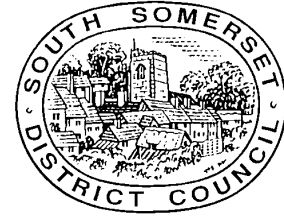


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 14th December 2016

2.00 pm

**Edgar Hall
Cary Court
Somerton Business Park
Somerset TA11 6SB**

(Disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **3.15pm**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 5 December 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area North Committee Membership

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Crispin Raikes
Jo Roundell Greene
Dean Ruddle
Sylvia Seal

Sue Steele
Gerard Tucker
Derek Yeomans

South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district. We will:

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

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 for this month's meeting will commence no earlier than 3.15pm, 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 normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

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 SSSC 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 three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm (unless specified otherwise), on the fourth Wednesday of the month (except December) in village halls throughout Area North (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 three 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 North Committee

Wednesday 14 December 2016

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 23 November 2016.

2. Apologies for absence

3. 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 Clare Aparicio Paul, Tiffany Osborne and Sylvia Seal.

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.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 25 January 2017** at the **Village Hall, Norton Sub Hamdon**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Area North Community Safety and Neighbourhood Policing (Pages 9 - 16)

9. Area North Committee - Review of Arrangements (Pages 17 - 20)

10. Area North Committee Forward Plan (Pages 21 - 23)

11. Planning Appeals (Pages 24 - 26)

12. Schedule of Planning Applications to be Determined By Committee (Pages 27 - 28)

13. Planning Application 16/04346/FUL - Land Adjacent The Old Coach House, Westover, Langport. (Pages 29 - 38)

14. Planning Application 15/03646/FUL - Frogmary Green Farm, West Street, South Petherton (Pages 39 - 63)

15. Planning Application 16/03768/S73A - Land North of Tengore Lane, Long Sutton. (Pages 64 - 70)

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.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Agenda Item 8

Area North Community Safety and Neighbourhood Policing

Assistant Director *Helen Rutter, Communities*
Service Manager: *Sara Kelly, Area Development Lead,*
 sara.kelly@southsomerset.gov.uk
Lead Officer: *Steve Brewer, Community Safety Co-ordinator*
Contact Details: *steve.brewer@southsomerset.gov.uk*
Avon and Somerset *Sgt. Dean Hamilton, Neighbourhood Police Team Sergeant (North)*
Constabulary: *dean.hamilton@avonandsomerset.police.uk*
 Toni-Marie Lines, Beat Manager,
 toni-marie.lines@avonandsomerset.police.uk

Purpose of the Report

The purpose of the report is to provide the basis for a short discussion, including an opportunity for questions to the Neighbourhood Policing team, or to refer issues for further discussion within SSDC or the Police.

If councillors' require any clarification of information contained within this report, you are asked to contact one of the officers identified above prior to the meeting.

Public Interest

Promoting safer communities, through reducing crime and the fear of crime is a vital aspect of work by most public services in Somerset.

Sergeant Dean Hamilton and Beat Manager Toni-Marie Lines - Avon & Somerset Police, Steve Brewer - SSDC Community Safety Co-ordinator and Sara Kelly – Area Development Lead (North), will attend the Area Committee to take questions and support the discussion.

Recommendations

- (1) Note and comment on the report.
- (2) Identify any local issues affecting local crime and anti-social behaviour for consideration by the appropriate services.

Background

Background information on the Neighbourhood Policing team is included at Appendix A.

Neighbourhood Police Report.

Avon and Somerset Constabulary (ASC) maintain Neighbourhood teams in the four geographical areas of South Somerset.

Policing the neighbourhood identifies priorities and areas of weakness in respect of crime trends and are the primary focus for staff that is tasked to deal with issues as they arise. Whilst this is not new to Area North, staff from across the area will be used, if required, to assist in tackling particular problems, issues and trends as they arise.

Structure

The Area Police Sergeant is directly supported by Police Officers and Police Community Support Officers. Area North is managed through the structure of three beat areas named; Somerton, Martock, South Petherton and the Hamdons. Further detail related to the Elected Members areas and Police structures can be found at appendix A.

Crime reports and trends

SSDC Area North continues to remain a safe place for our communities to live, work and visit. Crime and Anti-Social Behaviour (ASB) has reduced substantially over the past few years and remains average for the geographical type of area. The current figures released by the Constabulary and available at www.police.uk are based on the three beat areas, as identified above. The most recent figures available at the time of writing this report are overviewed at appendices B, C, D and E. This shows that at September end, Area North is running at an 8% rise on the same time as last year, Martock Beat showing a 6% increase, South Petherton 5% and the Somerton Beat 3% rise.

Police Stations, Posts and Staffing

The Police post at Martock based in the town Centre Market House continues to operate and is seen as a valuable resource to the community. Somerton police station remains as the area staff office housing the Beat Team, Speed Enforcement Officers and Response Officers.

Watch Schemes

There are currently seven (7) Community Speed Watch Teams and one hundred and eighty eight (188) Neighbourhood Watch schemes operating across Area North. Lorry Watch is a new watch scheme initiative in the process of being set up in Langport.

The Safer Somerset Partnership.

The Safer Somerset Partnership is seen as the lead for Community Safety in the County of Somerset. This is the top level group which directs the strategic lead for operations in the area. SSDC is represented by the Assistant Director, Helen Rutter and Elected Member, Tony Lock who has responsibility for Community Safety. The Group is made up of senior managers and elected members from each of the Local authorities and by senior managers from other relevant organisations including the Police and Fire services.

Local Action Groups

Martock is currently the only Community Safety Local Action Group that regularly meet to look at community issues, deal with problems, manage projects and support the Police and other agencies with problem solving activities.

Financial Implications

There are no financial implications arising from this report.

Corporate Priority Implications

Health and Communities - Help keep our communities safe.

Carbon Emissions & Climate Change Implications

None from this report

Equality and Diversity Implications

Addressing causes of crime can help promote community cohesion.

Background Papers: There are no background papers identified.

Appendices

- A) North Structure
 - B) Crime Figures – Area North
 - C) Crime Figures - Martock Beat
 - D) Crime Figures – Somerton Beat
 - E) Crime Figures – South Petherton.
-

Appendix A

South Somerset District Council Policing Area - NORTH

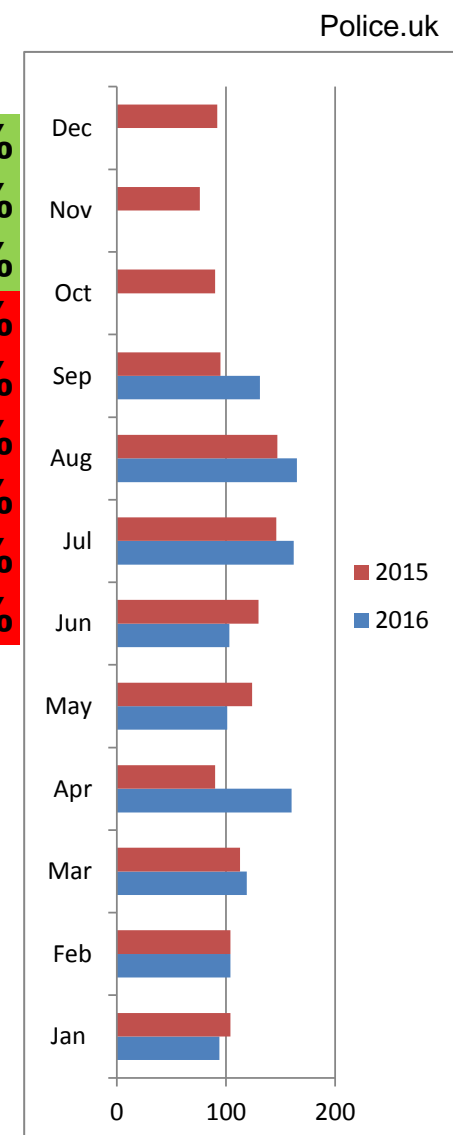
Police Sergeant - Dean Hamilton. SSDC Area Development Lead - Sara Kelly.

Beat	Ward	Beat Manager	PCSO	Coverage
Somerton	Turn Hill	Terri Lines 3672	Ben Middleditch 8048	Aller, Henley, High Ham, Low Ham, Knole, Oathe, part of Strathe, Wearne, Pitney and Long Sutton - Gerard Tucker
	Wessex	Terri Lines 3672	Ben Middleditch 8048	Somerton, Compton Dundon, Dundon and Littleton - Stephen Page, Dean Ruddle
South Petheron & The Hamdons	St Michaels	Mark Bonici 515	Ceara Sturt 8340	Montacute, Tintinhull and Chilthorne Domer - Jo Roundell Greene
	South Petheron	Mark Bonici 515	Ceara Sturt 8340	Shepton Beauchamp, Seavington St Michael, Seavington St Mary, Lopen and Over Stratton (rural) South Petheron - Adam Dance, Crispin Raikes
	Hamdon	Mark Bonici 515	Ceara Sturt 8340	Stoke Sub Hamdon, Norton Sub Hamdon, Little Norton and Percombe - Sylvia Seal
Martock	Burrow Hill	Toni Lines 1709	Carole Brown 8404 / Malissa Thompson 6827	Muchelney, Kingsbury Episcopi, Stembridge, part of Westport, West Lambrook, East Lambrook, Puckington, Barrington and Stocklinch - Derek Yeomans
	Langport & Huish	Terri Lines 3672	Ben Middleditch 8048	Langport, Huish and Pibsbury - Clare Aparicio Paul
	Islemoor	Toni Lines 1709	Carole Brown / Malissa Thompson	Fivehead, Swell, Curry Mallet, Isle Brewers, Isle Abbotts, Beercrocombe and Ilton - Sue Steele
	Curry Rivel	Toni Lines 1709	Carole Brown / Malissa Thompson	Curry Rivel, Drayton, Midelney and Hambridge - Tiffany Osborne
	Martock	Toni Lines 1709	Carole Brown / Malissa Thompson	Martock, Bower Hinton, Long Load, Witcombe, Stapleton, Ash and Coat - Graham Middleton, Neil Bloomfield

Appendix B

Reported Crime & ASB. SSDC Area North X 3 Beats

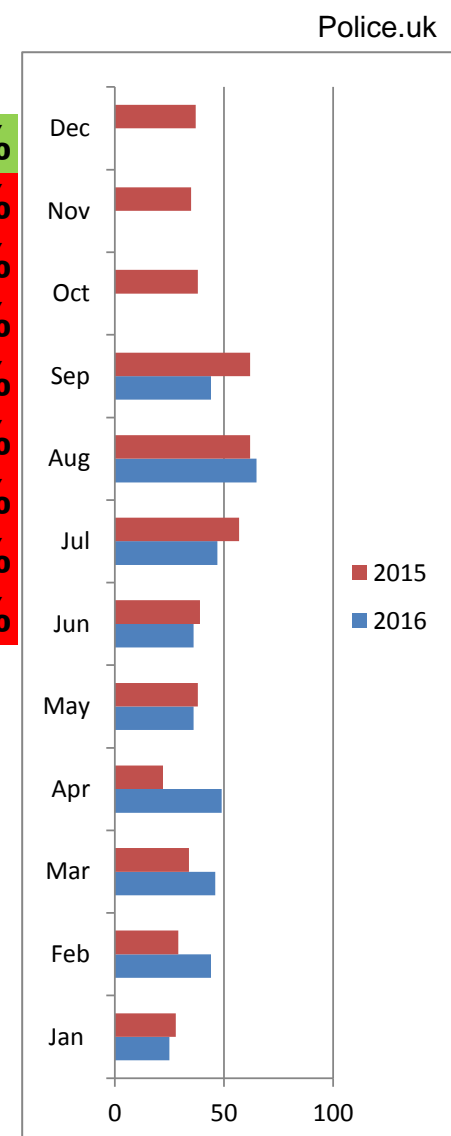
					Cumulative			
	<u>2016</u>	<u>2015</u>	<u>MONTH</u>		<u>2016</u>	<u>2015</u>	<u>YEAR</u>	
Jan	94	104	-10	-10%	94	104	-10	-10%
Feb	104	104			198	208	-10	-5%
Mar	119	113	6	5%	317	321	-4	-1%
Apr	160	90	70	78%	477	411	66	16%
May	101	124	-23	19%	578	535	43	8%
Jun	103	130	-27	21%	681	665	16	2%
Jul	162	146	16	11%	843	811	32	4%
Aug	165	147	18	12%	1008	958	50	5%
Sep	131	95	36	38%	1139	1053	86	8%
Oct		90						
Nov		76						
Dec		92						
		1022						



Appendix C

Reported Crime & ASB Martock Beat 2016

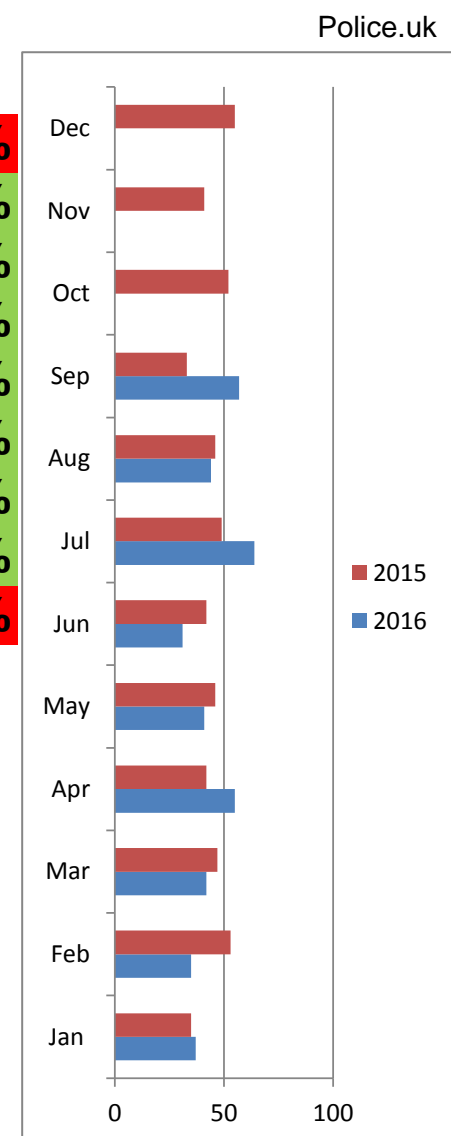
	MONTH				Cumulative YEAR			
	2016	2015			2016	2015		
Jan	25	28	-3	11%	25	28	-3	-11%
Feb	44	29	15	52%	69	57	12	21%
Mar	46	34	12	35%	115	91	24	26%
Apr	49	22	27	123%	164	113	51	45%
May	36	38	-2	5%	200	151	49	32%
Jun	36	39	-3	8%	236	190	46	24%
Jul	47	57	-10	-18%	283	247	36	15%
Aug	65	62	3	5%	348	309	39	13%
Sep	44	62	-18	29%	392	371	21	6%
Oct		38						
Nov		35						
Dec		37						
		481						



Appendix D

Reported Crime & ASB Somerton Beat 2016

	MONTH				Cumulative YEAR			
	2016	2015			2016	2015		
Jan	37	35	2	6%	37	35	2	6%
Feb	35	53	-18	-34%	72	88	-16	-18%
Mar	42	47	-5	-11%	114	135	-21	-16%
Apr	55	42	13	31%	169	177	-8	-4%
May	41	46	-5	-11%	210	223	-13	-6%
Jun	31	42	-11	-26%	241	265	-24	-9%
Jul	64	49	15	31%	305	314	-9	-3%
Aug	44	46	-2	-4%	349	360	-11	-3%
Sep	57	33	24	73%	406	393	13	3%
Oct		52						
Nov		41						
Dec		55						
		541						

