additionally, recent appeal

decisions relating to PV array within the district have placed an emphasis upon containment of the visual profile of solar sites, where positively determining the appeals. Consequently I consider the prime landscape concerns to be;

- 1) the impact upon landscape character, particularly relative to the scale and pattern of the local landscape;
- 2) the potential visibility of the proposal, especially as viewed from sensitive receptors;
- 3) the potential for cumulative impacts to arise, and;
- 4) achieving a site layout and design that is landscape-sympathetic.

The application includes a detailed landscape and visual impact assessment (LVIA) which considers the extent of likely impacts upon the landscape context that may arise from the installation of this proposal. Looking at the proposal before us, with that evaluation to hand, I would comment;

(1) The application site lays over gently falling ground to the west side of the Parrett valley, immediately northwest of Lower Severalls Farm, and is proposed to extend across 4.5 arable fields that are typical of the mid-scale and open-ness of the fields that fold over the eastward falling hillsides between Furrington Hill at the edge of Crewkerne to the west, and the river valley. The fields are typically defined by low-managed hedgerows that have a broad correspondence to the NW-SE axis of the Merriott-Haselbury road, but are also bounded to the south by poplar belts. The hedgerows offer a degree of enclosure, and this is noted by the L&VIA as usefully providing screening of the site from the south.

It is apparent that the proposal disrupts neither the fabric nor the pattern of the landscape, and landscape components within and defining the site - primarily the hedgerows - will remain in evidence, albeit subject to a form of management that perpetuates a robust hedge profile. Also to advantage is a degree of correspondence of the array arrangement with the general uniformity of the immediate field pattern; and the gentle fall of the topography, which enables the array to be contained within the field pattern and its wider landscape context. I also note that an array is a passive element in the landscape, generating neither sound nor movement. I view these elements of the proposal as positive.

Conversely, it is acknowledged that PV panel forms within security fencing can be viewed as being 'industrial' in character. Such character is at variance with this landscape setting, which has a clear sense of rural character as expressed by the pattern and strength of the hedgerow network; its enclosed farmland; and a low-level of development presence. Development features that are found within the locality are of agricultural scale, hence there is some incongruity of scale when considered alongside this 21.83ha proposal. Additionally, within the (west edge) field where partial development is intended, the array arrangement does not follow field boundaries, but is set-back into two corners (presumably to avoid a badger sett) which due to the reduced scale, relates poorly to the wider field pattern.

(2) Turning to visual impact, a zone of visual influence (ZVI) is offered, which confirms that whilst there are potential for long views toward the site, the prime viewpoints are primarily restricted to either side of the stretch of the valley within which the array is sited. The LVIA offers a visual appraisal utilising 10 representative vantage points (appendix 2) with the visual impact upon each receptor evaluated paras 5.6 - 5.48. It identifies receptors corresponding to two local footpaths, and two regional trails to be high sensitivity, but suggests that mitigation in the form of hedgerow consolidation, and hedge management, will reduce the initial visual effects of the array. With such mitigation in place, then the LVIA states that the array can be accommodated within the landscape without harm.

I have reviewed the visual assessment, with which I partly concur. The location of the array is

well selected, to restrain its visual profile, and I would agree that the pertinent visual receptors in this case lay in close proximity. However, I place a higher emphasis of sensitivity upon the regional trails than the local footpaths, particularly that stretch of the Monarchs Way between Haselbury Mill and Rushy Wood Farm, which has overview of the site, and from which the array will be a major element of the close landscape, not dominant, yet drawing the eye due to its incongruous forms, presenting sideways-on as well as facial views. The set-backs in the arrays configuration (west-edge field) noted above will also be more apparent, as it projects into open land without bounding containment, and this too will draw the eye. Thus I view the visual effects from this viewpoint only, as greater than evaluated by the LVIA. I agree that landscape mitigation can assist in reducing visual impact, and overall has the capacity to fulfil an ameliorating role, though I consider a more robust scheme is necessary to deal with the prospect from the Monarchs Way.

In relation to listed buildings and structures, I consider it is only the setting of Lower Severalls Farmhouse that is affected, and this to a minor-moderate extent - the setting of the farmhouse is characterised by open space to its front (southeast) and farm buildings to the rear (northwest) which intervene between the site and the farmhouse, and also establish development form as part of its backdrop. The scale of the array is incongruous, but given the separation and placement of the array relative to the farmhouse, I do not consider the impact upon its setting to be unduly adverse.

(3) This proposed array lays to the north of a recently constructed PV installation at North Perrott, with approx. 1.35km distance between them. This gives the potential for a cumulative impact to arise. The general context of both sites is the Parrett vale, a broad area that is divided up by rolling topography and tree belts and woodlands. Within this context, both PV installations will only have significance in their immediate vicinity, and it is noted that there are no locations that will perceive the two sites from the same vantage point, nor within the same sightline. Consequently, the cumulative impact is not deemed to be adverse.

(4) Turning to site detail, I note that the array will stand up to a maximum of 2.5 metres above ground level. It appears that no site levelling works are intended, and PV mounting is likely to be a table-post system with its toes driven into the ground without need for concrete. A 2 metre tall fence of reinforced wire mesh on slim metal poles, along with CCTV cameras on 3.5m uprights (but no lighting) provide site security. Inverter structures are located within the array layout, and the field surface will be seeded as grassland. Providing material tones are appropriately dull/dark, I view these details as positive factors toward ensuring the PV installation can be accommodated without undue site impact.

