

South Somerset District Council

Minutes of a virtual meeting of the **Regulation (Informal)** held by video-conference using Zoom meeting software **on Tuesday 21 December 2021.**

(10.00 - 11.15 am)

Present:

Members: Councillor Peter Gubbins (Chairman)

Adam Dance
Sarah Dyke
Tony Lock
Sue Osborne
Crispin Raikes

David Recardo
Paul Rowsell
Linda Vijeh
William Wallace
Robin Pailthorpe



Also Present:

Councillor Colin Winder

Officers:

Jo Boucher
Paula Goddard
David Kenyon
Linda Hayden

Case Officer (Strategy & Support Services)
Specialist (Legal Services)
Planning Consultant
Specialist - Development Management

NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

20. Minutes (Agenda Item 1)

The minutes of the Regulation Committee meetings held on 17th December 2019 and 17th August 2021 (Informal), copies of which had been circulated, were agreed as a correct record and would be signed by the Chairman.

21. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Jason Baker, Neil Bloomfield, Malcolm Cavill and Andy Soughton. It was noted that Councillor Robin Pailthorpe was attending as substitute for Councillor Jason Baker.

22. Declarations of Interest (Agenda Item 3)

Councillors David Recardo, Paul Rowsell and Tony Lock declared a personal interest in Item 7 Planning Application 21/02788/S73 as they are previous employees of Leonardo Helicopters.

23. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

24. Schedule of planning applications to be considered (Agenda Item 5)

Members noted the scheduled of planning applications.

25. Planning Application 21/02205/FUL - Solar Site South Of Brains Farm, Moor Lane, Wincanton, Somerset (Agenda Item 6)

Proposal: Proposed solar farm and associated development, comprising the installation of solar panels, substation, switchgear building, storage/communications/switch room buildings, the provision of inverter/transformer cabins and battery containers, construction of access and stone track, fencing and gates, installation of CCTV cameras, and associated landscaping and biodiversity enhancements.

The Planning Specialist presented the report and with the aid of slides gave a comprehensive and detailed presentation of the site and proposed plans. This included highlighting the key considerations being:

- Impact on the surrounding landscape.
- Highway Safety – no objections received with several conditions included.
- Access during construction and operation.
- Impact on heritage assets – no objections received from SSDC Conservation Specialist and no archaeological objections from South West Heritage Trust.
- Impact on Residential amenity – believed to have no detrimental impact on nearby properties.
- Flood risk and drainage – no objections raised from local residents, Environmental Agency or Lead Local Flood Authority (LLFA). Conditions have been included as suggested by the EA. No objection from LLFA as solar farms classified as ‘essential infrastructure’.
- Biodiversity – proposals are included within the application for mitigation and enhancement. No objections have been raised by County Ecologist with conditions included relating to the submission of a CEMP (Biodiversity), a Landscape and Ecological Management Plan.
- No objections received from Wincanton TC, North Vale PC or Stoke Trister with Bayford PC, albeit North Vale PC request if approved to include detailed conditions regarding the biodiversity measures as raised in the application.
- Horsington PC have raised objection to the application as they consider the proposal too large and inappropriate and concerned about the visual impact on the area and the size of the site.

He explained that government advice stated that approval be given for renewable energy projects where impacts are acceptable. He also considered the benefits of the scheme outweigh the impact on the local landscape and the proposal would not cause significant detrimental harm to heritage assets, highway safety, residential amenity, flood risk or drainage and biodiversity interests.

The Planning Specialist also considered the proposal accords with the aims and objective of the National Planning Policy Framework (NPPF) and its relevant policies. He therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, his proposal was to approve the application subject to the conditions as set out in the agenda report.

Councillor Colin Winder, Ward member then addressed the committee and voiced his support of the application. He believed it was a fair site and an improvement from previous sites.

The agent then addressed the committee. His comments included:

- Wincanton Town Council support the application and no objections received from local residents or statutory consultees.
- Confirmed the applicant would be happy to implement the measures suggested from the external 'landscape visual impact review' commissioned by the Council, including the screening around the access points and removal of the communications tower from the site.
- Scheme would power over 6000 homes annually, making a substantial contribution to tackling climate change.
- Site on Grade 4 poorer quality agriculture land.
- Use of existing access points with no construction traffic through the centre of Wincanton and no hedgerow removal.
- No impact on heritage assets.
- Detailed flood modelling to mitigate any flood or drainage issues in the area.
- Proposed biodiversity enhancements, including additional tree planting, bird and bat boxes to provide new habitats and links to existing, and proposed biodiversity grasslands and wetland meadow.

In conclusion he felt a lot of hard work had been given to minimise any impact on the local landscape and biodiversity enhancements and that the proposal complies with NPPF policies and guidance.