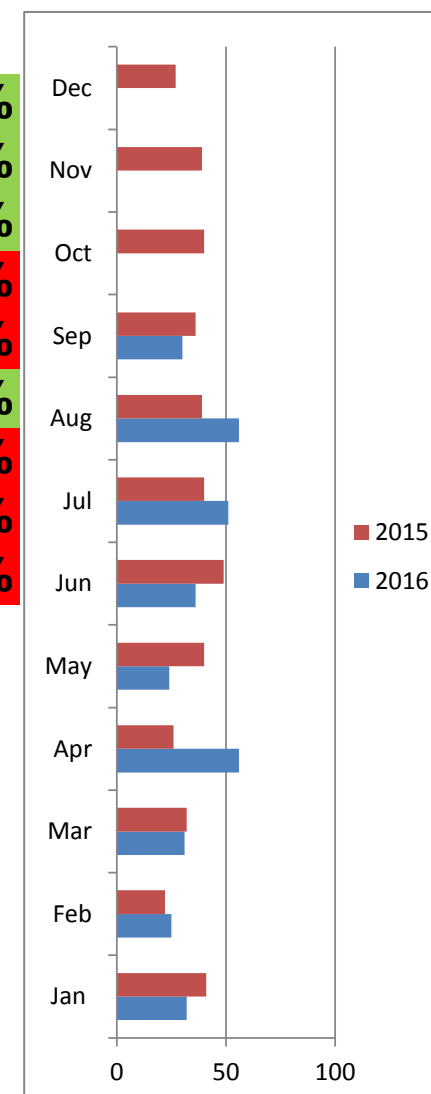


Appendix E

Reported Crime and ASB South Petherton & Hamdons Beat

Police.uk

	<u>2016</u>	<u>2015</u>	<u>MONTH</u>		<u>2016</u>	<u>2015</u>	<u>YEAR</u>	
Jan	32	41	-9	-22%	32	41	-9	-22%
Feb	25	22	3	5%	57	63	-6	-10%
Mar	31	32	-1	-3%	88	95	-7	-7%
Apr	56	26	30	115%	144	121	23	19%
May	24	40	-16	-40%	168	161	7	4%
Jun	36	49	-13	-27%	204	210	-6	-3%
Jul	51	40	11	28%	255	250	5	2%
Aug	56	39	17	44%	311	289	22	8%
Sep	30	36	-6	-17%	341	325	16	5%
Oct		40						
Nov		39						
Dec		27						



Agenda Item 9

Area North Committee – Review of Arrangements

Assistant Director: Helen Rutter Communities
Service Manager: Angela Cox, Democratic Services Manager
Sara Kelly, Area Development Lead (North)
Contact Details: helen.rutter@southsomerset.gov.uk or 01963 435012
angela.cox@southsomerset.gov.uk or 01935 462148

Purpose of the Report

To allow Area North Committee Members to consider the suitability of the current start time and other arrangements for the Area North Committee meetings. To agree any changes required for the forthcoming year.

Public Interest

Area North Committee meetings are held in public. This allows residents and others to observe the Committee in action and also to make representations. The Committee is held at various venues on the last Wednesday of every month starting at 2pm, with planning applications being determined last on the agenda.

Recommendations

It is recommended that:

- 1) The start time for Area North Committee remains at 2:00pm
- 2) The rotation around the most suitable venues in Area North continues, with new venues being trialled where the meeting space meets our criteria.
- 3) The order for the agenda remains the same with planning applications determined in the second half of the meeting

Background

Area Committee meetings are a key element of local governance in South Somerset. It is vital that elected members feel able to participate and contribute as fully as possible in local decision making.

Members will be aware that the choice of starting times has always been a matter for each Area Committee to decide. The expectation is that Area Committee meetings are held at a time and place that Members feel is best suited to their Area. The result is that the arrangements for all 4 Area Committees are not the same, with wide variation in 'best' practice. It is recognised that arrangements will always involve some compromise. All meetings are normally held on a Wednesday.

It is good practice to periodically review Area Committee arrangements. The last review was in summer 2015 shortly after the election, with a number of new Councillors appointed.

Analysis of meetings held since November 2015

The Democratic Services Officer has produced analysis of the meetings held over the last year to further inform Councillors of issues and trends

The following table gives an overview of Area North Committee from November 2015 to November 2016:

Date	Venue	Start	Finish	Duration	Total Reports	Planning
25/11/2015	Long Sutton VH	14:00	18:00	4.0	11	3
16/12/2015	Edgar Hall Somerton	14:00	16:55	2.9	12	5
27/01/2016	Edgar Hall Somerton	14:00	17:40	3.7	12	7
24/02/2016	Norton sub Hamdon VH	14:00	18:05	4.1	11	5
23/03/2016	Long Sutton VH	14:00	17:15	3.3	11	5
27/04/2016	Edgar Hall Somerton	14:00	18:20	4.3	10	7
25/05/2016	Council Chamber BW	15:30	16:30	1.0	7	1
29/06/2016	Edgar Hall Somerton	14:00	17:25	3.4	14	8
27/07/2016	Norton sub Hamdon VH	14:00	17:05	3.1	9	4
24/08/2016	Edgar Hall Somerton	14:00	16:00	2.0	6	3
28/09/2016	Norton sub Hamdon VH	14:00	15:10	1.2	6	1
26/10/2016	Edgar Hall Somerton	14:05	15:30	1.4	7	3
23/11/2016	Long Sutton VH	14:00	16:30	2.5	8	2
TOTAL				36.9	124	

- The average meeting time was 2hrs 50mins
- The shortest meeting took 1hr
- The longest meeting took 4.3hrs

Set up/pack away times for each venue, including travel time, loading up/packing away are shown below along with a comparator of Brympton Way:

Venue	Time	Comment
Edgar Hall Somerton	1.75hrs	Full caretaking & teas provided (& some equipment provided), wifi available & lone working not an issue
Long Sutton VH	3.25-3.75hrs	Dependent upon if caretaking & teas available, no wifi
Norton sub Hamdon VH	3.00-3.50hrs	Dependent upon if caretaking & teas available, no wifi – have to collect & return the key
Brympton Way	20-30mins	All caretaking, equipment & teas provided – no lone working or H&S issues

This shows that, after Brympton Way, the most time efficient hall for the Committee is Somerton and the least is Long Sutton. Venue choices are limited by hall size, acoustics, availability, accessibility and parking. This means that over the past year the Committee has rotated between 3 main Area North venues. Other halls are evaluated when they become available.

Area North Committee Arrangements Survey

To assist with the decisions over timing, location and order of agenda, a survey was sent to all Area North Councillors. This e-survey highlighted the pros and cons of the various options. Thirteen were received so 100% response rate.

Timing – there was unanimous agreement to retain the current arrangement for a 2:00pm start. One comment was: *“I am not aware of anyone having a problem so why change it.”*

Location – 7 selected to “continue with the existing arrangement”, 4 chose to ‘fix’ the venue in one optimum venue within Area North (ie: Edgar Hall, Somerton) and 2 would have preferred Brympton Way.

Comments included: *“survey other halls to give a choice rather than just Somerton, Select 2-3 that would be suitable and keep to those for the year”* and *“happy with existing, Edgar Hall is good but so is Norton though it has no wifi.”*

The majority view from Councillors 54% was to keep the current arrangements. Cost and time factors were not felt to be sufficiently important by that majority to warrant change, although 46% felt a fixed venue in North or Brympton Way was the way forward. There was support voiced for seeking to improve the rota of venues in Area North as opportunities occur. The Democratic Services Officer already evaluates alternative venues but only a few are able to meet our essential criteria.

Order of agenda – The Chairman and Vice Chairman assess the anticipated duration of non-planning items and from this set a realistic start time for the planning applications to be determined. This method has been quite accurate throughout the last year. The biggest variable to meeting length is therefore the number of planning applications.

Twelve Councillors wished to retain the current arrangement regarding the order of the agenda with only one Councillor wishing to have planning first followed by non-planning. Comments were: *“better for Officers to do planning second, they know what time the planning meeting will start”* and *“never hurts Members of the public to understand the wider work of the Council and Councillors.”*

Financial Implications

There are no new financial implications arising from this report. The current arrangements are more costly than operating all committees from Brympton Way. This “cost of democracy” is a conscious choice inherent in the area working arrangements.

Corporate Priority Implications

The work of the Area Committee system is dedicated to promoting all of the Council’s Corporate Priorities.

Carbon Emissions and Climate Change Implications

All the venues used by the Committee require the vast majority of people to travel by car. This is currently the case. The report doesn’t seek to change these arrangements

Equality and Diversity Implications

All venues are vetted to ensure that they are fully DDA compliant and provide a good quality meeting environment. Ideally they will offer wifi too as this is increasingly expected by the public.

Agenda Item 10

Area North Committee – Forward Plan

Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Sara Kelly, Area Development Lead(North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the 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 and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
25 Jan '17	Rural Housing Needs	Update report.	Alice Knight, Welfare and Careline Manager
25 Jan '17	Welfare Benefits	Annual update report.	Catherine Hansford, Welfare Advice Team Leader.
25 Jan '17	Affordable Housing	Update report.	Colin MacDonald, Corporate Strategic Housing Manager
9 Feb '17	Annual Area North Meeting 6.00pm to 8.00pm	For parish and town councils to discuss issues of mutual interest with SSDC and other key agencies and create a networking opportunity.	Helen Rutter, Assistant Director (Communities)
22 Feb '17	Rural Transport	Update report	Nigel Collins, Transport Strategy Officer
22 Mar '17	<i>Feedback from the Annual Area North Meeting</i>	<i>Members to discuss issues raised at the Annual Area North Meeting</i>	<i>Helen Rutter, Assistant Director (Communities) Sara Kelly, Area Development Lead (North)</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
22 Mar '17	<i>Economic Development and Regeneration</i>	<i>Update report on economic development in Area North, and update on work of the Area North Regeneration Board.</i>	<i>Pauline Burr, Neighbourhood Development Officer.</i>
26 April '17	<i>Arts & Entertainment Service Update Report</i>	<i>Annual Update Report</i>	<i>Adam Burgan, Arts & Entertainments Manager</i>
24 May '17	Streetscene Service	Update report.	Chris Cooper, Streetscene Manager
TBC	<i>Countryside Service</i>	<i>Update report.</i>	<i>Katy Menday, Countryside Manager</i>
TBC	<i>Endorsement of Community Led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Sara Kelly, Area Development Lead (North)</i>

Agenda Item 11

Planning Appeals

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Lead Officer: As above
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.

Public Interest

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.

Recommendation

That members comment upon and note the report.

Appeals Lodged

16/01761/S73A – Hedgerow Meadow, Street Road, Compton Dundon TA11 6PY.
Application to vary conditions 2, 3, 4, 6, 7, 8, 9 and 10 of approval 13/04943/FUL to regularise the existing development; 2 additional touring vans; external lighting; turning and parking area and hardstanding; landscaping; landscaping schedule; 1 additional storage container; materials and the substitution of plans.

Appeals Dismissed

15/04738/OUT – Trays Farm, Compton Street, Compton Dundon TA11 6PS.
Proposed two dwellings for renting only.

Appeals Allowed

None

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

Appeal Decision

Site visit made on 25 October 2016

by Rory Cridland LLB (Hons)

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

Decision date: 18 November 2016

Appeal Ref: APP/R3325/W/16/3155862

Trays Farm, Compton Street, Compton Dundon, Somerset TA11 6PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by GW & RJ Napper against the decision of South Somerset District Council.
 - The application Ref 15/04738/OUT, dated 20 October 2015, was refused by notice dated 4 March 2016.
 - The development proposed is two dwellings for renting only.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline, with matters relating to appearance, landscaping and layout reserved. I have dealt with the appeal on that basis, treating all plans as illustrative, except where they deal with matters of access and scale.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. Policy EQ2 of the South Somerset Local Plan (2006 – 2028)¹ (LP) seeks to ensure that new development is of high quality design which promotes local distinctiveness and preserves or enhances the character and appearance of the district. In assessing proposals the Council will consider a number of criteria. This includes whether the proposals conserve or enhance the landscape character of the area and whether they reinforce local distinctiveness and respect local context.

¹ Adopted March 2015

6. The appeal site is located outside the village of Compton Dundon, in what is essentially open countryside. It forms part of a larger agricultural field which provides separation from the main village and acts as a buffer between the village edge and the more isolated properties to the north. These properties are set apart from the main village and appear unrelated to the wider village or its overall character.
7. The proposed dwellings would similarly be set apart from the main village, with the remainder of the field continuing to provide a considerable amount of separation from the village edge. This would appear at odds with the established pattern of development and would impact negatively on local distinctiveness and context. Furthermore, it would jar with the more rural character of this part of the landscape, failing to reinforce local distinctiveness and negatively impacting on the wider landscape. While I note that development in any village will always have some impact, I consider the effect of the proposal on the surrounding area to be such that it would materially harm the overall character and appearance of the surrounding area.
8. Consequently, I find that the proposal would be harmful to the character of the surrounding area and would fail to reinforce its local distinctiveness. As such, it would be contrary to LP Policy EQ2.

Other matters

9. I have noted the letters of support from local residents submitted during the application stage. While I note their concerns regarding the lack of affordable homes and rental properties in the village, they do not overcome the harm to the character and appearance of the surrounding area which would result from the development proposed.
10. The National Planning Policy Framework states that if a five year supply of deliverable housing sites cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. However, Policy EQ2 is not such a policy and as such, I consider that Paragraphs 49 and 14 are not engaged. In any event, although there are a number of identifiable benefits to the scheme, the greatest of which would be its contribution to the overall housing supply, they are generally modest and are significantly and demonstrably outweighed by the harm identified above.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

Agenda Item 12

Schedule of Planning Applications to be Determined by Committee

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 North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 3.15pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.10pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	CURRY RIVEL	16/04346/FUL	Proposed erection of a dwelling.	Land Adjacent The Old Coach House, Westover, Langport.	Mr D & C Knight
14	SOUTH PETHERTON	15/03646/FUL	Construction of on-farm Anaerobic Digester plant (revised application, part retrospective)	Frogmary Green Farm, West Street, South Petherton	Mr D Manley
15	TURN HILL	16/03768/S73A	To vary condition 3 of 13/03053/FUL to extend length of planning permission by 5 years.	Land North of Tengore Lane, Long Sutton.	Tengore Solar Ltd

Further information about planning applications is shown on the following page 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