Looking at the application overall, whilst the location selected is only tenuously related to existing development form, and projects some incongruity of character within this agricultural landscape, I would acknowledge that the scale of the proposal has the potential to be accommodated within the context of the fields without undue impact, and the site's visual profile is low in most part. There are some concerns over the prospect of the array from the adjacent stretch of the Monarchs Way, this can be countered in part by raising both boundary and internal hedge heights (by lifting the flail) and additional planting in the vicinity of the marl pit (western field) such that the visually exposed edge is played down by landscape mitigation. Mindful that national government guidance is heavily weighted in favour of renewables, and that LPAs are urged to approve renewable energy schemes providing impacts can be made acceptable, then whilst there are both landscape and visual impacts arising from this proposal, providing the further landscape mitigation is provided, then I do not consider the impacts as sufficiently adverse to generate an over-riding landscape objection to the proposal.

From a landscape standpoint the following information is still required;

- (a) A revised landscape proposal, which includes planting mitigation within the west (marl pit) field;
- (b) Grid connection detail, which to be satisfactory, should be confirmed to be local and underground;
- (c) Confirmation of the panel support system, and;
- (d) The finished details of CCTV installations - to be matt, and of subdued tone.

If you are minded to approve the application, could you please condition;

- 1) A detailed landscape mitigation plan to be submitted pre-commencement, based upon the revised landscape proposal noted in (a) above;
- 2) A landscape and ecology management plan for the whole of the site;
- 3) The detailed planting scheme to be implemented in the forthcoming planting season, November 2014 - mid March 2015, and;
- 4) A site restoration proposal to be submitted for approval, detailing the works necessary to revert the site to open agricultural land on completion of the lifetime of the array, along with the retention of the new landscape features arising from this application.'

(Officer note: Amended landscaping plans have been received and the Landscape Officer has confirmed that he is happy with the details.)

Natural England:

Raised no objection and have referred to their standing advice and Technical Information Note with regard to Solar Parks. In terms of the agricultural land classification, they note that the proposal has the potential to impact upon a significant amount of 'best and most versatile' agricultural land. However, they note that the proposals would not lead to the long term loss of such land and the panels will not cause significant disturbance to the soil and could be removed when planning permission expires with no likely loss of agricultural land quality.

Ecologist (SSDC):

Notes the Ecological Appraisal and broadly agrees with its comments; recommends a number of conditions/informatives.

RSPB:

Advised that RSPB is satisfied that the proposal will not damage existing important biodiversity but are concerned about some aspects of proposals for habitats and their on-site management. (They have made a number of recommendations that have been passed to the agent).

Archaeology:

Advise that the determination of the application should be delayed until the results of the geophysical survey are received. (Results of the survey are awaited and it is understood that the plans will be amended to deal with this issue - a verbal update will be given).

Environmental Protection:

No observations.

Environment Agency:

No objection but recommends imposition of informatives.

Conservation Officer:

Request that we influence the route of vehicles with regard to the listed and scheduled road bridge which is easily damaged.

English Heritage:

The application will not present 'substantial harm' to designated assets forming part of the historic environment and they do not wish to raise any objection. Note that the site has been assessed as potentially including archaeological deposits and anticipate that applicants will be engaging with the SCC Historic Environment Service.

Climate Change Officer:

Notes that the proposal will generate electricity equivalent to that used by 2300 households. Considers that the proposal is a well-designed installation and has no objections to the application.

NATS:

No safeguarding objection.

MOD:

No safeguarding objections.

Area Engineer:

'Solar farms tend not to have much in the way of impact on surface water run-off from the site as rain falling on the panels gets dispersed on the ground underneath the next panel. This situation is pointed out in the Flood Risk Assessment accompanying the application. There can be an issue sometimes if existing ground conditions are not very conducive to infiltration and in such circumstances additional measures to assist infiltration can be required. The FRA also acknowledges this aspect and sets out the use of French drains and/or swales to alleviate any increase in run-off. I am happy with this proposal but we should require drainage details to be submitted for approval.'

REPRESENTATIONS

One letter of representation has been received making the following comments:-

- surely a solar farm is better suited on a south facing slope
- question if this is the same landowner that closed the permissive path on the Parrett Trail under the A30.

One letter of objection has been received making the following comments:

- The Design and Access Statement ignores the visual impact from the dwellings to the west; there will be a significant impact as the land slopes to the south. Would like to see increased hedge height to mitigate this visual impact.
- There is little in the proposal to deal with the drainage along the road and prevent flooding - the road was closed for over a week due to flooding in 2013/2014.
- The road is an important link between Merriott and the A30 and can be very busy -

concerned that construction traffic will caused significant delays to commuters and incur damage to the road.

- Question if a bat survey has been conducted as bats are seen frequently in the locality.

CONSIDERATIONS

This application is seeking planning permission to erect a 10.8MW solar farm on a 21.83 hectare site comprising agricultural fields in the open countryside, remote from any development areas. The solar farm comprises the erection of solar arrays (arranged in rows from west to east and orientated to face south), inverter housing, transformer, communications and switchgear buildings, security fencing, security cameras (infrared motion sensor) and access track. The development is sought for a 30 year period, after which time the infrastructure will be removed and the land restored.

The main considerations for this application are considered to relate to the principle of the development, landscape character and visual amenity, impact on ecology, residential amenity of nearby residential properties, impact on archaeology, listed buildings, flooding and drainage and highway safety.

Principle:

Part 10 of the National Planning Policy Framework (NPPF) states that local authorities should "have a positive strategy to promote energy for renewable and low carbon sources" and "design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts". Additional supplementary guidance National Planning Practice Guidance (NPPG), published in March, accompanies the NPPF and is referred to in the policy section above.

Whilst the land is greenfield and includes grade 3a agricultural land, it is not considered that the proposed development would result in the loss of such best and most valuable (BMV) agricultural land that a refusal on this issue alone would be justified especially given the 'temporary' nature of the development. In this respect it is suggested that any permission could be subject to a temporary permission after which the land would revert to agriculture. A planning condition restricting the development to 30 years is considered to be reasonable and conditions can also be imposed to require appropriate restoration and continued agricultural use of the land. In any event, the array could be removed before then should the landowner wish to revert to agriculture or use of the array to generate electricity cease.