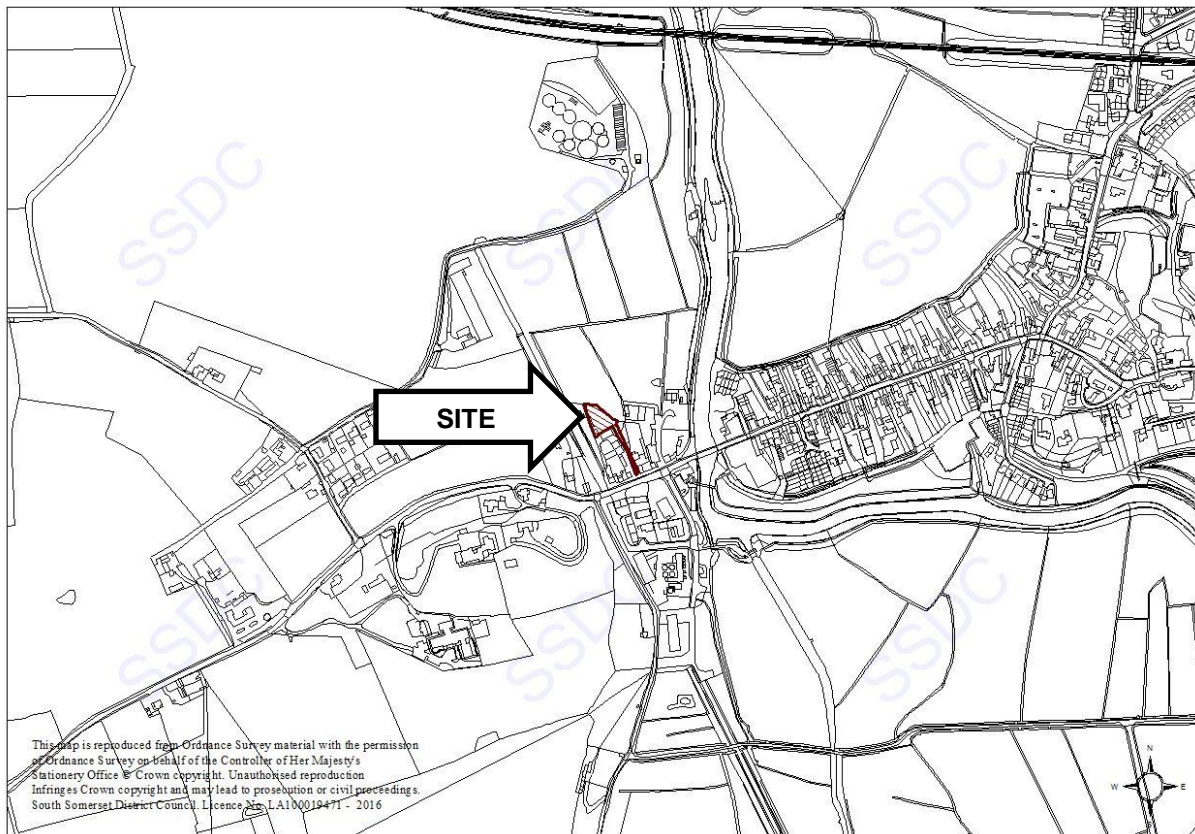
Officer Report On Planning Application: 16/04346/FUL

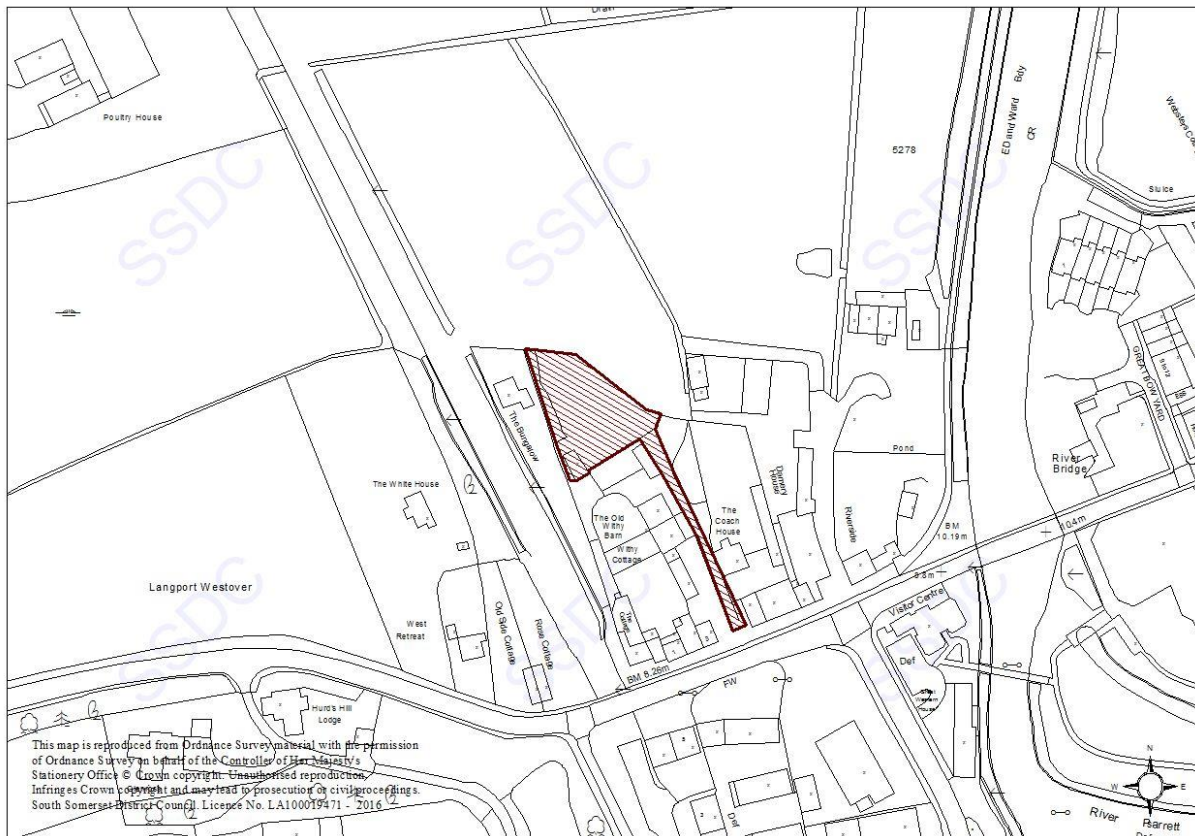
Proposal :	Proposed erection of a dwelling.
Site Address:	Land Adjacent The Old Coach House, Westover, Langport.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr Tiffany Osborne
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	2nd December 2016
Applicant :	Mr D and C Knight
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is to be considered at committee as the access arrangements do not fully comply with Highway Authority Standing Advice and relate a numbered classified road (A378). For this reason, planning permission cannot be granted under delegated powers and must be considered at committee.

SITE DESCRIPTION AND PROPOSAL





The site comprises a triangular shaped field accessed via a track serving a number of other residential properties, which is in itself accessed from the A378, to the north of the Westover Trading Estate. The site has high hedgerows to the east and west boundaries and an access gate and fencing to the south. There are residential properties to the south and one to the west. There is open countryside to the north and northeast. There is currently a small agricultural barn and a chicken shed on site. The local conservation area adjoins the site to the south. The site is also partially in Flood Zone 2.

The application is made planning permission to erect a four bedroom two storey house and detached garage. It is proposed to be brick built with concrete double roman tiles.

HISTORY

- 04/00317/OUT: Erection of a dwelling and amendments to parking at former railway hotel - Refused 11/05/2004.
- 893455: Dwelling (Outline) - Refused 24/01/1990 - Subsequent appeal dismissed.
- 870807: The conversion of barn/store into two dwellings - Permitted with conditions 29/05/1987.
- 86951/A: Erection of a bungalow and private garage and use of existing access - Refused 20/07/1972.
- 86951: Development of land for residential purposes, demolition of existing buildings and use of existing access - Refused 12/10/1971.
- 53727: Conversion of a partially demolished house into a store - Permitted with conditions 08/11/1961.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
HG4 - Affordable Housing Provision
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ3 - Historic Environment
EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Conserving and Enhancing the Historic Environment
Design
Natural Environment
Rural Housing
Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Curry Rivel Parish Council: The Parish Council is not putting forward any objections but, this decision was only reached by a majority decision when a vote was taken.

Langport Town Council: Concerns were expressed over highway access arrangements, and increased traffic movement. There were also additional comments that some councillors would like to see more sustainability built into any development.

SCC Highway Authority: Standing advice applies. Noting previous objections from the Highway Authority, further comment was made advising that if there has been no material change to the application (from previous refused schemes), and there are still highway implications, the Highway Authority would recommend refusal of the application. It is reiterated however, that it is ultimately for the LPA to make a decision in line with Standing Advice.

SW Heritage: No objection on archaeological grounds.

SSDC Civil Contingencies Manager: Has no objections to the suggestions identified in correspondence dated 14th October 2016 (email from Clive Miller to John Millar), in relation to flood emergency response and evacuation arrangements.

SSDC Environmental Protection Officer: The Environmental Protection Officer has advised that the site is within an area historically used as a landfill site and as such there is the potential for there to be contaminated land. Relevant contaminated land conditions are suggested.

REPRESENTATIONS

Eleven letters of objection were received from six local residents. The main points raised relate to the following areas:

- Highway safety concerns as a result of increased vehicular movements using substandard access, including construction traffic
- Safety of existing occupiers using existing access
- Disruption to existing residents during construction works
- Setting a precedent for further development
- Impact on residential amenity due i.e. loss of privacy
- Adverse impact on local rural character and the adjoining conservation area
- Planning permission has twice been refused on this site for highway safety reasons
- An existing warehouse just off the A378 is currently unoccupied and will lead to additional vehicle movements should this come back into use

CONSIDERATIONS

Principle of Development

The site is located within the defined development area of Langport, although it is within the parish boundaries of Curry Rivel. Langport is designated as a Market Town within the South Somerset Local Plan (2006-2028), and as such is a location where development is considered to be acceptable in principle where this "meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement." Policy SS5 identifies strategic housing targets for Yeovil, the Market Towns and Rural Centres. The proposed development will contribute to the levels of housing proposed for Langport, thereby supporting district-wide housing provision, however in considering the change of use of local services (including public houses). Due to the location within the defined development area of a Market Town, the proposed residential development is acceptable in principle subject of course to the assessment of other appropriate local and national policy considerations, such as highway safety, character and appearance of the local area, design and residential amenity, among other matters.

Scale and Appearance

It is noted that there have been previous refusal applications for the provision of a dwelling in this location, the most recent being in 2004. One of the refusal reasons included on this occasion was that the proposal failed to respect the local pattern of residential development and would be harmful to the character of the area. Notwithstanding this previous refusal reason, there have been quite significant changes in national and local planning permission in recent years when considering development proposals at the developed edges of settlements. While this doesn't necessarily impact on determination of whether a scheme accords with the local pattern of development, it is noted that the site is at the end of a track with development on either side. Whilst it does include building on a current greenfield site, it is also noted that there is a dwelling immediately adjoining the site to the north west that actually extends further to the north. The proposed development is seen in relation to this property to the west and the other existing development to the south, and other buildings further to the east. In this respect it is considered that the development is adequately sited in respect to existing built form without extending to the detriment of the character of the area. The existing site boundaries to the north, east and west are heavily planted with hedgerow and trees that further enclose the site, reducing the impact of development on open countryside to the north. As such, it is not considered that the provision of a house in this site will be harmful. Similarly, it is not considered to adversely affect views in and out of the conservation area.

The proposed dwelling is a relatively large four bedroom house; however it fits comfortably within the plot and is considered to appropriately respect the scale of development on nearby plots. Subject to a condition agreeing the final material finishes, the proposed design, scale and materials are considered to be acceptable.

Residential Amenity

There have been objections received in respect to the impact on the residential amenity of neighbouring occupiers as a result of overlooking nearby garden areas. In considering impact, the property itself is located centrally within the site and away from the boundaries so as to avoid overshadowing or general overbearing impact. Similarly, the orientation and design of the property means that openings on the north, east and west elevations overlook open countryside existing heavily planted boundaries, with no adverse impact on neighbouring amenity. There is the potential for some overlooking from south facing windows, however the proposed garage has been sited strategically to block any significant views that would be considered unacceptably harmful. It is acknowledged that this is largely dependent on the garage being provided, however it is considered appropriate to require the garage constructed prior to occupation of the dwellinghouse, should permission be granted, and for it to be retained as such.

Concern is also raised over the safety of neighbouring occupiers accessing their properties and walking along the existing access track, however the provision of this dwelling is not considered to lead to any significant increase in harm bearing in mind that several properties already use this track, in addition to the application site already being in use for agricultural purposes.

Objections have been received in respect to disturbance during construction works; however this would only be for a finite period. While there is potential for some disturbance it would be reasonable to refuse permission on these grounds. In order to protect local residents, it would be reasonable to impose a condition requiring the approval of a Construction and Environmental Management Plan (CEMP) that could include the agreement of construction hours, methods of accessing the site and contractor parking arrangements.

Overall, there is considered to be limited harm to residential amenity, such that it would not be appropriate to recommend refusal.

Highway Safety

A number of objections have been received from neighbours in respect to highway safety, as well as concern expressed by the Langport Town Council. The main issues relate to the width of the shared access track and the substandard nature of the access from this track onto the A378, which has reduced visibility and poor alignment. It is also noted that the Highway Authority previously raised concerns about highway safety, recommending refusal last in 2004.

In support of the application, the applicant has argued that there have been material changes in circumstances since the last planning application over 12 years ago, specifically stating the following:

- The introduction of the 20 mph zone starting immediately adjoining the access into Westover
- The Structure Plan has been revoked and the previous policy reason for refusal no longer exists
- The Manual for Streets and Streets 2 have been published
- Publication of the NPPF which introduces the presumption in favour of sustainable development and the principle for the first time that development proposals should only be refused on highway safety grounds where the (cumulative) impact on highway safety is considered to be severe.
- A detailed technical assessment has done here for the first time, carefully and accurately describing the highway situation and concluding that although Standing Advice cannot exactly be met, the extent to which visibility to the west is compromised is not such that the impact of development would have any significant adverse impacts and certainly not such that it would warrant a justifiable reason for refusal.

Since the submission of the application, it is also noted that a recent appeal decision (APP/R3325/W/16/3152198 - Two Oaks, Broadway Road, Ilminster) determines that Standing Advice only applies to new accesses. The Inspector quotes *"The Council is concerned that visibility at the junction with Broadway Road is so impaired that an increase in traffic movements at this junction would result in severe harm to highway safety. These concerns are echoed by both local residents and the Parish Council all of whom have referred to the Highways Development Control Standing Advice for Planning Applications ("the Standing Advice") in support of their position. Para 3.1 of that document states that where accesses and junctions are to be formed, the Manual for Streets is the appropriate guidance for visibility splays. However, in this case the proposal seeks to utilise the existing access and the application form indicates that no new junction is to be formed. As such, I do not consider Para 3.1 of the Standing Advice to be applicable. Instead, I consider the central question to be whether visibility at the junction is such that the additional vehicular movements associated with the development would pose a significant risk to highway safety."* On this basis, it is considered appropriate to assess whether indeed the increase in vehicle movements associated with this development proposal would pose a significant risk to highway safety, notwithstanding the fact that full visibility levels, as identified in the Highway Authority Standing Advice are met.

The applicant further supports the proposal by identifying that there is a good level of visibility to the east, with splays in excess of 2.4m by 60m available. It is advised that views to the west are partially obscured by railings and a bridge parapet wall, however it is possible to see the roof of a car at a minimum distance of 50m, and also see cyclists or motorcyclists above the

railings and parapet wall. Additionally, the applicant has commissioned a 'manual traffic turning count' to survey the usage of the access onto the A378. The results of this survey, which was carried out between 07:45 and 09:15 on Wednesday 10th August 2016, showed four vehicles exiting the access and one pedestrian entering. It is acknowledged that this survey was carried out during a school holiday period but it is contended that this is still a fair estimate of usage, demonstrating that the access is currently very lightly used, considering that there are at least 14 residential properties using the access onto the A378.

The Highway Authority have advised that the development should comply with Standing Advice. They have offered limited further advice in that if there is no material change in circumstances from previous applications, then they would recommend refusal, however determination of this scale of development is ultimately for the Local Planning Authority to assess in conjunction with Standing Advice. Bearing in mind that there have been some material changes in circumstances, as highlighted above, and that a survey has been commissioned to provide additional evidence in support of the application, along with the recent Inspector's decision in respect to Standing Advice, it is not considered that one additional household, using the main access off the A378 would cause such significant, or severe, adverse impact on highway safety that planning permission should be refused on highway safety grounds. It is acknowledged that the access road off the main A378 access is poorly aligned, and that the track is not of the necessary width to allow full passing of two vehicles, however visibility is good over a the majority of the track, allowing vehicles to pull in and manoeuvre without causing a hazard.

The occupiers of some of the adjoining properties have raised concerns that their parking spaces would be affected, however the submitted plans show that there is approximately 5m between the west side of the track, and the gate position, which is more than a standard parking space of 4.8m. allowing for vehicles to park as per the existing arrangements.

Concerns have been registered in relation to highway safety implications of construction traffic, however as with disturbance to residential amenity, this could be adequately covered within a Construction and Environmental Management Plan.

Overall, the increase in use of the access is not considered such that there would be a significant impact on highway safety as a result of the proposed development.

Other Issues

The site is partly within Flood risk zone 2, as designated by the Environment Agency, however all the built form is proposed outside of the flood zone, with only some of the proposed garden within. As such there are no objections in respect to flood risk. It is noted that a small amount of the access is within Flood Risk Zone 2, however the applicant has submitted details in respect to flood emergency response and evacuation arrangements. The Council's Civil Contingencies Manager has considered these proposals and has raised no objections. Ultimately the limited amount of access in designated Flood Risk Zones will not be such that evacuation from the site or emergency access to it would be impeded significantly. An informative will be added in respect to this matter.

The Council's Environmental Protection Officer has identified historic landfilling locally, which could potentially affect the site. While this is not a constraint to development, relevant contaminated land conditions are suggested.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal

made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

Conclusion

Despite concerns raised locally, the proposed residential development of the site is considered to be acceptable in this location, as it respects the character of the area, and is not considered to cause demonstrable harm to residential amenity and highway safety, and will not increase flood risk locally.

RECOMMENDATION

Grant approval for the following reason:

01. The proposed development, by reason of size, scale and materials, is acceptable as it respects the character of the local area, does not adversely affect the setting of nearby conservation area and has no unacceptable impact on residential amenity, highway safety or local flood risk. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS1, SS4, SS5, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 6, 7, 11, 12 and the core planning principles 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 development hereby permitted shall be carried out in accordance with the following approved plans: '16/1568/01' and '16/1568/03'.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No work shall be carried out in respect to the construction of the external surfaces of the development hereby permitted unless particulars of materials (including the provision of samples) to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

04. The area allocated for parking and turning on submitted plan '16/01568/01', shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the occupation of the dwellinghouse hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

05. The garage hereby approved shall be constructed prior to the dwellinghouse first being occupied.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice, pollution prevention measures and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To safeguard residential amenity and highway safety, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

07. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.

4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

08. Before the development hereby permitted commences the applicant must either:
- a. Investigate the site for landfill gas to the satisfaction of the LPA, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to, and approved by, the LPA. Or;
 - b. The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

For a. and b. all required measures shall be installed before the development is first occupied.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11, 12 and the core planning principles of the National Planning Policy Framework.

Informatives:

01. The applicant should note that the entrance to the site is within Flood Zones 2, as designated by the Environment Agency, and should consider putting flood emergency response and evacuation arrangements in place, in line with details indicated in correspondence dated 14th October 2016 (email from Clive Miller to John Millar).

Agenda Item 14

Officer Report On Planning Application: 15/03646/FUL

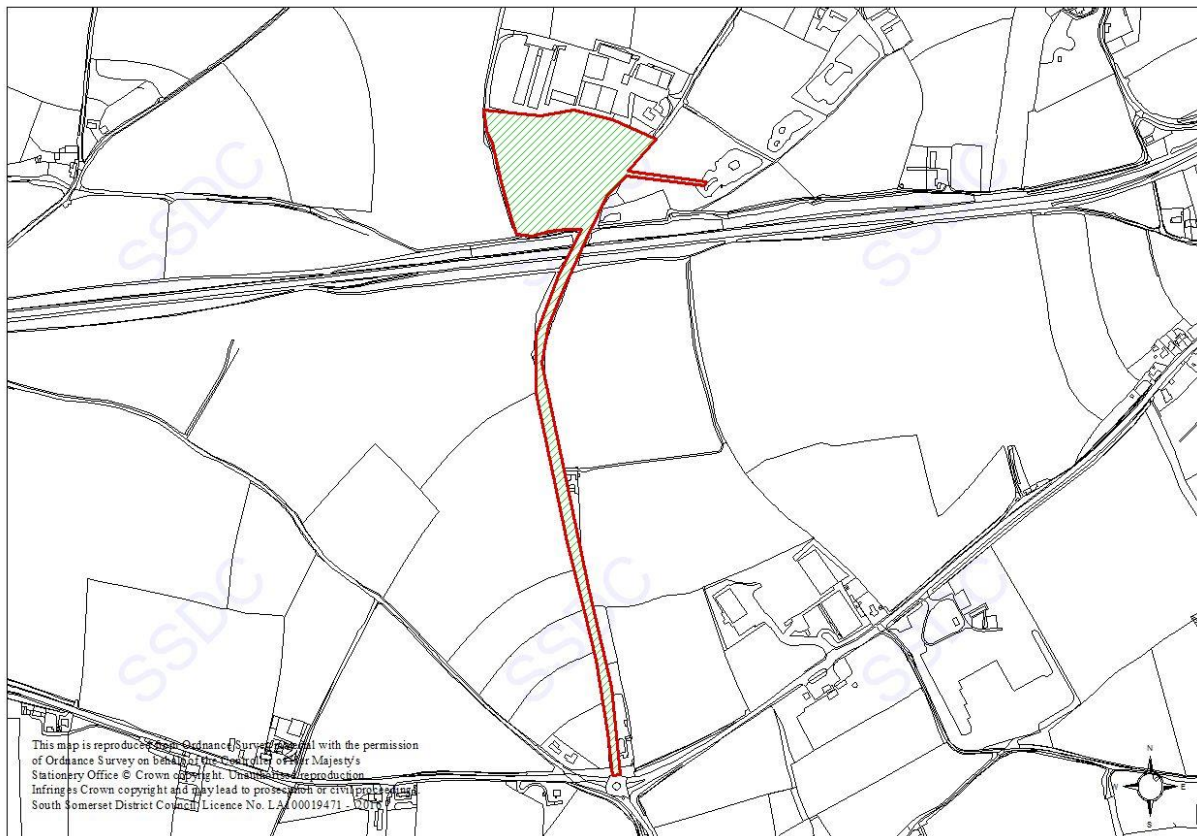
Proposal :	Construction of on-farm Anaerobic Digester (AD) plant (revised application, part retrospective) (GR 342303/116042)
Site Address:	Frogmary Green Farm, West Street, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	18th November 2015
Applicant :	Mr David Manley
Agent: (no agent if blank)	Mr Nick Williams, Berrys, Willow House East, Shrewsbury Business Park, Shrewsbury, Shropshire SY2 6LG
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The application is classed as a major-major development and is therefore referred to Area North Committee.

SITE DESCRIPTION AND PROPOSAL





The application site is located immediately to the south of Frogmary Green Farm, which is located approximately 1km to the south west of South Petherton, just north of the A303. The application site covers 3.55 hectares. The farm itself covers 500 acres of arable land, growing potatoes, winter wheat, winter rape, maize, and in addition, includes a large poultry enterprise. The site, formerly used for crop growing, is bounded to the east by a C classified road. A track joins this road at the bottom of the site and runs along the southern and western boundaries of the site. The track links to the main farmyard to the north, upon which there are a number of significant agricultural buildings.

This current application seeks consent for the construction of an Anaerobic Digestion (AD) plant at Frogmary Farm. Planning permission was granted in 2014 for a 1MW AD plant. Construction had commenced to implement that permission, however, changes were made to that scheme which warranted submission of a new application. This application therefore seeks part retrospective consent for those changes.

A summary of the 2014 permitted development is outlined below to help provide relevant context for this current proposal. Full details of this application and officer report is available on the Council's website.

2014 Permission

Planning permission was granted in 2014 for the construction of a 1MW AD plant, which would generate renewable energy in the form of electricity. This would be exported directly to the local grid network. The proposed Digester Tank and Stationery Feeders would be 45 metres in diameter and 7 metres high. The Gas Holder and the Digestate Tank would be 12.5 metres in diameter and 10 metres high, and 39 metres in diameter and 6 metres in height respectively.

This scheme would have processed and managed just over 19,000 tonnes of feedstock per annum, to include farmyard manure and poultry manure, sourced from Frogmary farm. Crops

would also feed the AD plant (beet, silage, wheat and rye) grown on the owner's land and other local land. Feedstock would be stored in 4 feedstock clamps with poultry waste stored in an existing shed. Due to the topography of the site, the development would be split over 2 levels. An earth bund would be formed along the northern side of the feedstock clamps which would be planted with native tree species. Additional planting is also proposed to the east and south.

The digested material would be discharged from the tank and separated into a nutrient rich solid and liquid form. The liquid digestate would be pumped directly into the surrounding farm land via an umbilical pipe and the solid digestate used as poultry bedding on the farm. Vehicular access would be gained from the existing farm access transporting all feedstock through the farmyard. The estimated additional average vehicular movement would be 2 per day. The Highway Authority and Highways Agency (now known as Highways England) did not raise an objection to the scheme. Moreover, subject to appropriate conditions, no objections were received from the Landscape officer, Environment Agency, Environmental Protection Officer, Drainage Engineer, Ecologist, Climate Change Officer, Rights of Way, South Petherton PC and Lopen PC.

Current Revised application

The current application has been submitted to regularize changes made to the earlier approved scheme. It must be noted however that this is a fully fresh application and must be fully assessed on its merits. The supporting details outline that the AD plant will now export primarily gas rather than electricity. The applicant explains the reason for this change is due to energy efficiency. 60% of the energy produced by running biogas through a Combined Heat and Power engine is lost in heat, whereas refining gas and injecting it directly into the gas grid a far greater amount of renewable energy is available to be exported. The output of the AD plant would now rise from 1MW electrical export to 2.2-2.5 MW gas export, using the same amount of feedstock. The scheme would make a valuable contribution towards supplying green energy - it is estimated that the facility will produce enough gas to heat 1750 homes. The farm would benefit not only from the income generated but in managing farm waste and by using the fertiliser produced by the AD process.

In terms of the changes made to the scheme, additional structures have been included comprising a gas upgrade unit, a gas holder dome, a canopy on the east side of the shed and above ground propane tanks. The applicant has stated that the gas holder dome is the tallest structure and has been sited at the rear (north) of the site, in order to benefit from greater screening. This measures 20.9 metres in diameter with a height of 11.7m. The storage shed is 20 metres x 25 metres and 10 metres to the ridge. The canopy to be attached to the east side of the shed will measure 25m x 10m. Subterranean tanks previously granted in December 2014 are shown on the plans; however, the applicant has since advised the case officer that these are not required and have not been installed. In addition to the new structures, the overall positioning of all structures have been moved eastwards due to engineering requirements.

The earlier scheme was set on 2 different levels within the site ie 53 metres AOD (Above Ordnance Datum) and 57 metres (AOD). This revised scheme is now set on one level ie 56 AOD which makes site operations easier and places some of the structures on the site 1 metre lower than previously approved. A bund to the south will extend to the east and will be planted on its outer slopes to screen views into the site from the south, south west and east. The key viewpoints into the site have been identified as being from the south (A303) and from the east. A landscaping scheme has been included with the proposals following discussion with the Council's Landscape officer. A Landscape and Visual Impact Assessment has also been undertaken and submitted as part of the application. The scheme proposes to plant native species trees in areas not covered by hardstanding. A block of woodland will be positioned to

the north east of the site, and along the south with boundary planting along the west.

The nearest residential property is the applicant's own dwelling to the north east of the site, with the next nearest dwellings over 300 metres distant.

Access to the site is to be gained using existing access points at the farm. Deliveries will enter via the main farm entrance and exit via the track to the south. This is the current route used by current deliveries to the farm. Due to the proximity of the site from the main farm and existing internal farm roadways, movement between the farm and the site will not require use of external roads.

The supporting details outline that the majority of the feedstock will be imported from the land farmed by the site owner and from farm operations at Frogmary Farm, along with a number of local farm holdings. A 16 tonne capacity trailer will be used to transport the majority of the feedstock with the chicken manure via a 28 tonne HGV. Animal waste, as per current chicken waste deliveries, will be transported to the site along the A303. Vehicles would exit at the Hayes End/South Petherton roundabout, travel on Harp Road to the Hollow Lane Junction, and then turn north under the A303 and into the farm. Crop feedstock would either come from adjacent land and across fields to the farm or along local roads but largely avoiding local villages.

The development would create an average increase of 2 movements per day. There will be busier times particularly when the crops are being harvested - during the maize harvesting peak, there will be 3-4 deliveries per day. Liquid digestate would be pumped directly to the adjoining land via a pipe or back loaded on vehicles delivering feedstock or spread in replacement of current farm waste spreading operations at the farm. The supporting information states that this would therefore not create additional traffic movements.

The amount of feedstock that the plant will process each year is just over 19,000 tonnes, the same as the approved scheme. In terms of the split between on and off site feedstock, 4,479 tonnes will come from the farm (2,500 tonnes chicken manure, 1,479 tonnes maize silage and 500 tonnes potato) with 14,783 locally imported. The 2 largest off site importation will be poultry manure at 5,000 tonnes with maize silage at 4,878 tonnes. Other imported feedstock will be farmyard manure, beet, grass silage, wheat and rye. The Supporting Statement outlines that Biogest UK have been selected as the technology provider for this development and operate across Europe, having constructed over 90 plants.

A public right of way runs along the western and southern boundary of the development site; the development would not interfere with this route. Over time, the landscaping scheme will assist the screening of the development of views from the public footpath.

Relevant Body for determining the application

Post submission of this revised application, there was much discussion between the District and County Council, about whether this was largely a waste application and therefore should be determined by the County Council, or more an energy generating/recycling facility and thus a District matter. Following this discussion, given that the LPA had determined the first application and had started assessing this revised application, it was agreed that the district council would determine the application but with close working/consultation with County colleagues. In addition, the County formally agreed to discharge their function to the District Council in respect of this application.

RELEVANT PLANNING HISTORY

- 14/01923/FUL Construction of a 1MW on-farm Anaerobic Digester (AD) plant. (Permission granted in August 2014).
- 15/02331/S73A Application to vary condition no2. (approved plans) of 14/01923/FUL to amend site layout and addition of gas holder dome (application superseded)
- 15/02133/S73A Application to vary condition 07 (cessation of use) of planning permission 14/01923/FUL to allow re-use of buildings and structures after cessation of use. (application withdrawn).
- 16/05222/EIASS Screening Opinion - Construction of a 2.2 -2.5 MW on farm AD plant. EIA not required.
- 14/05434/NMA Application for a non-material amendment to planning permission 14/01923/FUL for the addition of 2 no subterranean propane gas tanks (approved Dec 2014).
- 14/03894/EIASS Screening Opinion - Construction of a 1MW on farm AD plant. EIA not required.

The following application was received and approved on another part of Frogmary Farm:
16/01924/FUL - Retention of use of meeting rooms and cookery school and erection of single storey classroom building, decking, raised beds and formation of parking area. (Approved 2016).

There have been many applications over the years related to the wider Frogmary farm site for agricultural purposes. More recently, there have been applications to use part of Frogmary Farm for meeting rooms, cookery lessons and for educational purposes. In regard to the latter, the supporting documents outline that the farming business hosts educational events to raise awareness of the farming activity and benefits of sustainable environmental management.

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

South Somerset Local Plan
SD1 - Sustainable Development
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 Historic Environment
EQ4 - Biodiversity

Waste Core Strategy (Development Plan Document up to 2028)

Policy Related Material Considerations
National Planning Policy Framework (NPPF)
Core Planning principles
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Standards

CONSULTATIONS

South Petherton Parish Council (Sep 2015)

Recommended with the following conditions:

1. That the plant is not allowed to operate over capacity
2. The nine months extension be removed
3. Over capacity in terms of vehicle movement on the local road system and production capacity is of concern without further examination due to it being a revised application.
4. Due to the complexity of the proposal SPPC wish to reply on the expertise of SSDC officers to take appropriate action when making a final decision.