The applicant has confirmed that during the operating lifetime of the solar farm the site will be available for grazing and it is acknowledged that the scheme incorporates additional landscape planting and biodiversity enhancements. In this regard the development is considered to comply with the aims and objects of the NPPF and its accompanying practice guidance and to be acceptable in principle.

Landscape character and visual amenity:

The Landscape Architect has carried out a thorough assessment of the proposal and assessed the submitted Landscape and Visual Impact Assessment (as detailed above) and, in his view, with the proposed landscape mitigation the proposal will not result in such a significant adverse impact as to justify a refusal on landscape grounds. The Landscape Officer notes that the application site lays over gently falling ground and that the array will extend across 4½ fields that are typical of the mid-scale and openness of the fields within this vicinity. He confirms that the hedgerows on the site offer a degree of enclosure and the Landscape and Visual Impact

Assessment notes that they provide screening from the south of the site. The Landscape Officer considers that the proposal does not disrupt the fabric or the pattern of the landscape and the hedgerows will remain in evidence. Whilst noting that the predominant character of the array can be viewed as industrial in nature and therefore at variance with the rural context, he acknowledges that the scale of the proposal has the potential to be accommodated within the context of the fields without undue impact and the site's visual profile is, in the most part, low. The Landscape Officer concludes that, in light of the policy support for renewable energy and that Local Planning Authorities are urged to approve such schemes where impacts can be made acceptable, provided appropriate landscape mitigation is required he does not consider the impacts of the proposals as sufficiently adverse to generate an over-riding landscape objection.

Therefore, subject to the imposition of conditions to secure appropriate landscape proposals and secure restoration of the site the proposal is not considered to raise any substantive landscape or visual amenity concerns.

Residential amenity:

The residential properties to the north-west of the site are 250m from the site of the panels with hedgerows to provide screening. As such, it is not considered that the proposal will be unduly intrusive to their visual amenity. As noted by the Landscape Officer, the hedgerow can be increased through the lifting of the flail during hedge cutting and this will allow for enhanced screening (such a requirement can be included within the landscaping proposals). Given the relatively low profile of the proposed development and its inanimate nature it is not anticipated that the proposal will cause any demonstrable harm to these residents.

In terms of the group of properties to the south of the site (which includes the grade II listed farmhouse), apart from the modern farmhouse (owned by the applicant), these are considered to be well screened by the large agricultural buildings that are situated to the west of the site. The remaining houses are therefore well enclosed by existing development and it is considered unlikely that there would be any demonstrable harm to residents of these properties.

Setting of Listed Buildings:

As mentioned above, the listed farmhouse is situated within the main farm holding and as such is protected by the existing large agricultural buildings within the yard. The garden to the farmhouse will be protected by existing mature hedgerows and trees. As such, it is not considered that the proposal will have any adverse impact upon the setting of the listed house. This view is supported by English Heritage.

In terms of the listed bridge to the south-east of the site this is considered to be sufficiently distance from the installation as to remain unaffected by the proposal. In terms of the protection from construction traffic, the Construction Traffic Management Plan requires all construction traffic to use the larger access onto the A30 and not the smaller access over the bridge.

Access and highway safety:

At the time of writing the report there has been no response from the County Highway Authority.

Access to the site will be via an existing farm access leading from Lower Severalls Road to the north. This is a modern access that has been created in accordance with highways

requirements with regard to visibility and materials. During the construction phase of the development it is anticipated that there will be significant levels of construction traffic accessing the site however once the site is operational traffic levels will be very limited and are unlikely to be any greater than that for the on-going agricultural use of the land. The Construction Traffic Management Plan confirms that construction traffic will access the site from the A30 and will not use the smaller road over the listed bridge. On this basis the proposal is not considered to raise any substantive highway safety concerns.

Ecology:

The Ecologist has assessed the Ecological Appraisal that accompanies the application and broadly agrees with its conclusion. In order to minimise any potential risk to legally protected species and to secure biodiversity enhancements the council's Ecologist has recommended conditions in relation to; removal of older trees; submission of a Biodiversity Management Plan; pond and hedge protection; and protection of nesting birds. On this basis the proposal is not considered to raise any substantive ecology related issues.

Archaeology:

There is one archaeological feature in the area; the historic bridge to the south-east of the site. English Heritage has confirmed that they have no objection to this proposal and do not consider that it will not present 'substantial harm' to designated heritage assets.

At the time of writing this report, the County Archaeology department has advised that the determination of the application should be delayed until the outcome of geophysical report is completed. Early indications are that a small part of the land has been found to contain some archaeological finds and therefore the layout plans will be amended to deal with this issue. A verbal update on the situation will be given at the meeting.

Drainage and Flooding:

The application site is located within Flood Zone 1 and the Environment Agency (EA) has confirmed that they have no objection to the proposal. The EA have further confirmed that volumes of surface water are unlikely to significantly increase as a result of the development. They suggest that comments be sought from the Local Drainage Engineer who has confirmed that in accordance with the FRA a drainage condition should be imposed.

Other matters:

Permissive Path - It is understood that there has been an issue with regard to the permissive path under the A30; however, it is not considered that this can be resolved through this application. A permissive path is proposed to the north of the site to link the two footpaths in the vicinity and this is welcomed.

Environmental Impact Assessment - The proposal falls within the scope of Schedule 2, sub-section 3a of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requiring that a formal screening decision be carried out. This was carried out prior to the submission of this current application when it was concluded that an Environmental Impact Assessment was not required.

CONCLUSION

Government advice is clear. Planning Authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable (NPPF Para 98). The current

application has raised some concerns in relation to visual amenity, landscape character, flood risk, archaeology and ecology. A thorough assessment of the potential impacts of the development indicates that, for the most part, they are acceptable - or can be made acceptable by appropriate mitigation measures - in the context of Government advice and the clear need for renewable energy sources. Where impacts can be overcome by way of pre-commencement or other conditions (i.e. archaeology, ecology, landscaping) appropriate conditions are recommended. Subject to the appropriate controls set out in conditions, it is considered that the impacts of the proposal can be considered 'acceptable' as set out in Government guidance. Notwithstanding the objections received, the proposal is considered to represent sustainable development. Therefore, provided no new concerns or issues are raised by County Archaeology or the County Highway Authority the application is recommended for approval.

RECOMMENDATION

Approve subject to no objection being maintained by County Archaeology and receipt of an amended landscaping scheme.

Justification - Notwithstanding local concerns it is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact of the proposed PV panels on the local landscape character. As such the proposal accords with the Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, the National Planning Practice Guidance and Policies ST3, ST5, ST6, EC1, EC3, EC6, EC7, EC8, EU1, EH11, EH12 and EP3 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans Drawing No.'s 5469/ASP03/LS Rev C received 26 August 2014; D01 (Site Layout) received 2 September 2014; D01 (Site Location Plan), 9 (CCTV details), 6.1 and 6.2, (Transformer Housing), N-SO86-1T-02 (access arrangement), 5 (track detail), 7 (Substation Housing details), 4 (Frame and anchor detail), 8 (fence detail), 3 (panel detail) and 6.3 (Control centre housing) received 11 July 2014.

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

03. The development hereby permitted shall be removed and the land restored to its former condition before 31/12/2044 or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan.

04. The supporting posts to the solar array shall not be concreted into the ground.

Reason: In the interests of sustainable construction and to accord with Part 10 of the NPPF.

05. The landscaping / planting scheme shown on the submitted plans (drawing numbered ****) shall be completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

06. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

07. No CCTV equipment shall be installed on the site other than that shown on drawing no. D01 received 2 September 2014 unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

08. The development hereby permitted shall not be commenced unless the external finish, including the colour, of the CCTV equipment has been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

09. No form of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

Reason: In the interest of residential amenity and the rural amenities of the area to accord with Policy ST6 of the South Somerset Local Plan.

10. The development hereby permitted shall take place in accordance with the Construction Management Plan prepared by Matrix Transportation Planning received 11 July 2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason in the interest of highway safety and the rural amenities of the area to accord with Policies ST5 and ST6 of the South Somerset Local Plan.

11. Before the development hereby permitted is commenced, surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use.

Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that appropriate drainage is provided on the site.

12. The removal of, or works to, the dead oak tree and the Lombardy Poplars shall be subject to safeguarding measures for bats as detailed in section 6.5. of the Ecological Appraisal (Aspect Ecology, July 2014).

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

13. Any work within 250 metres of any pond shall only be undertaken between 1st November and 28th February unless a Method Statement detailing precautionary measures for the protection of Great Crested Newts has been submitted to, and approved in writing by, the local planning authority. In the event of the latter, the approved measures shall be implemented in full.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

14. Prior to the commencement of the development hereby approved a Biodiversity Management Plan detailing measures and management of the site for the benefit of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

15. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

16. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first

available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

Informatives:

01. You are reminded that the highway authority has requested that a condition survey of the existing public highway will need to be carried out and agreed with the highway authority prior to any works commencing on site, and that any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the highway authority once all works have been completed on site.
02. Please be aware of the comments set out within the Environment Agency's letter dated 01/08/2014.
03. Please be aware of the recommendations set out in the RSPB's letter dated 08/08/2014.
04. Please be aware that reptiles (particularly slow worms) are likely to be present in small parts of the site and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures could include appropriate management of the vegetation to discourage reptiles away from areas of risk, reptile exclusion fencing, and/or translocation of animals from the site. An ecological consultant should be commissioned to provide site specific advice.

Agenda Item 15

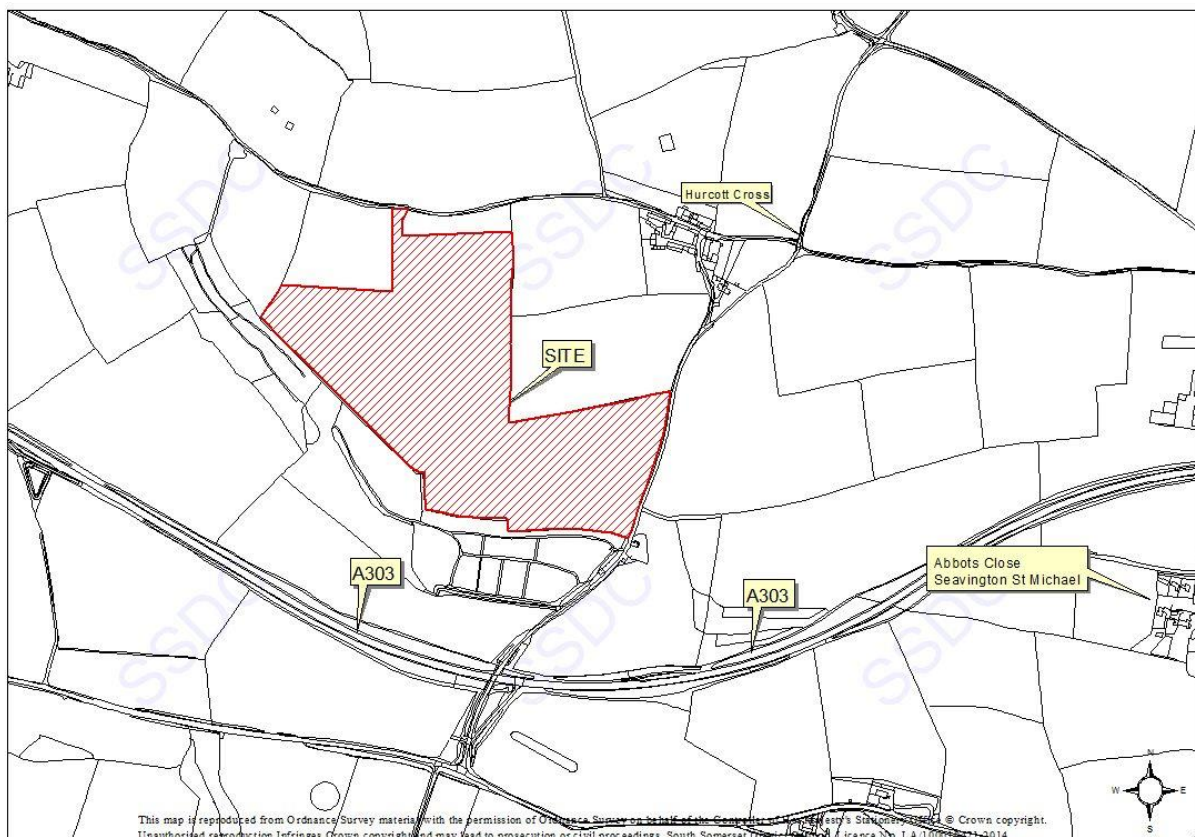
Officer Report On Planning Application: 14/02977/FUL