South Petherton Parish Council (Feb 2016)

Resolved that the planning application was far too complex and technical to be decided solely by the Parish Council. It was therefore decided to leave the final decision to the experts at the South Somerset Planning Dept. It as however agreed that attention be paid to local signage in order that traffic was not directed through the village and that some form of speed restriction be also considered on the agreed route to the location of the digester.

Lopen PC (adjacent PC)

Lopen PC has written to the Council a number of occasions outlining concerns about the application, particularly in relation to the lack of information provided by the applicant in their documentation. Prior to their first public meeting in September 2015, a number of points were raised with the LPA. Those concerned:

- The development is more akin to an industrial development rather than a farm based enterprise.
- Lack of transparency about the true scale of the plant
- If no further feedstock is required, has this taken account of the power requirements of operating the plant, will the farm still be powered by the development?, lack of info about the 2 CHP units, capacity of the plant and feedstock requirements, will more feedstock be required in the future?, scale and arrangements for the digestate disposal and where the digestate will be delivered and spread.
- Lack of information regarding the underground gas tanks
- Query the real reason for introducing LPG tanks on site ie to enrich the biogas to feed into the grid. Regular deliveries of LPG tankers will be required - figures not shown in the traffic movements.
- Lack of detail in respect of digestate disposal. The farm and land around is designated as a NVZ - how will this be dealt with during spreading restrictions, how will it physically be spread on the land and question whether specialized vehicles will be required to take away liquid digestate.
- An Odour Management Plan should be submitted
- The whole farm should be treated as 1 planning unit to properly take account of the various activities at the farm.
- A new EIA is required to take account of the changes to the scheme.

Lopen PC (Sep '15 meeting summary)

Further to the above comments, Lopen PC held their meeting on the 16th September. New information had been submitted by the applicant but the PC concluded that it does not have sufficient information with which to make an informed decision on this application. Points raised reflect those outlined above, plus concern that it was the applicant's intention to build a larger facility, require clarification in respect of Hazardous Substances Consent, reference to a DEFRA report about the environmental implications of AD plants and encourages use of crop residues and waste as feedstock and deters use and against any practices which are less sustainably sound.

Further comments include suitability of the duoliner trailers along local roads, question whether digestate would be backloaded and additional movements from the collection of the trailers. No noise or odour assessment has been undertaken. EIA requires cumulative impact to be assessed. This is a commercial Centralised AD plant servicing several farms and cumulative impact needs to be taken into account. Updated landscape appraisal required. Do not accept proposed change to condition 7 regarding removal of buildings etc upon cessation of use.

The PC recommend approval but only subject to the very strictest of conditions that monitor and limit feedstock tonnage to that originally applied for (under 20,000 tonnes and size/number of vehicle movement as currently identified and communicated to us. The recommendation is subject to a thorough examination of all the impacts with appropriate mitigation where necessary, or if any unacceptable impacts, a refusal of the application. Any future increase to the level of feedstock should be subject to a new application.

Lopen PC (Oct '15)

Further to your e-mail of 7th October attaching the responses of David Manley, representing the views of Greener for Life (GFL) and requesting that we respond within a week, I submit the views of Lopen PC members. You will appreciate that we have not been able to hold a formal meeting within the requested timescale so this response is submitted without our usual public consultation on the new facts which have emerged as a result of our concerns expressed to you in the e-mail from the parish clerk dated 29th September. The detailed responses to Mr Manley's comments are set out in the Appendix to this e-mail for ease of reference. However, his comments lead to the following further submissions on the part of Lopen Parish Council.

The applicant's initial proposal presents the case for a typical on-farm anaerobic digester (AD) i.e. an integrated farm based operation taking waste and other feedstock from the otherwise normal activities of the farm complex. However, on closer reading along with the various answers to questions supplied, it is plain to any reasonably-minded person that the degree of integration is inconsistent and varied as a matter of convenience in order to put the proposal in the best possible light. This has little bearing on reality.

The applicant claims the proposal is an on-farm AD and not a centralised anaerobic digester (CAD - taking wastes and other feedstocks from multiple farms), as all the feedstocks (including wastes) are provided by the on-site farm complex and their contractual arrangements. The existing farm contracts may cover the importation of some poultry manure/litter as fertiliser but when used as a feedstock, this material is classified as waste. Whether or not the farm acts as a broker to supply the AD site with waste, the fact remains that waste (and other feedstock) is being imported from multiple farm sources for use in the AD. In these circumstances, the AD is better described as a CAD. Furthermore, if it is accepted that the farm is to import large quantities of waste (rather than the AD operator) the planning and regulatory requirements are likely to extend beyond the AD itself to include the farm - none of which appears to have been addressed.

When detailing vehicle movements the applicant backs away from the integrated approach and favours one of isolation which ignores many of the existing and/or proposed movements to and from the farm complex as a whole. Furthermore, the movements that are accounted for are incomplete, understated and do not cover the comprehensive range and size of vehicles which, when challenged, are only now coming to light. Much the same approach is adopted when considering the cumulative impacts of development.

When considering bio security, permits and environmental impact assessment (EIA), the applicant considers only the "chicken litter produced on site" but fails to include the greater majority of such waste which is actually imported (5,000 tonnes vs 2,500 tonnes produced on

site). These important environmental aspects are further complicated by the recycling of digestate solids as poultry bedding for use on the host farm site which the applicant seeks to answer when stating: "The EA permits (AD Plant and Farming operation) will control and monitor the interface between the two operations." In reality, the AD permit is a standard rules instrument that is not designed for such a purpose and cannot be adapted to "control and monitor the interface". The EA permits relating to the poultry operation may be varied accordingly but, in doing so, the importance of control and monitoring is established between the AD and the poultry facility. As the latter is a mandatory schedule 1 EIA development, under these circumstances the AD facility must also be regarded as such.

In summary, it is impossible to accept that the information provided thus far gives a decision-taker sufficient and plausible information against which the extent of any resulting environmental impacts can be measured. In such situations of uncertainty and variability, the case for requiring an environmental statement is made. In this case the need is compounded by the now established and unavoidable link to a mandatory schedule 1 development.

Taking the facts above and our views on Mr Manley's comments set out in the Appendix, the traffic/movements detail provided are incomplete and understated. This should be revised to include all movements in/out of the AD and Frogmary Green site as a whole (as they claim to be on-farm, all movements are relevant) and all vehicle types and sizes with all the relevant bodies re-consulted once corrected; we still do not have the facts relating to use of digestate solids as bedding and this has a potential significant impact on movements (the dried digestate solids may be relatively low tonnage when compared to the liquids but the volume is considerably greater). We await the answer to this specific question raised in our email last week; we believe that an Environmental Impact Assessment (EIA) is required; for the avoidance of any doubt, our recommendation to approve relies on the inclusion of the conditions requested. Without these, we recommend refusal. We further note that the local fire authority does not appear to have been consulted. Given the nature of this site (explosive materials) we respectfully suggest they should be; and as the waste elements are high, this application could be argued to be a County Council matter rather than District Council (as has been the case elsewhere in the UK). At the very least, the County Council planning team must be consulted and the proposal assessed under their waste policies.

Officer comment:

Attached to the Parish Council's response was a series of points/concerns, summarised as follows:

- A list of AD applications in the south west is given. Attention is drawn to local concerns about amenity, health and welfare issues along with access and transport concerns.
- Confirmed that there will be 2 x 0.5 MW CHP units on site. Smaller than originally suspected but there remains a twofold excess capacity for digestion and gas processing relative to permitted feedstocks. Strong temptation to make maximum use of the site capacity.
- Tight controls/conditions on this AD plant are essential to ensure control and all requests for feedstock increases must be subject to a fresh planning application. Expect to see a condition restricting the amount of feedstock tonnage to that outlined in the application.
- LPG figures do not include the approved subterranean tanks.
- DEFRA report outlines potential issues surrounding AD's and cumulative effects of multiple AD's must be taken into account. It discourages the use of less environmentally sound practices.
- Vehicle movements associated with the LPG unit supplies not included in the traffic movements table.
- Need clarity on how much digestate would be transported off site and number of movements associated with Duoliners. Planning statement does not refer to 44 tonne

lorries rather 28 tonne vehicles.

- Need clarity on the routes taken by duoliners and other AD's they are serving.
- Lack of noise or odour assessment.
- Frogmary Farm should be viewed as 1 planning unit to take account of all of the various uses.
- This application is significantly different from the earlier scheme.
- Additional landscape assessment required to take account of the scheme changes.
- Question the biosecurity of the development, particularly given incidents at another AD plant.

Lopen PC (Response to submission of Ecology and Archaeological Reports)

Please see the response of Lopen Parish Council response to latest documents below:

1. "Extended Phase 1 Habitat Survey and Ecological Appraisal" - No comment
2. "Stage 2 Great Crested Newt Survey Report" - No comment
3. "Written Scheme of Investigation: Archaeological Watching Brief" - We find it very strange that relatively minor works associated with digging a drainage ditch has prompted this report, whereas no archaeological work appears to have been done for the main site either for this planning application or the previous one . The considerable earth moving which has taken place means that any remains will have been comprehensively destroyed.
Bearing in mind the proximity of this site to the Fosse Way and its location in a valley, please explain why a request for archaeological investigation was not made at the time of the original application.

4. Highways Consultant Mike Bellamy's comments email dated 24/02/2016 (not published on website until 27/04/2016). We have the following observations

- It is welcome to see the Highways side finally being shown some real attention, with some excellent points raised. It's a pity that it is only taking place now at this late stage, well into this second application, with the precedent of the previous PP to obstruct any proper measures being implemented. Why was this level of scrutiny not applied by Highways at the previous application (14/01923/FUL)?
- How is it possible that the question of the TRO (6'6" width restriction) was not raised during the previous application (14/01923/FUL)? Given the level of traffic and the size of the vehicles involved, it is very relevant.
- We agree with Mr Bellamy that a full Transport Statement should have been prepared and submitted. In the light of the substantial changes made to the structures for which permission has not been granted, this application should be treated as a new one, not part retrospective, and a full transport plan prepared.
- Mr Bellamy appears to have concerns about the numbers of movements, sizes of vehicles and seasonal variations. We share these and have written of this before. Furthermore Mr Bellamy does not appear to have seen the later correspondence where the following questions were raised but not necessarily fully answered:
- Digestate removal offsite, which we consider to be far more than originally implied in the Planning Statement, due to the Nitrate Vulnerable Zone (NVZ) status of the site and surrounding fields.
- Viability of making the digestate "backloads" completely disappear to the extent that none
- whatsoever are shown in the vehicle movements. We consider this impractical and unrealistic.
- Proposed use of specialist "Duoliner" artic lorry trailers to make the back-loading of digestate actually possible (as now admitted by the applicant), resulting in regular use of vehicles of up to 44 tonnes gross weight to access the site and local feedstock sources / digestate lagoons. While it could be contended that the larger vehicle sizes may reduce movements, the sheer size is a big concern given the narrowness of the roads involved, not only West Street, but other local roads which these lorries will try to

use.

- The above serve to render the vehicle movements table submitted in the original planning statement invalid. The applicant needs to revise this and resubmit.

We suggest you refer Mr Bellamy to the comments from LPC dated 05/09/2016, 02/10/2015 & 14/10/2015, which all have relevant transport content. (Transport related extracts copied below in appendices 1 - 3).

5. Not directly related to any recent documentation submissions, but significant nonetheless. LPC received a number of complaints during the w/c 14th March concerning up to 4 movements per hour, in each direction, of large tractors pulling slurry tankers passing right through Lopen village. Two of these were followed and were found to be running from the AD site to a farm south of Merriott and back. We cannot be certain all followed the same path but it seems likely. This was in defiance of the Lopen village 7.5t weight restriction and the farm south of Merriott is not one of the named feedstock sources or digestate destinations. We are aware that at least one of our parishioners reported the matter to the police, but do not know whether it was followed up.

Seavington Parish Council:

Following your letter dated 12th January and previous comments made by Seavington Parish Council I would like to advise that Mr Nick Bragg attended our Parish Council meeting on 19th January and some of our previous concerns have now been alleviated. It is, however, obvious that there will be an increase in traffic along the C5021 to a maximum level of 4 - 5 x 44 tonne lorries per day, and this remains a major concern. To this end the Parish Council feels that Highways need to be consulted regarding this application, but also especially in the light of this and the new housing developments at the former Lift West Site and at Pond Farm.

It is again the suggestion of Seavington Parish Council that the current western 30mph limit and sign should be moved further to the west giving increased safety to entry/egress from the completed Lift West Site (this was previously suggested when the Parish Council formerly responded to the original Planning Application) and the eastern sign and limit moved further up the hill to the east from Seavington House, also affording a greater level of safety and protection to vehicle entry/egress at David's and School Lanes. It is further proposed that together with these measures, the existing westerly middle-of-the-road bollard be moved (to the west) much closer to the planned entrance to The Lift West development. It is believed that this will have the double effect of not only producing a perception to approaching traffic of a need to slow down, but also by removing and moving the existing bollards, producing a greater width of carriageway to facilitate a larger vehicles' ability to negotiate the curve opposite The Volunteer Inn. In turn consideration might also be given to moving the eastern bollards for similar reasons.

The road surface through Seavington St Michael [along the C5021] is poor; Cats eyes were removed some years ago when the road was resurfaced but the remaining holes were not filled in properly and are getting deeper, causing residents who live in the cottages alongside the road often to complain that they feel their properties shake when these holes are hit, particularly by larger vehicles. This road surface needs to be inspected and repaired where necessary as well as some improved white lining provided.

The Parish Council find it increasingly difficult to persuade County Highways to work on this road as it is only classified as a C road but perhaps these 3 planning applications could be used as the catalyst to make the safety-related improvements suggested.

Highway Authority

Following a site visit, the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal. Based on the difference between the previously approved scheme and the one proposed as part of this application, it is not

considered that this will result in a severe impact on the highway network. I therefore recommend that the conditions imposed on the previous consent be repeated on this permission.

SSDC Highway Consultant (Initial comment)

Refer to SCC comments. Would expect a Transport Statement/Construction Traffic Management Plan to be submitted although many of the transportation and highways impacts of the development appear to have been reported upon in the Planning Statement for SCC to consider.

Officer comment - Following a request from the case officer, and in response to local concerns raised about the highway impact of the proposal, the Council's Highway Consultant further assessed the proposal and sought clarification and confirmation on the following highway related issues:

- A. The use of 28T vehicles for the transportation of chicken litter rather than 20T vehicles
- B. A graph showing the projected season fluctuations in traffic flow across the year as well as the average number of traffic movements using data from other operational AD plants
- C. A view from Somerset County Council in respect of the use of the public highway from Lopen Head roundabout to the site access junction for both construction and operational phases given the existing width restriction (TRO) in place for this length of highway, and whether or not mitigation measures are required.
- D. A plan showing the geometric layout and visibility splays at the site access junction and improvements thereto if required (to be determined by a swept path analysis plan).
- E. A swept path analysis of the site access junction and Lopen Head roundabout junction.

Officer comment: This was forwarded onto the applicant who queried the need for C-E given that this was not requested from the Highway Authority in regard to the original application and also given that the transport arrangements have not changed. Following a site visit by a highway officer, the case officer was advised that the Highway Authority retain their no objection to the scheme and do not require any further mitigation and or submission of plans. The Highway Authority are satisfied that the highway network is capable of accommodating the traffic levels and vehicles associated with the development.

Highways England

No objection raised. However, would not permit surface water drainage from the site into their own detention pond.

Officer comment: Following the above comment from Highways England, the applicant amended the drainage scheme. Clean surface water would now be drained into existing ponds within the landowner's ownership.