Proposal :	Installation of up to 10MW ground mounted photovoltaic solar energy generating system (GR 339249/115679)
Site Address:	Land To North Of Hurcott Copse Boxstone Hill Hurcott
Parish:	Whitelackington
ILMINSTER TOWN Ward (SSDC Member)	Cllr C Goodall Cllr K T Turner
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	9th October 2014
Applicant :	Mr Chris Wilson
Agent: (no agent if blank)	Mr Andrew Troup Milegate 64 Ltd 22 South Audley Street London W1K 2NY
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The size of the proposed development is such that under the Scheme of Delegation the application must be determined by Committee. The Committee is advised that the site sits mostly within Area West but part is within Area North; all of the Area North members have been advised of the application and given the opportunity to comment.

SITE DESCRIPTION AND PROPOSAL



This application is seeking planning permission to erect a 10MW solar farm on an 18.5 hectare site to generate electricity to feed into the national grid over a 30-year period, after which time the infrastructure will be removed and the land restored.

The site is located immediately to the north of Hurcott Copse, which forms part of the Dillington Estate located 2km to the north-east of the main estate. The application site covers three agricultural fields (grades 2, 3a and 3b) covering 18.5 hectares in area and is in an isolated open countryside location remote from any defined development areas with access currently derived via an existing farm entrance to the north of the central field. The sites lies on relatively level land at the head of a plateau with a dense wooded copse to the south and mature hedging running along the north of the fields and to the east and west. There are no public footpaths within or near to the site.

The scheme seeks to erect photovoltaic panels to be mounted on metal posts driven into the ground with a maximum overall height of 2.3m, orientated to face south and arranged into rows aligned in a west to east direction. The ground beneath will be left to grass over to allow the land to be grazed. Other associated infrastructure includes inverter housing, transformer, switchgear buildings, security fencing, security cameras, access track and new hedges and landscaping.

This application is supported by the following documents:

- Design and Access Statement
- Landscape and Visual Assessment
- Ecological Assessment
- Construction Environmental Management Plan
- Site Selection Process

RELEVANT HISTORY

14/02465/EIASS: Environmental Impact Assessment (EIA) screening request in relation to a proposed solar farm. EIA not required.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant development plan primarily comprises the saved policies of the adopted South Somerset Local Plan (2006). However, the emerging Local Plan which will replace the adopted Local Plan is in an advanced stage of adoption. The proposed 'Submission South Somerset Local Plan (2006 - 2028)' was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter to the Council outlining some issues of concern. The Examination resumed in June 2014 following additional work being undertaken by the Council to address the Inspector's concerns. It is anticipated that the emerging Local Plan will be ready for adoption early in 2015. Having regard to the advanced stage in the adoption of the emerging Local Plan, emerging policies can be afforded some weight in determining the application.

Saved Policies of the Local Plan 2006:

- ST3 - Development Areas
- ST5 - General Principles of Development
- ST6 - The Quality of Development
- EC1 - Protecting the Best Agricultural Land
- EC3 - Landscape Character
- EC8 - Protected Species
- EH1 - Development Proposals Affecting the Setting of Listed Buildings

Policies of Submission South Somerset Local Plan (2006 - 2028)

- EQ1 - Addressing Climate Change in South Somerset
- EQ2 - Design
- EQ3 - Biodiversity

International and European Policy Context

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12.

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C.

The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

National Policy Context

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

The 2003 Energy White Paper provides a target of generating 40% of national electricity from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge, for example by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables local planning authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

UK Solar Strategy Part 2: Delivering a Brighter Future (April 2014)

Sets out advice in relation to large scale ground-mounted solar PV farms and suggests that LPAs will need to consider:-

- encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural economy

Part 7 - Requiring good design

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

The NPPF outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from

decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

The NPPF further advises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In determining applications, the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It is considered that the main thrust of the NPPF is to positively support sustainable development, and there is positive encouragement for renewable energy projects. However the NPPF reiterates the importance of protecting important landscapes, especially Areas of Outstanding Natural Beauty, as well as heritage and ecology assets.

Other Material Considerations

South Somerset Sustainable Community Strategy:

Goal 1 - Safe and Inclusive

Goal 3 - Healthy Environments

Goal 4 - Quality Public Services

Goal 5 - High Performance Local Economy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

Goal 10 - Energy

Goal 11 - Environment

South Somerset Carbon Reduction and Climate Change Adaption Strategy 2010- 2014

CONSULTATIONS

Whitelackington Parish Meeting: (majority of site is within this parish):

No response received.

Seavington St Michael and St Mary Parish Council: (Parish with remainder of site):

No objections.

Shepton Beauchamp Parish Council: (adjacent Parish):

' express real concern about good quality agricultural land being used for this purpose and it is of the opinion of some that it will be an eyesore and blight the landscape. Dillington Estates have already installed a huge number of these panels near Stocklinch and we wonder how much more of the estate is to be turned over for this purpose. We live in an area of exceptional quality land and once this is used it won't be handed back for agricultural purposes. The field in question has just produced wheat this year - it appears to be a healthy crop - so why?'

County Highway Authority:

No objections subject to conditions relating to construction traffic management plan, condition survey and road cleaning during construction.

Landscape Officer:

'I have read through the material submitted in support of the above application, which seeks consent for a 10MW solar array to the north of Hurcott Copse, predominantly in the parish of Whitelackington, but extending east into Seavington. I am also familiar with the site and its wider landscape context.

National planning policy supports the development of renewable energy projects, providing there is no unacceptable adverse impact upon the landscape. Recent appeal decisions relating to PV array within the district have placed an emphasis upon containment of the visual profile of solar sites when positively determining the appeals. Consequently I consider that the prime landscape concerns will be;

- 1) the impact upon landscape character, particularly relative to the scale and pattern of the local landscape;
- 2) the potential visibility of the proposal, especially as viewed from sensitive receptors;
- 3) the potential for cumulative impacts to arise, and;
- 4) achieving a site layout and design that is landscape-sympathetic.

This application includes a detailed landscape and visual impact assessment (LVIA) which considers the extent of likely impacts upon the surrounding landscape that may arise from the installation of this proposal. Looking at the proposal before us, with that evaluation to hand, I would comment;

(1) The application site lays over relatively level ground at the head of a local plateau, and is proposed to extend across 3 arable fields, which are typical of the scale and open-ness of the fields that lay over the heads and upper shoulders of these local low hills. They are typically defined by low-managed hedgerows that correspond in most part to a rectilinear field pattern, but are also bounded to the southwest and south by escarpment woodland. Both the woodland and hedges offer a substantive degree of enclosure, and this is noted by the L&VIA as usefully providing screening of the site.

It is apparent that the proposal disrupts neither the fabric nor the pattern of the landscape, and landscape components within and defining the site will remain in evidence. Also to advantage is the correspondence of the array arrangement with the uniformity of the immediate field pattern; the east-west emphasis of the site; and the relatively flat topography, which enables the array to nestle on the head of the plateau without encroachment into a more varied topography or different landscape type. I also note that an array is a passive element in the landscape, generating neither sound nor movement. I view these elements of the proposal as positive.

Conversely, it is acknowledged that PV panel forms within security fencing can be viewed as being 'industrial' in character. Such character is at variance with this landscape setting, which has a clear sense of rural character as expressed by the pattern and strength of the hedgerow network; its enclosed farmland; and a low-level of development presence. The few development features that are found within the locality are of agricultural scale, hence there is some incongruity of scale when considered alongside this 18.5ha proposal. Whilst this element of character-impact is of concern, balancing the above positive factors, in tandem with the scheme of landscape mitigation that is submitted as part of the proposal, incline me to view the overall landscape impact as acceptable.

(2) Turning to visual impact, whilst no zone of visual influence (ZVI) is offered, it is apparent that local viewpoints onto the site are primarily restricted to the raised ground above (east of) Stocklinch, and rising land to the west and south of Seavington St Mary. The site is otherwise visually contained, by its enclosing vegetation, and intervening shoulders of ground that restrict prospect of the site.

The LVIA offers a visual appraisal utilising 15 representative vantage points (appendix 1 part 2) with the visual impact upon each receptor evaluated fully in para 7.7. It concludes that visibility is limited to the immediate roadsides only where gaps/openings in the hedge occur; from the higher ground above Stocklinch - from the head of the Lynchetts, and the right of way adj. the covered reservoir - where part of Field 1 can be glimpsed; and from the west end of Seavington St Mary and its adjacent footpaths, which have a prospect of the southeast corner of Field 3. Where potential visual impact is noted, mitigation is proposed by (a) limiting the extent of the array to avoid the visible areas of fields 1 and 3; (b) allowing the hedges to draw up; (c) planting two new hedgerows, to intervene in the views from the north toward field 1, and; (d) woodland planting linking with Hurcott Copse, to close views toward field 3 from Seavington. With such mitigation in place, then the LVIA states that no significant visual impact is identified for any receptor.

I have reviewed the findings of the visual assessment, with which I broadly concur. It is clear that the extent of visibility is limited, contained by the local hedgerow pattern and escarpment woodlands. The proposed placement of the array, and landscape mitigation, will further reduce visual impact, to an extent that I am satisfied that the array proposal will not create a lasting adverse visual impact upon the local landscape. I am also satisfied that there will be no adverse impacts upon the settings of local listed buildings, due to the extent of visual and physical separation between them and the site - most notably the closest, Hurcott Farm, 250 m min distance to the NE.

(3) Relative to potential cumulative impact, there is an existing solar array circa 1.2km to the west, laying in the vale base by Parsonage Barn. Whilst in close proximity, the sites are separated by the rise of the ground over Atherstone Hill, and are located within in separate landscape types, to thus avoid additional footprint within a shared landscape. A potential view of both sites from the Stocklinch Lynchetts is minimal only, and intended mitigation will reduce visibility of this proposal to nil. Consequently I consider that a sense of array proliferation within the locality is not at a point where it is adversely impacting upon local character, and

given the topographic and visual separation of the sites, it is not anticipated that cumulative impact will be an issue with this application.

(4) Turning to site detail, I note that the array will stand between 1.9 and 2.3 metres above ground level, which is a factor assisting its low visual profile. It appears that no site levelling works are intended, and PV mounting is limited to a fixed racking system with its toes driven into the ground without need for concrete. A 1.8 metre tall fence of reinforced wire mesh on wooden poles, along with CCTV cameras (but no lighting) provides site security. Inverter structures are located within the array layout, and are to be finished in suitable dull tones to thus minimise visual impact. The field surface will be seeded as grassland, to be managed either by a hay-cut or grazing. I view these details as positive factors toward ensuring the PV installation can be accommodated without undue site impact.