Senior Planning Policy Officer, Minerals and Waste (County Council)

(Summary of comments Feb 2016)

An objection was raised to the scheme due to a number of issues raised. The assessment was based on the original submitted application. The key points raised are as follows:

- the supporting documents do not make reference to the Waste Core Strategy - policies in that plan are a material consideration in the determination of this application.
- - whilst acknowledging the relationship and advantages next to an existing farm the site is not a preferred type of location as it is greenfield site - application does not make any reference to known archaeology
- no carbon management assessment has been undertaken to demonstrate the proposal would have a lesser carbon footprint than any alternative method of managing the waste and other products.
- would welcome the use of greater grey water collection and re-use.
- surface water drainage proposals for the development need to be submitted in light of

the change from discharge to an attenuation area owned by the Highways England to ponds in the land owner's ownership

- Require more information to demonstrate that the development would not cause significant adverse impacts particularly in respect of odour and emissions. Advise enclosing the feed for the plant and the outlet from the feedstock chamber to the digester.
- - need to achieve a clean floor policy and avoid rainwater from the roof potentially mixing with waste on the floor - assess any impact on users of the public rights of way
- concrete bunds around the digesters likely to be required by the EA.

Officer comment - Following receipt of the above comments, a site meeting was held with County Officers and the planning case officer with the applicant to discuss the points raised. County officers advised that they found the site visit very helpful particularly in relation to the proposed arrangements for processes on site, particularly in respect of poultry litter. In a follow up letter, they confirmed that they do not have a problem with the proposed arrangements as explained on site. However, did seek clarity on the operational measures that will be taken to minimise the risk of odour arising from (waste) feedstock management, in particular associated with the transfer of material. An Odour Management plan was submitted along with a copy of the EA permit. In addition, as outlined in this report, further information was submitted in respect of ecology, archaeology, and drainage.

Lead Flood Authority (County Council) (First response) (summary)

The development indicates an increase in impermeable areas that will generate an increase in surface water run off. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. The LLFA raised an objection because the initial FRA and Storm Water report details contradicted each other ie water would drain via the existing pond (storm water report) and in the FRA, would drain to the soil surface for infiltration. In addition, the calculations need to show a 30% increase regarding the 1 in 100 year flood event to allow for climate change. The efficiency of the proposed method of water capture has therefore not been proven.

Lead Flood Authority (Response to the submission of additional information from the applicant to address comments raised above.

No objection to the application. (officer comment). It was confirmed that the water would drain to an existing pond off site within the landowner's control.

Wales and West Utilities No objection raised. Advised that they have gas pipes in the area and advise the applicant to contact them to ensure their apparatus is not harmed during construction.

Landscape Officer: (First response)

This re-submission of the proposal for an AD plant raises similar landscape issues as the initial application, hence much of my response is as my previous observation. I can confirm that the changes are noted, and I have reviewed the associated landscape appraisal, and landscape proposals.

The site was initially an arable field, and is now in the process of development, laying between the existing farm buildings and a raised section of the A303. Previous farm growth has been allied to comprehensive landscape treatment, which includes the tree- and shrub- planted bund that currently divides the farm complex from the application field to the south, and provides visual containment of the existing farm site as viewed from the south and southwest. The build proposal introduces both standard built forms; large tank structures - which are industrial in character and scale; and an extensive area of storage clamps. The most prominent feature of the layout is that of a gas dome, standing circa 11 m above its associated

ground level, but located to the rear (north) of the digestate storage tanks, whilst the secondary gas tank toward the northeast corner of the site stands circa 7.5 metres above site level.

A landscape appraisal is submitted with the application, which states the proposal to have a limited visual profile, and proposes landscape mitigation in the form of both bunding, and planting, the larger areas of which are concentrated to the south and east of the main development footprint. The appraisal is scant in its detailed evaluation of the site, and I have had to rely on my own site evaluation to test its conclusions. It is clearly proposing a substantial development footprint, and will add substantially to the farm form. From a landscape perspective, it is introducing some large structural forms to the locality that are alien to the rural landscape, and the development mass has the potential to be a dominant element within the local landscape, to the extent that it will be viewed as contrary to the scale and character of the locality. Thus it can be argued that it fails to respect local context, or conserve/enhance local character, as is required by our local plan policy EQ2. However, I would acknowledge;

The site lays within a valley-head location, to be contained in most part by both topography, the built form of the farm; and the raised section of the A303 carriageway;
Views of the site are limited, and the majority of the visual receptors are not unduly sensitive;
The current planted bund at the site's north boundary will help to counter the visual perception of the aggregation of built form;
There will be no landscape features lost as a result of this development;
Dominance issues are primarily related to the public road to the southeast, where there is scope for planting mitigation, and;
There is potential for satisfactory landscape mitigation.

Hence whilst there will clearly be a substantive and adverse visual effect arising from development of this scale, the impact is diluted by both the contained setting, and the lack of direct views of the site from sensitive receptors, such that if an appropriate scheme of mitigation can be agreed, then there would be no over-riding landscape case against the proposal. Turning to the application's mitigation proposal, whilst I agree that bunding and planting can be utilised to counter the likely visual effects of development, I am not wholly convinced by the detail. Bunding is proposed to contain the site along its most public boundaries, i.e; to the east and south of the development site, and this is set at a crest level of 59.00 aod. At its southern end, this results in a bund that is circa 7 metres above the level of the farm track, with an inferred grading of approx. 1 in 3 to the south, 1 in 2 to the southeast, lessening to 1 in 3 toward the farmhouse. Ordinarily I am not supportive of bunds of this height, for they (i) appear incongruous in scale, and (ii) create hostile conditions for plant growth, particularly where south-facing (toward the sun) due to their free-draining profile. In this instance however, the main face of the bund lays adjacent the engineered structures of the A303 bridge and carriageway, and its embankments, to thus provide a context wherein the bund is not at odds with the character of the road embankment. There is a need however, to deal with the hostile conditions of bunded form. To that end, I would advise the following;

- (a) we are provided with confirmation that the outer face of the bund, where facing south, is graded no steeper than a 1 in 3 gradient;
- (b) whilst the proposals for planting in the northwest corner of the site are acceptable, amendments are necessary for the planting proposal for the larger south and east areas, and I advise;
 - i. (i). Initially, I note the area of land involved to be closer to 1 hectare, rather than the 7000 square metres scheduled, and plant numbers should reflect this.
 - ii. (ii) Second, a suitable mix of native species should include dry condition-tolerant species, to suit the particular soil and drainage conditions of the bund; and at sufficient density to enable the planting to draw-up in good time.
 - iii. (iii) A tighter density of planting will be required in this area - I would suggest 1.0 x 1.0 matrix, to deal with the hostile microclimate that bunding creates.

In terms of suitable species, I am happy with those suggested for the lower part of the bund, i.e; to a height above ground level of 2.5 metres. Above that height, on the upper levels of the bund, I would advise a change is necessary, and suggest a tree component within the mix incorporating;

10% oak, 10% beech, 10% field maple, and 10% grey alder, whilst the shrub component comprises - 20% hawthorn, 15% hazel, 15% wild privet, and 10% dogwood.

Could you please request confirmation of the bund gradients, and amended planting proposals, which for clarity should be indicated on plan.

Landscape Officer: (second response following submission of revised landscape plans)
This drawing is now acceptable. The full landscape submission also includes the document 'landscaping details' that was submitted with the application. This document should be updated such that its planting schedule is consistent with the schedule on the drawing. It also needs to specify plant size and plant protection before the full planting proposal can be considered to be acceptable.

Landscape Officer: (third response following submission of information as requested above)
The planting details are now satisfactory.

Environment Agency

No objection raised subject to informatives. These relate to appropriate surface water drainage and advice, the need to submit a new and/or amended Environmental Permit, advice regarding storage of digestate liquid and silage clamps, and advice regarding pollution prevention during construction.

Environmental Health

The process being applied for will be covered by a permit issued by the EA under the Environmental Permitting (England and Wales) Regulations 2012. As such, the permit will cover areas such as odour and noise/vibration, that being the case I have no representations to make with regard to this application.

Officer comment: The applicant submitted a copy of their permit in respect of Frogmary Farm.

Ecologist (Response to the original submission)

No objection

Ecologist (Additional comments following submission of an additional ecological report in respect of the revised surface water drainage scheme).

I'm satisfied with the further survey and testing for great crested newts. The outcome was negative (newts unlikely to be present). I have no further comments.

Natural England

No comment to make on the application. Advise the officer to seek own specialist ecological advice.

Climate Change Officer

This is a very sustainable renewable energy development of exactly the type the Council should be supporting. The switch from burning gas to generate electricity to injecting gas directly to the gas grid is a very welcome development. This is a far more efficient use of the bio gas generated because a gas engine converting gas to electricity is at most 47.8% efficient whereas gas injected to the grid is used in the main for domestic central heating from gas condensing boilers with an efficiency of around 90% efficiency. Renewable electricity is increasingly generated from wind, solar and tidal power but renewable gas can only be generated from anaerobic digestion. The UK has one of the best gas grids in the world and it

makes strategic sense to maximise bio gas injection. I calculate this plant will heat 1645-1869 households (as compared to the 1637 dwellings with South Petherton). I strongly support this application.

Senior Historic Environment Officer (First response)

The site lies within an area of high archaeological potential. A Roman settlement lies less than 200 metres to the south west. Numerous cropmark enclosures have been identified through aerial photography to the east. The corner of one enclosure appears to extend into the area to be developed for the digester. There is however currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest. For this reason, I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation as indicated in the NPPF (para 128).

Officer comment: Following the above comments, the applicant commissioned a consultant to undertake a written scheme of investigation for an archaeological watching brief. This has been agreed by the County Archaeologist.

REPRESENTATIONS

A number of letter/emails have been received from one local resident raising a number of different issues, queries and questions in respect of the AD plant. For the purpose of this report, the key issues are outlined below. Full copies of the emails/letters are available on the Council's website.

1 letter received in response to submission of an archaeological report and comments from the Council's Highway Consultant:

- No archaeological investigation has been undertaken into the site - the site has been developed and archaeological evidence would have been destroyed. Asks why this wasn't sought at the beginning of the application process.

Officer comment:

An archaeological report was not sought by the LPA to support the original application nor at the submission stage of the revised application because archaeology was not shown as a constraint on the Council's mapping system. During discussions with the County Council, it was advised that the County Archaeologist is consulted. This was undertaken and a report submitted.

- West street is narrow and 6'6" width restriction. Passing places created by use rather than design and are muddy potholed patches.
- No up-to date Travel Plan, submitted document written for the 1 MW plant, now plans have changed and material to be transported is greater.
- Silage clamps appear more extensive than earlier scheme, to reflect demands of a larger plant?
- This application should be treated as a brand new application given the differences between the 2 proposals.
- Building work still continuing in contravention of earlier permission.

1 letter received in response to submission of the SUD's Attenuation Requirement:

- Outlines an inconsistency on plans and figures in respect of impermeable v permeable surfaces.

1 letter received in response to the submission of the Storm Water Report:

- Retaining wall/bund to the east and south but what about the west? How would this retain the water?
- Query total size of site.
- Drainage layout should show full details of the bunds, impermeable areas and drains to the ponds.
- Inconsistency in the figures
- More clarity needed on the drainage plans.

1 letter received from the Open Spaces Society. Raised no objection but commented that the gravel track is a public right of way and that signs should be retained during construction to remind drivers that pedestrians have priority. Also, the bottom of the track has become muddy and that the owner should clear the road to ensure it is safe for all users.

Applicant responses to questions

In response to the various points raised by Lopen PC and a local resident, the applicant during the course of the application has been asked to respond to those points and the following information has been given:

- The backloading of liquid/solid digestate will be undertaken on specialist duoliner trailers which bring feedstock onto the site, thus no additional traffic movements.
- 28 tonne and 44 tonne articulated lorries have been delivering to the site for many years. The duoliner is a similar size.
- It will create 3-4 jobs plus haulage jobs.
- Total energy production will vary depending upon the type and quality of the feedstock. Thus have given a range for the amount of energy to be produced.
- No adverse impacts on local amenity in respect of the way the biogas is produced and exported.
- Feedstock levels and associated transport levels not changed from the original application.
- Revised scheme has advantages in that it is more efficient than electricity generation.
- The farm will not use energy from the site. It will assist the farm through diversification and use of the digestate on the farmland. It is a development focused on producing renewable energy for public consumption and to help contribute towards producing renewable energy.
- Energy is required to run the plant but the switch to upgrading to gas has a minimal impact.
- 1MW electricity equal to 2.2 MW gas.
- The level of gas production is limited by the level of feedstock input which is restricted via the source land as previously conditioned. The amount of crops remain the same.
- 2 CHP's will be used at 500 kw each. Same as earlier scheme. No additional feedstock will be required. Only one CHP unit will run. The other used when gas cannot be exported and/or as back up for the first during any maintenance/breakdown.
- No change to the source of feedstocks, digestate disposal and spreading. The spreading to land will be no more in tonnage terms than historically occurs.
- Only a small proportion of land supplying feedstock lies within an NVZ. Dillington Estate is not within an NVZ. To offset use of artificial mineral fertilizers we will use the digestate. Backloading of digestate with silage which is then clamped on the estate.
- Level of biogas storage well below threshold in respect of Hazardous substances. No underground LPG tanks installed.
- LPG is back up fuel if the biogas in the tanks is not at the required quality or quantity to send to the grid. Will be used to enrich the gas. To enrich the gas will require 119 tonnes of LPG annually, this would equate to less than 1 trip per month.

- Have submitted an odour management plan. Odour is managed along with other emissions by the Environment Agency permit. The site is monitored by the EA. Government figures produced that show the reduction in odour (90%+) when comparing raw and digested slurry.
- The spreading of liquid digestate will be undertaken by dribble bar applicators. German research shows that applying digestate in this form reduces ammonia emissions to air by 69% compared with traditional air thrown spreading.
- The level of energy production and traffic movement has not changed since the original application, nor will it create any additional environmental impacts such as odour or noise. No justification for an EIA for this application.
- It is not a Centralised Anaerobic Digester, the host farmer supplies all feedstocks to the plant either directly or through contract farming agreements.
- Revised landscape plans have been submitted and agreed by the Council's Landscape Officer.
- Biosecurity is dealt with through the erection of the reception building on site where the chicken litter will be stored. This AD plant will take the chicken litter produced on site and reduces its mass by 80% through the digestion process, thus reducing the impact of the poultry operation.
- In regard to the use of solid digestate for animal bedding, the applicant is still waiting for confirmation that it can be put to such use. Should this not be permitted, the dried material will be spread on land around the farm and no additional movements would result on the public highway.
- The earth bund acts as a seal for the whole site and is scaled to meet EA requirements on containment.

CONSIDERATIONS

Background to Anaerobic Digestion (AD)/Principle of development

Anaerobic digestion is a natural biological process which transforms biomass (feedstock) into useful bio-fertiliser (digestate). Anaerobic digestion is a fully-enclosed in-vessel process which produces valuable renewable energy in the form of biogas. Organic waste, including animal manure, contains valuable nutrients and a significant amount of nitrogen locked up in unavailable forms. As an enclosed process, anaerobic digestion is able to retain all nutrients and convert them into available forms whilst preventing unwanted pollution. Foul odours are eliminated through the process, with the resulting odourless digestate bi-product available for use as a nutrient rich soil conditioner in place of raw manure or artificially manufactured fertilisers. Biogas produced by the process of anaerobic digestion can be used in a number of ways, including use in a conventional boiler, injection directly into the local grid network, or use as fuel for a Combined Heat and Power (CHP) unit which produces electricity. The "green energy" produced by an AD plant can be exported into local grid networks, reducing the carbon footprint of a local area and accommodating local energy consumption through a decentralised supply.