Looking at the application overall, whilst the location selected is not related to existing development form, and projects some incongruity of character within this agricultural landscape, I would acknowledge that the scale of the proposal has the potential to be accommodated within the context of the hilltop fields without undue impact, and the site's visual profile is low in most part. Its limited visibility can be further played down by landscape mitigation. Mindful that national government guidance is heavily weighted in favour of renewables, and that LPAs are urged to approve renewable energy schemes providing impacts can be made acceptable, then I do not consider the extent of landscape and visual impact to be sufficiently adverse to enable an over-riding landscape objection to be raised.

From a landscape standpoint the only detailed information still required is;

- (a) Grid connection detail, which to be satisfactory, should be confirmed to be local and underground, and;
- (b) The finished details of CCTV installations - to be matt, and of subdued tone.

If you are minded to approve the application, could you please condition;

- 1) a detailed landscape mitigation plan to be submitted pre-commencement, based upon the fig 5 masterplan within the LVIA, and the mitigation proposals of para 8 of the LVIA.
- 2) The detailed planting scheme to be implemented in the forthcoming planting season, November 2012 - mid March 2013.
- 3) A site restoration proposal to be submitted for approval, detailing the works necessary to revert the site to open agricultural land on completion of the lifetime of the array, along with the retention of the new landscape features arising from this application.'

(Officer note: The agent has confirmed that the array will feed into the overhead lines that cross the site and a condition regarding CCTV is acceptable.)

Conservation Officer:

Defers to the comments of the Landscape Officer.

Natural England:

Raised no objection and have referred to their standing advice and Technical Information Note with regard to Solar Parks. In terms of the agricultural land classification, they note that the proposal has the potential to impact upon a significant amount of 'best and most versatile' agricultural land. However, they note that the proposals would not lead to the long term loss of such land and the panels will not cause significant disturbance to the soil and could be removed when planning permission expires with no likely loss of agricultural land quality.

Ecologist (SSDC):

'I'm satisfied and in broad agreement with the Ecological Assessment and Survey Report (Fieldwork Ecological Services Ltd. Sep 2013). This didn't identify any significant issues. I have no further comments.'

RSPB:

Advises that the RSPB are satisfied that the proposal will not damage existing important biodiversity but suggests that there are opportunities to enhance wildlife on the site (they set out recommendations for such enhancement).

Senior Historic Environment Officer:

No response received.

Environmental Protection:

Requested additional information regarding noise from inverters and following confirmation from the agent regarding noise levels the Environmental Protection Officer has confirmed he is happy with the proposal.

Environment Agency:

No objection but recommends imposition of informatives.

Campaign to Protect Rural England (CPRE):

Object on the following grounds:

- 72% of the land is categorised as Best and Most Versatile (BMV) and should be protected from development in accordance with para 112 of the NNPF and CPRE national policy.
- Should SSDC consider permitting the development it is urged to check whether there are any Roman remains under or adjacent to the site. The area is mentioned in Pevsner and Ralph Whitlock's Somerset.
- Although the Government continues to encourage PV solar arrays there remain grave doubts about their efficacy in reducing carbon emissions.

Climate Change Officer:

No objections.

NATS:

No safeguarding objection.

MOD:

No safeguarding objections.

Area Engineer:

No drainage issues with the proposal.

REPRESENTATIONS

A letter of representation has been received from a local resident making the following comments:

- Do not think that these systems are particularly aesthetically pleasing.
- Having read all the documentation provided with the application can see some benefits to be gained; it would be a bonus to see wildlife increase on this intensively farmed land.
- Question what assurances there are that the landscaping will be carried out and maintained.
- As the electricity goes into the central grid it presumably makes money for the landowner but doesn't do much for the local community.

CONSIDERATIONS

This application is seeking planning permission to erect a 10MW solar farm on an 18.5 hectare site comprising three agricultural fields in the open countryside, remote from any development areas. The solar farm comprises the erection of solar arrays (arranged in rows from west to east and orientated to face south), inverter housing, transformer, communications and switchgear buildings, security fencing, security cameras (infrared motion sensor) and access track. The development is sought for a 30 year period, after which time the infrastructure will be removed and the land restored.

The main considerations for this application are considered to relate to the principle of the development, landscape character and visual amenity, impact on ecology and setting of listed buildings, residential amenity of nearby residential properties, and impact on highway safety.

Principle:

Part 10 of the National Planning Policy Framework (NPPF) states that local authorities should "have a positive strategy to promote energy for renewable and low carbon sources" and "design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts". Additional supplementary guidance National Planning Practice Guidance (NPPG), published in March, accompanies the NPPF and is referred to in the policy section above.

Whilst the land is greenfield and includes grade 2 and 3a agricultural land (both of which are included with the definition of 'best and most versatile land' (BMV)) it is not considered that the proposed development would result in the permanent loss of such agricultural land. These type of installations are temporary, between 25 and 30 years, and with appropriate conditions the land can easily be restored to agricultural use once the panels are dismantled. In addition, the land between the panels can be used for grazing throughout the life of the installation. Additional landscape planting is proposed and in this regard the development is considered to comply with the aims and objects of the NPPF and its accompanying practice guidance and to be acceptable in principle.

Landscape character and visual amenity:

The Landscape Officer notes that the application site lies over relatively level ground at the head of a local plateau, and the panels will extend across 3 arable fields, which are typical of the scale and openness of the fields that lay over the heads and upper shoulders of these local low hills. The fields are typically defined by low-managed hedgerows that correspond in most part to a rectilinear field pattern, but are also bounded to the southwest and south by escarpment woodland. Both the woodland and hedges offer a substantive degree of

enclosure, and this is noted as providing good screening of the site.

The Landscape Architect has carried out a thorough assessment of the proposal and assessed the submitted Landscape and Visual Impact Assessment (as detailed above) and, in his view, with the proposed landscape mitigation the proposal will not result in such a significant adverse impact as to justify a refusal on landscape grounds. Whilst noting that the predominant character of the array can be viewed as industrial in nature and therefore at variance with the rural context, he notes that the well enclosed nature of the site and the proposed mitigation will ensure that the development has very limited impact upon the wider landscape.

It is recognised that Dillington Estate already have a large solar array on land adjacent to A303 Ilminster Bypass and as such it is necessary to consider the cumulative impact that would result from two such installations. The Landscape Officer has considered this issue and whilst recognising that the sites are in close proximity they are separated by the rise of the ground over Atherstone Hill and are located within separate landscape types. The Landscape Officer considers that with the proposed mitigation the visibility from the Stocklinch Lynchetts would be nil and as such he considers that there is no issue with regard to cumulative impact.

Subject to the imposition of conditions to secure appropriate landscape proposals and secure restoration of the site the proposal is not considered to raise any substantive landscape or visual amenity concerns.

Residential amenity:

In terms of the immediate area, there are no houses directly adjacent to the site. There are a group of dwellings to the north-east (Hurcott Farm (Grade 11 listed) and cottages) and two dwellings to the south-west. Given the lay of the land, the distances to these properties and the existing dense woodland and mature hedging it is not considered that the proposal will adversely impact upon the amenities of these dwellings.

Setting of listed buildings:

The group of listed buildings to the north-east include the farmhouse and older stone barns. In terms of the setting of these buildings, the array will be over 200m from the closest point and given the mature hedgerows and orchard, and the way in which the land slopes, it is not considered that there will be any adverse impact upon the setting of the listed buildings.

Access and highway safety:

Access to the site will be via an existing farm access leading from Atherstone Lane and a new access track will be formed to allow construction and maintenance vehicles to develop and maintain the site. During the construction phase of the development it is anticipated that there will be significant levels of construction traffic accessing the site however once the site is operational traffic levels will be very limited and are unlikely to be any greater than that for the on-going agricultural use of the land. On this basis the proposal is not considered to raise any substantive highway safety concerns.

It is noted that the highway authority has raised no objection to the application but has suggested conditions relating to the provision of a Construction Management Plan (CMP) and a condition survey of the public highway. A CMP accompanies the application and a condition is considered to be reasonable to ensure the construction phase of the development is carried out in an appropriate manner, the condition survey condition however falls under the highway authority's own controls and an informative is more appropriate to address this point.

Ecology:

The Ecologist has advised that the Ecological Assessment didn't identify any significant issues with regard to ecology on the site and as such does not suggest any conditions with regard to this issue.

Drainage and Flooding:

The application site is located within Flood Zone 1 and the Environment Agency (EA) has confirmed that they have no objection to the proposal. The EA have further confirmed that volumes of surface water are unlikely to significantly increase as a result of the development. They suggest that comments be sought from the Local Drainage Engineer who has confirmed that he has no drainage issues with the proposal.

Other matters:

Environmental Impact Assessment - The proposal falls within the scope of Schedule 2, sub-section 3a of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requiring that a formal screening decision be carried out. This was carried out prior to the submission of this current application when it was concluded that an Environmental Impact Assessment was not required.

CONCLUSION

Government advice is clear. Planning Authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable (NPPF Para 98). A thorough assessment of the potential impacts of the development indicates that, for the most part, they are acceptable - or can be made acceptable by appropriate mitigation measures - in the context of Government advice and the clear need for renewable energy sources. Where impacts can be overcome by way of pre-commencement or other conditions (i.e. ecology, landscaping) appropriate conditions are recommended. Subject to the appropriate controls set out in conditions, it is considered that the proposal represents sustainable development the impacts of which can be considered 'acceptable' as set out in Government guidance.

RECOMMENDATION

Approve

Justification: It is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact of the proposed PV panels on the local landscape character. As such the proposal accords with the Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, the National Planning Practice Guidance and Policies ST3, ST5, ST6, EC1, EC3 and EC8 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered 05 PA RL (Application Area) received 3 July 2014; SL106/02 (Master Plan), 05 PA D3 (Fencing Detail), 05 PS D2 (Inverter housing/transformer detail), 05 PA D1 (panel and framing detail) received 7 July 2014.

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

03. The development hereby permitted shall be removed and the land restored to its former condition before 31/12/2044 or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan.

04. The supporting posts to the solar array shall be anchored into the ground as described on Drawing No. 05 PA D1 received 7 July 2014 and shall not be concreted into the ground.

Reason: In the interests of sustainable construction and to accord with Part 10 of the NPPF.

05. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Planting must be carried out during this coming planting season (November 2014 - mid March 2015) if commencement is to take place in 2015.

Reason: In the interests of visual amenity and landscape character in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

06. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

07. The development hereby permitted shall not be commenced unless the location, external finish, including the colour, of the CCTV equipment and security fencing has been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

08. No form of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

Reason: In the interest of residential amenity and the rural amenities of the area to accord with Policy ST6 of the South Somerset Local Plan.

09. The development hereby permitted shall take place in accordance with the Construction Environmental Management Plan received 3 July 2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason in the interest of highway safety and the rural amenities of the area to accord with Policies ST5 and ST6 of the South Somerset Local Plan.

Informatives:

01. You are reminded that the highway authority has requested that a condition survey of the existing public highway will need to be carried out and agreed with the highway authority prior to any works commencing on site, and that any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the highway authority once all works have been completed on site.
02. Please be aware of the comments set out within the Environment Agency's letter dated 01/08/2014.
03. Please be aware of the recommendations set out in the RSPB's letter dated 11/08/2014.

Agenda Item 16

Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday 15th October 2014 at the Shrubbery Hotel, Ilminster.