In this case, the original AD facility was proposed to generate 1MW of electricity, the majority of which would be exported directly to the local grid network, enough to power 2,500 typical households. This new application proposes a 2.2 - 2.5 MW gas export AD plant. Both national and local policy support the increase in the use and supply of renewable energy. The NPPF makes particular reference to this in Chapter 10. It is therefore considered that the principle of this form of development is acceptable subject to compliance with policies that seek to protect the character and appearance of the countryside, residential amenity and highway issues.

In addition, Policy EP5 supports well conceived proposals for farm diversification schemes for

business purposes will be permitted subject to their compliance with other plan policies. In this case, the farm owner would receive an annual payment from Greener For Life Energy Ltd for their occupation of the site. In addition, the digestate produced by the plant would be used on the holding, both as livestock bedding (subject to approval) and as a nutrient rich soil conditioner/fertiliser. This arrangement would allow the site owner to reduce his reliance on imported fertiliser.

Highways

It is considered that the potential highway/traffic impact of the development has caused most concern about the AD plant. This is linked to concerns about the potential capacity of the AD plant and need for additional supplies of feedstock. Moreover, whether the anticipated traffic movements submitted by the applicant is fully comprehensive. The proposed plant would process and manage approximately 19,262 tonnes of feedstock per annum, to include farmyard manure, poultry manure and a range of different crops sourced from Frogmary Farm and local holdings. Deliveries to the site will be via a range of different vehicles ranging from 16 tonne tractor and trailers, 28 tonne HGV's and 44 tonne duoliner trailer lorries. It is understood that Frogmary Farm currently has/uses all of these sized vehicles. This is not unsurprising given the range of current farming activities.

The above vehicles use the existing access and exit points which are proposed to be used for deliveries to the AD plant. The Highway Authority has previously agreed the visibility splays of the northernmost access and it is considered that visibility splays (2.4m x 70m and 115m) shown for the southern access onto the C road are acceptable. There would be ample parking and turning space within the site.

The applicant has provided a table showing 'Anticipated Vehicular Movements' within their Supporting Statement. This shows 8 different types of feedstock (animal waste and crops) with respective tonnage, type of delivery vehicle, number of movements (including existing figures for poultry and maize) giving a figure for the total additional movements. This shows 637.5 additional movements covering Monday to Saturdays which equates to 2 per day. It must be stressed that these are anticipated movements and averaged across the year. There will be peaks and troughs throughout the year, most notably during the harvest season for crops (May- October). Maize harvesting would result in the most intense period of traffic movements with an average of 3.5 deliveries per day during September and October. Animal waste deliveries are more consistent across the year. The applicant states that those movements would be on roads and routes that have previously been agreed and effect few properties. However, given the noticeable increase in agricultural vehicles on the local roads during harvesting time throughout the district, this would add only a relatively small amount of farm traffic onto the roads. It is also worth noting that there are 182.5 current delivery movements to the farm of poultry waste and maize.

It should be noted that the traffic table did not include reference to the use of 44 tonne duoliner trailers for delivery and backloading. The applicant has confirmed that these will be used but will not add to the overall traffic movements. Having spoken to the highway officer about this, given the existing use of similar weighted vehicles and the low daily movement, no objection was raised. The highway officer was also asked whether they would have any issues/concerns about the total movements combined with the other existing farm activities. On the basis that the farm is well established, and the Highway Authority accepted the proposed level of additional movements, no objection was raised.

In terms of the traffic routes, these are the same as previously agreed. Animal waste being delivered to the site by 28 tonne articulated lorries (as per present deliveries of chicken waste) would be routed via A303 exiting at the Hayes End / South Petherton Roundabout. Vehicles

would then travel west on Harp Road to the Hollow Lane Junction where they would turn north travelling under the 303 and into Frogmary Green Farm main entrance. This waste comes from various farms including Martock, Honiton and Taunton, up to 23miles away but Frogmary Green Farm has been importing litter from these farms for the last 5 years.

Traffic movements from field blocks around the site itself would no impact on nearby properties - most movements travel across farm tracks or directly across the road into the site (field blocks to east). Movements from field blocks to the north travel a short distance on Whitfield Lane then on the road out of South Petherton (but would not affect the village itself or any isolated properties). Movements from the Ilminster Field Blocks would not affect the town. All movements from the land block to the South of Shudrick Stream and at Townsend Farm travel off road and cross the Townsend Road at Knott Oak House. They then travel on off road tracks to the B3168. It should the land in the Shudrick Valley become unavailable (planning application currently pending to develop this land) the applicant would source feedstock from the Dillington Estate using similar transport routes.

The majority of the feedstock would be locally sourced and it is considered that the transport routes would not present any significant highway safety issues. The chicken litter would be imported from further afield via the A303 but this has been taking place for the last 5 years, with no increase in movements proposed. The disposal of the digestate on surrounding land should not give rise to any additional traffic movements. Any digestate not used at the farm would be used on the Dillington Estate.

In respect of the advice from the Council's own highway consultant, these were forwarded to the applicant and also discussed with the Highway Authority. The applicant's response was that as the level of traffic movement was the same as the previously approved scheme, it would be unreasonable to submit this information. In light of the fact that the highway authority did not request any further information or mitigation, no further plans etc have been submitted.

On the basis of the above information and the lack of any objection from either Highways England or the Highway Authority, it is considered that the additional traffic that would be generated by this proposal can be satisfactorily accommodated on the local highway network. No severe impact has been demonstrated that would warrant a refusal of the application. However, it must be stressed that this conclusion is based on the assessment of the figures that have been supplied by the applicant. As will be noted from this report, the applicant has been asked about the traffic figures on a number of occasions. The clear reply is that the figures will not change from the earlier approval. Moreover, the applicant has stated that if the capacity or need for more feedstock increases in the future, a new application would be required.

Strong concern has been raised that the actual level of movements would exceed these figures. This concern is particularly noted. Therefore, it is very important that the amount of feedstock required to supply the AD plant ie 19,262 tonnes is strictly controlled and limited to this level. This in turn would correspond with the level of traffic movements outlined by the applicant. Accordingly, to help monitor the use of the AD plant as outlined above, the LPA shall impose a condition on any consent to request that a report is submitted to the LPA every 3 months outlining the tonnage delivered to the AD plant and the number of vehicular movements.

Residential/General Amenity

Concern has been raised that the scheme has the potential to harm amenity of local residents particularly through odour, noise, and traffic. The landowner's own property is the closest to the site with the next nearest property over 300 metres away. In regard to the process of anaerobic digestion itself, this is a quiet process and no adverse harm would be caused to residential

amenity. The pumps and loading system moving feedstock from the feeder to the digester tank operates intermittently over a 24 hour period. Again, the level of noise generated by this process would not be orally harmful. The CHP units would generate a continuous noise and these would be fitted within acoustic housing. The noise attenuation this provides at 1 metre from the unit is the equivalent of a vacuum cleaner. Again, given its location, this would not give rise to any adverse noise levels warranting refusal. The Environmental Health Officer has not raised any objection in respect of noise. Vehicles transporting material to and from the site will clearly generate some noise. However, these would not generate any excessive noise. Moreover, given the routes previously agreed that these vehicles would take, avoiding most local villages and towns, and the small overall number of associated trips, it is not considered that noise associated with development traffic is such that warrants refusal of the scheme.

In respect of transport deliveries, these would be limited to 7am - 6pm Monday to Saturday (however during harvest periods some deliveries might run into the night). It is considered that the impact on the few isolated properties on the transport routes into the site would be limited and generally not in unsocial hours. The number of proposed additional road movements (averaged at 2 per day) is not considered significant in comparison with the overall existing number of movements on the roads associated with the use of the farm. Moreover, it is stated that all vehicles would be covered to ensure odour impact is minimised.

Anaerobic Digestion is a biological process which breaks down organic matter in an oxygen free environment with the AD digester tank being completely sealed in order to facilitate anaerobic gas collection and to eliminate odour release. The Supporting Statement explains that the transfer of materials from the feeder to the AD digester tank is within fully enclosed pipework. Having left the feeder, at no time would any material be exposed directly to the atmosphere until digested and released as the odour-free digestate.

The feedstock for the digester is agricultural produce, the majority of which is currently commonplace at the farm. The feedstock clamps would be used for the storage of feedstock to be utilised in the plant. The clamps would be covered with polythene in order to maintain the quality of the feedstock, minimising odour.

Given the evidence submitted that show a significant reduction in the level of odour from slurry sources once it has been subject to anaerobic digestion, it is considered that the AD plant would offer an odour benefit in animal waste being treated in this way before being used on the land compared with traditional spreading of non-digested waste.

It is also important to note that farm-based AD plants are regulated by the Environment Agency (EA) through Environmental Permitting Regulations, rather than through the planning system. Accordingly, a permit would cover issues such as odour and noise/vibration - the Council's Environmental Protection Officer consequently has no representations to make.

For the reasons outlined above, it is not considered that the proposal would adversely affect residential or the general amenity of the area.

Landscape

It will be noted from the Landscape officer's comments outlined earlier in this report that, whilst this would be a significant development, no objection is raised subject to an appropriate and comprehensive planting scheme. Following discussions between the applicant and landscape officer, a satisfactory scheme has now been submitted which would assist in screening the development from the main public viewpoints. The scheme proposes to plant native species trees in areas not covered by hardstanding. A block of woodland will be positioned to the north east of the site, and along the south with boundary planting along the west. Earth bunding will also be used to assist with the screening of the development.

Flooding/Drainage

A Flood risk assessment was undertaken and submitted as part of the application. The whole site lies in Flood Zone 1 and thus there is low probability of flooding from fluvial sources. A surface water drainage scheme (as amended) will take clean roof water from the site and drain into existing ponds on the owners land to the east of the application site. Dirty effluent water will be collected and recycled through the AD process. Following the submission of additional information, both the EA and the Lead Local Flood Authority (County Council) raise no objection to the scheme.

Ecology

A Habitat Survey Report was submitted with the application. The conclusions of which stated that there are no significant species or habitats present on this site and, therefore, there is no reason on ecological grounds to refuse the application. The Council's Ecologist has read the Habitat report and additional ecological reports. He has raised no objection.

Loss of productive agricultural land

The majority of the site is understood to be grade 2 agricultural land with a very small proportion being grade 1. The NPPF states (para 112) that the LPA needs to take into account the economic and other benefits of the best and most versatile agricultural land and where significant development is necessary, poorer quality shall be used in preference to higher quality. It is considered that this AD plant is an agricultural related development which would benefit the adjacent farm and that other benefits, such as making a valuable contribution towards cutting greenhouse gas emissions, outweigh the loss of this field.

Use of crops to feed AD plants.

Attention was drawn to the DEFRA publication 'Anaerobic Digestion Strategy and Action Plan' published in 2011. Whilst clearly supportive of AD plants and increasing energy from waste from such means, it does give clear advice in terms of how to grow crops for AD plants in a responsible and environmentally sustainable manner. There is also a more moral issue in regard to the growing of crops to supply energy vis a vis growing for food. In this case, the spread of different fields used and acreage is not considered to be so intensive or significant in terms of scale to breach those guidelines.

Other issues

South Petherton PC asked about imposing a speed restriction on the route to the digester. In a similar vein, Seavington PC asked about amending the current location of speed signs and other highway works. Whilst the decision to impose/change speed restrictions is a matter for the Highway Authority, in asking them about this point, they did not consider that there was any current evidence to warrant additional speed restrictions over and above those currently in place, nor to move any of the current signage. In regard to the vehicular routes taken to bring the waste/foodstock from its origin to the farm, the applicant has submitted plans to show the various vehicular routes. A condition can be imposed on any consent to seek adherence to those routes. Moreover, given the local scale of the operation, it is likely that the same lorry drivers would be used and thus be aware of the appropriate routes.

Concern was raised about the changes that had been to the original permission, and questioning the genuine intent of the applicant. The applicant has outlined the reasons for the change. However, notwithstanding why the development has changed, the applicant is entitled to and has submitted a revised application. The LPA has a duty to consider the scheme and after careful assessment of all of the relevant issues, reach a recommendation.

A query was raised as to whether Hazardous Substances Consent is required for this development. The advice from the County Council Policy officer is that it does fall under the

relevant category and therefore is not required for this development.

A Construction Environmental Management Plan was submitted with the application. This deals with construction hours, control of site drainage, noise and reducing dust/mud on local roads. A condition shall be attached to any consent to seek adherence to this document.

Conclusion

The construction and use of AD plants is supported by national government and local policy as a positive way to create green energy. The principle of developing an AD plant on this site has previously been established with an earlier grant of planning permission/albeit for a different type of AD plant. This new application has been carefully assessed by a number of different consultees and following submission of a range of additional documentation, do not raise an objection to the scheme. Various concerns have been raised about the AD plant and these have carefully been considered and assessed. Additional information and/or clarification has been sought and submitted by the applicant. Subject to the imposition of conditions to restrict the operation of the AD plant to that outlined in the application, it is considered that, along with legal controls exerted by other bodies, the development would not raise any significant adverse harm that would warrant refusal.

The application is therefore recommended for approval.

01. The proposal would respect the character and appearance of the area, would provide an efficient means of dealing with farm waste and provide a sustainable form of renewable energy, it would not adversely affect highway safety or residential amenity or harm any ecological interest. The proposal would accord with policies SD1, TA5, TA6, EQ1, EQ2, EQ3, and EQ4 of the South Somerset Local Plan, the Waste Core Strategy and the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission shall have effect from the 19th August 2015.

Reason: To comply with The Town and Country Planning Act.

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

- Location Plan - drawing no. SA15799/01 rev B, received 11 September 2015
- Site Plan - drawing no. SA19247/02 rev B received 11 September 2015
- Sectional elevations - drawing no. SA19247/03 received 19 August 2015
- Elevations omitting foliage - drawing no. SA19247/04 Rev A received 19 August 2015
- Digester, Digestate Tank and Gas Holder section - drawing no. SA19247/06 received 19 August 2015
- Proposed Digestate Spreading Area - drawing no. SA15799/07 received 19th August 2015
- Proposed Digestate Spreading Area with proposed routes for imported poultry manure- drawing no. SA15799/07 received 19 August 2015
- Proposed Feedstock Source Area - drawing no. SA15799-08 received 19 2015
- Proposed Feedstock Source Area with transport routes- drawing no. SA19247/08 received 19th August 2015
- Tractor Movement Plan - drawing no. SA15799/09 received 19th August 2015

- JCB Loader Movement Plan - drawing no. SA15799/10 received 19th August 2015
- HGV Movement Plan - drawing no. SA15799/11 received 19th August 2015
- Supporting Statement received 19th August 2015
- Planting zones drawing number SA19247/13 Rev A received 7th October 2015
- Drainage layout Drawing number 00020-00-H received 8th August 2015.
- Site surfacing PPlan - drawing number SA19247/13 received 19th August 2015.
- Revised Flood Risk Assessment received 21st January 2016
- proposed routes for imported poultry manure via A303 received 7th August 2015.
- Transport route from Ilminster field blocks /Dillington Estate received 7th August 2015
- Frogmary digestate pipeline routes received 7th August 2015.
- Route from Ilminster fields blocks received 7th August 2015.
- Frogmary land banks below Harp Road received 7th August 2015.
- Archaeological Watching Brief received April 2016
- Ecology Appraisal received April 2016.

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

03. No further buildings or structures as approved by this permission shall be constructed until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities and character of the area in accordance with policy EQ2 of the South Somerset Local Plan .

04. 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 in accordance with policy EQ2 of the South Somerset Local Plan .

05. Within 2 months of the date of this decision, 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, shall be 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 the NPPF.

06. Within 6 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 policies EQ2 of the South Somerset Local Plan.

07. The landscaping scheme hereby approved shall be fully implemented in the first planting season following completion of the construction of the development. 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 in accordance with policies EQ2 the South Somerset Local Plan.

08. The development hereby approved shall be carried out in strict accordance with the submitted Construction and Environmental Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard highway safety and rural amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan.

09. The feedstock to serve the anaerobic digester hereby approved shall be limited to farm waste and agricultural crops only. The total tonnage shall not exceed 19,300 tonnes without the express grant of planning permission. This feedstock shall only be grown or harvested from the land identified on the feedstock source maps drawing no. SA15799-08 and Dillington Estate map received 20 August 2014), and referred to in the agent's emails of 18 and 21 August 2014, (as per application no: 14/01923/FUL) without the express grant of planning permission. A record shall be kept of all feedstock to serve the digester, including its origin, amount and type and made available to the Local Planning Authority upon request.

Reason: To allow any other feedstock source and additional feedstock over and above the weight limit approved to be properly considered in order to safeguard highway safety and rural amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access point and extending to points on the nearside carriageway edge 70.0m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

11. The proposed southernmost access onto West Street over at least the first 10.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan.

12. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 10.0m from the carriageway edge.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan.

13. The development hereby permitted shall not be commenced unless the surfacing materials for all hardstanding and tracks to serve the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and the interests of amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan and the NPPF.

Agenda Item 15

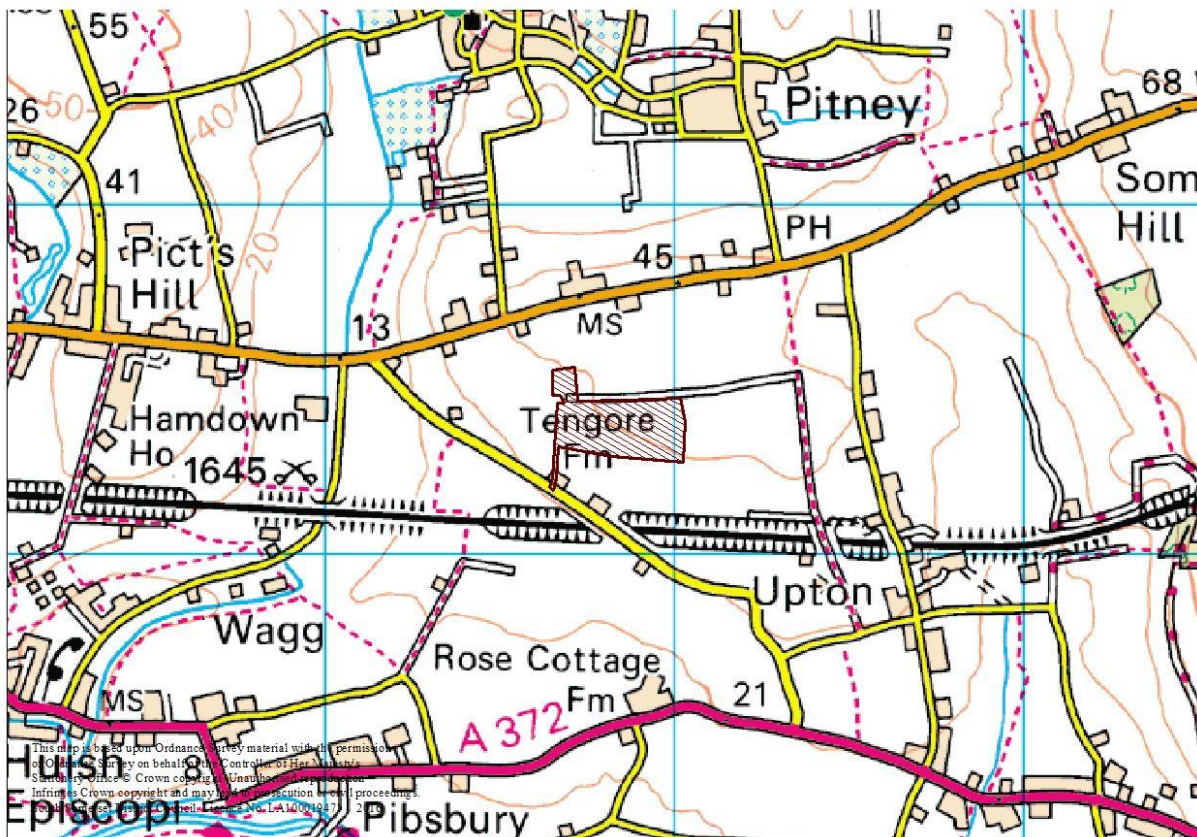
Officer Report On Planning Application: 16/03768/S73A

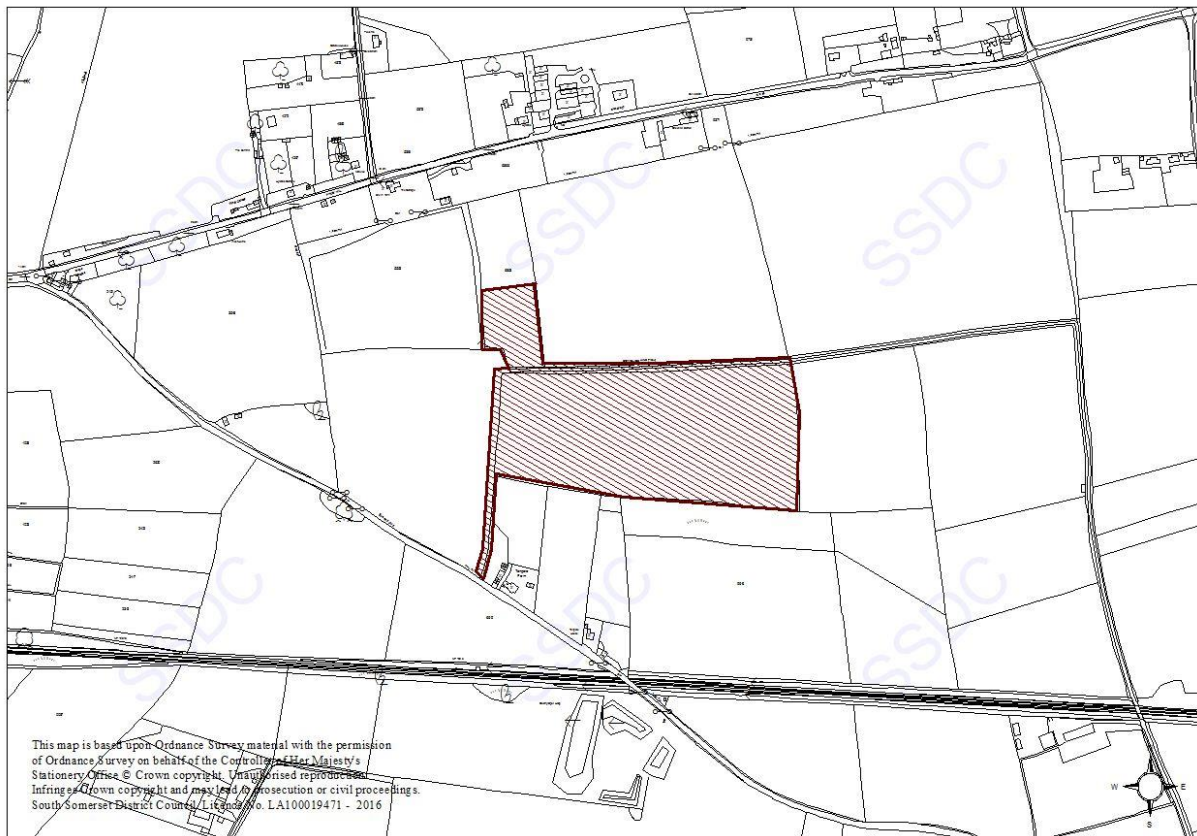
Proposal :	Section 73A application to vary condition 3 of approval application 13/03053/FUL relating to extending the length of planning permission by 5 years.
Site Address:	Land North Of Tengore Lane, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	5th December 2016
Applicant :	Tengore Solar Ltd
Agent: (no agent if blank)	Mr James Jenkison, The Shard, 32 London Bridge, London SE19SG
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

As a 'Major Major' application recommended for approval, the scheme of delegation requires its referral to committee.

SITE DESCRIPTION AND PROPOSAL





The application site is located north of Tengore Lane and covers two fields. The site is broadly level and stands one field apart from the Langport Civil War battlefield to the west side. The development is complete following planning permission ref: 13/03053/FUL that was allowed on appeal. The Inspector's decision is dated 24 June 2014 and involved a 3MW solar park on a 6.4 hectares site, designed to generate an annual electricity the equivalent of consumption of 840 homes. Temporary permission was sought and given for 25 years.

The proposal seeks to extend the period of temporary permission from 25 years to 30 years. The application originally sought an additional 11 years that took the temporary permission to 2050. An amended description now seeks an additional 5 years, only. Condition 3 of 13/03053/FUL reads:

'The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years from the date of this decision. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.'

It is proposed to simply remove reference to '25' years and replace it with '30' years.

As noted above the application has been amended to revise the original extension of time period down from 11 years to 5 years

RELEVANT HISTORY:

- 14/04751/S73: Application to vary condition 3 (time Limit) and condition 7 (lighting) of planning permission 13/03053/FUL (allowed at appeal) - Approved.
OFFICER Note: The change made to condition 3 kept the 25 year period but took this from the time electricity was first generated on site.
- 14/04676/NMA: Changes to solar farm and associated development, permitted.
- 13/03053/FUL: Solar PV Development, Refused, but Appeal Allowed.
- 12/01902/FUL: Solar PV Development, Refused and Appeal Dismissed.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

National Planning Policy Framework - March 2012:

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Supporting a prosperous rural economy

Chapter 7 - Requiring good design

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

Chapter 11 - Conserving and enhancing the natural environment

Chapter 12 - Conserving and enhancing the historic environment

CONSULTATIONS

(OFFICER Note: Responses received on the basis of the original 11 years to 2050)

Long Sutton Parish Council - does not support the application's extension to 2050. The Parish Council is not able to predict the future use of the land.

County Highway Authority - No observations

Landscape Architect - This was consented on appeal and as a temporary structure. I view this as too great an intervention, and not 'temporary', with no landscape support for this proposal.

Historic England - It has the potential to result in a harmful change in setting to the historic battlefield remains. This application - to extend the active life of the PV array - will therefore

result in a prolonged period of potential harm.

Langport and District History Society - As conceded by the Planning Inspector, 'it is highly likely the Parliamentarians were on or around the appeal site'. The fact that the installation cannot, for much of the year, be seen from the rest of the battlefield area does not alter the fact that it is installed on land that forms an integral part of the story of the Battle of Langport.

REPRESENTATIONS:

There were 4 neighbour notification responses that object to the extension of time to 2050 that include the following reasons:

- We should not tie the hands of future decision makers
- It's designed to attract investors
- Pressure to farm the land may have heightened (in the future)
- What is the definition of temporary planning permission_
- The land the site occupies is of great historical sensitivity and integral to the battle
- Historic England will review the adjacent battlefield in the future with the consequence that boundaries will be moved right up to the site.
- The creation of this solar industrial site has inevitably blighted the battle site and prevents the viewer gaining a satisfactory understanding of the battle.
- The continued existence of the solar industrial site will inevitably cause harm to efforts related to local economy and lost tourist revenue
- It is not the job of planners to insulate applicants against future economic risk

CONSIDERATION

Principle of development:

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. The expectation should always be that an application should be approved if the impact is (or can be made) acceptable (para.98 of the NPPF).

The solar park is in place following the 2014 appeal decision. This was originally an extremely controversial application and the officer recommendation was to refuse because of the relationship to the historic battlefield. However the Inspector allowed the appeal. The current application has been amended to reduce the proposed extension of time down from 11 years to 5 years. It should also be noted that permission 14/04751/S73 had allowed the 25 years to run from the point of electricity generation rather than the date of the appeal decision and therefore in reality the current amended proposal seeks a little more than 4 additional years over what is already permitted.

A 5 year extension of time for similar solar park sites is not an uncommon 'rounding up' figure. It is clearly the case that unlike many of these other sites the current site relates to a much more controversial site. This said, the reduction in the initial 11 years that was sought is welcome. The resulting additional 5 years needs also to be balanced against the section 73 permission referred to above and on this basis the additional time sought by this amended application represents a little more than 4 years that is not considered sufficiently lengthy an extension to warrant refusal.

Landscape character and Impact on Heritage Assets:

The issues of landscape character remain largely the same. The Landscape Architect's response remains in accordance with their previous concerns. The immediate locality is sensitive to this type of development. It is quite possible in time to see the heritage boundaries of the adjacent battlefield changed that might extend to form a more holistic appreciation of the wider battlefield that would bring this closer to the application site. However in considering the additional time sought by the application, this is not considered a sufficiently lengthy period over and above that already approved.

Highway Safety:

There are no highway safety implications in supporting the extension of the time.

Residential amenity:

There are several dwellings in relatively close proximity to the site. It is considered that the presence of the solar panels would not result in any further detrimental harm to the amenity of the residents given a 5 year extension of time.

Other Matters:

The original planning conditions need to be re-attached and/ or up-dated, as appropriate.

RECOMMENDATION

Approve

FOR THE FOLLOWING REASONS:

01. 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 originally envisaged 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, and Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan 2006- 2028.

Conditions to revise.

02. The proposal is considered reasonable, accepting the change in date for the commencement of the 30 year period that offers certainty would not by this change, at this time, adversely affect landscape character, in accordance with the aims and objectives of Policy EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 24 June 2014.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Site design (dated 24-07-2013); 2V Racking System Rev2 (02/07/2012); Security fence (TGC/PV001 Rev A2); Double gates (TGC/PV002 Rev A1); Inverter cabin (TGC/PV003 Rev A2); Comms building (TGC/PV009/01 Rev A1); Switchgear housing (TGC/PV010 Rev A3); Schneider switchgear (GSC0015-01).

Reason: To avoid any ambiguity as to what is approved.

03. The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 30 years to commence from the 30 June 2015. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid any ambiguity as to what is approved.

04. Details of the colour scheme for fencing and buildings were submitted under 14/04618/DOC, validated 23 October 2014 and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014 discharging the condition having been undertaken on site for planning permission 13/03053/FUL. Having been carried out the details shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan, 2006- 2028

05. The development hereby permitted shall be undertaken in accordance with the Landscape and Ecological Plan submitted under 14/04618/DOC, validated 23 October 2014, and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014, discharging the condition having been undertaken on site for planning permission 13/03053/FUL.

Reason: In the interests of landscape character and local ecology further to Policy EQ4 of the South Somerset Local Plan, 2006- 2028.

06. 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 land 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.

Reason: In the interests of landscape character further to EQ2 of the South Somerset Local Plan, 2006- 2028.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on the site unless the details are agreed in writing with the local planning authority. Any agreed external lighting will thereafter be constructed and retained in accordance with the agreed details.

Reason: In the interests of character and appearance further to Policy EQ2 of the South Somerset Local Plan, 2006- 2028.

08. The access shall be properly consolidated and surfaced (not loose stone or gravel), and drained over the first 5m of its length, so as to avoid any loose material or water from discharging onto the adjoining public highway.

Reason: In the interests of highway safety further to policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

09. There shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2.4m back and from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. The above area shall be kept clear of all obstructions above 900mm in height thereafter.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006- 2028.

10. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006- 2028.

11. The development hereby permitted shall be undertaken in accordance with the CCTV scheme submitted under 14/04618/DOC, validated 23 October 2014, and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014, discharging the condition having been undertaken on site in accordance with planning permission 13/03053/FUL. The CCTV system shall thereafter be retained in accordance with the agreed scheme.

Reason: In the interests of landscape character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

12. Notwithstanding the details on any of the approved drawings the height of the solar panels, once installed shall be no more than 2.6m above natural ground level.

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.