During discussion, members' comments included the following:

- A member of the adjoining Blackmoor Vale area wished it be noted that there were no objections raised locally, apart from at Horsington PC, and was therefore in support of the application.
- Believed it to be sited on a flat piece of land and would not have any detrimental impact on the local landscape.
- Acknowledged and appreciated the biodiversity enhancements proposed within the scheme.
- Raised concern regarding the lighting and 'glint and glare' of the site and recognised the need to mitigate any issues by condition.
- Raised concern regarding the flood risk on site and the need to ensure robust conditions to mitigate these issues.

In response, the Planning Specialist explained that because of the flat low lying nature of the site it wasn't considered necessary to do a 'glint and glare' assessment of the site and had not been asked for by any consultees. He also confirmed that should the application be approved, a Condition was included to request that detail of external lighting be submitted and approved by the Council. He also confirmed that the only lighting was located on the substation.

He also confirmed that the Environment Agency and LLFA had carefully evaluated the site and had recommended robust conditions which he had included. He confirmed that should the application be approved, he would consult with them direct to ratify these conditions before any work commence on site.

There being no further debate it was then proposed and seconded to approve the application as per the officer's recommendation and as set out in the agenda report with the amendment to condition 14 (lighting) which is required to be amended to reflect lighting being installed on the proposed substation building only. On being put to the vote this was carried unanimously.

RESOLVED:

That Regulation Committee recommend the Chief Executive to:

Approve planning application reference **21/02205/FUL** for the following reason:

01. Government advice states that local planning authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable. It is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, would outweigh the impact of the proposed PV panels on the local landscape character and appearance, and any perceived impact on the setting of the nearby heritage asset. In addition, the proposal would not cause significant and demonstrable detriment to highway safety, residential amenity, flood risk and drainage and biodiversity interests. 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, Policies SD1, EQ1, EQ2, EQ3, EQ4, EQ5, EQ7, EP5, TA5 and TA6 of the South Somerset Local Plan and relevant policies and aims within the Queen Camel Neighbourhood Plan.

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. Except for any details which require the submission of additional information being the subject of any condition attached to this permission, in all other respects The development hereby permitted shall be carried out in accordance with the following approved drawings:

- o Location Plan scale 1:10000 dated 07/07/2021
- o Location Plan scale 1:5000 dated 07/07/2021
- o Solar Farm Layout, Rev D6, 191-04-PV-Brains Farm, dated 24/11/2021
- o Indicative Swale Plan, Rev A1, 191-04-PV-Brains Farm , dated 24/11/2021
- o Racking Details, Rev A1, dated 22/07/2021
- o Substation Housing, Rev A1, dated 22/07/2021
- o Switchgear Housing, Rev A1, dated 22/07/2021
- o Inverter / Transformer Detail, Rev A1, dated 22/07/2021
- o Storage / Comms / Switch Room, Rev A1, dated 22/07/2021

- o Battery Container, Rev A1, dated 22/07/2021
- o Fence Detail, Rev A1, dated 22/07/2021
- o CCTV Detail, Rev A1, dated 22/07/2021

For the avoidance of doubt, and notwithstanding the details indicated on the drawings, the poles on which the CCTV cameras are to be installed shall be of timber construction and all new buildings, structures and containers shall be coloured RAL:1006020 (Moorland Green) unless otherwise agreed in writing by the Local Planning Authority, and thereafter so retained and maintained as such.

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

03. The development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures, the details of which shall be first submitted to and approved in writing by the Local Planning Authority prior to installation/construction.

- a) The lowest part of each panel shall be set no lower than 860mm above the existing ground level, this is the 1 in 100 year plus Climate Change fluvial flood level.
- b) The floor levels of any buildings and electrical controls shall be raised above the flood level and other infrastructure shall be made resilient to flooding. This shall consider flood risk from all sources including fluvial and surface water/overland flow risk.
- c) Compensatory flood storage shall be provided for any loss of fluvial floodplain volume as a result of this development.

Reason: The details of flood risk mitigation measures are required to be approved in writing by the Local Planning Authority in order to reduce the impact of flooding on the proposed development, in accordance with Policy EQ1 of the South Somerset Local Plan, relevant guidance within the NPPF and the Technical Guidance to the NPPF.

04. The development hereby permitted shall be removed and the land restored to its former condition within 40 years and six months of the date of the first generation of electricity or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site. The date of the first generation of electricity shall be confirmed in writing to the Local Planning Authority by the applicant within one week of the first generation of electricity.

Reason: In the interests of landscape character and visual amenity in accordance with the NPPF and Policies EQ1, EQ2 and EQ5 of the South Somerset Local Plan and Policy QC12 of the Queen Camel Neighbourhood Plan.

05. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme shall aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider

sustainability aims and shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details, and thereafter so retained and maintained.

These details shall include:

a) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. There must also be due consideration to the compacting of soil during the construction of a solar site. Compaction of the soil and lack of vegetation cover will increase both run off and pollution to receiving watercourses.

b) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

c) Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

d) Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

e) Provision to be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

f) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. There must be ongoing consideration into the operation and maintenance of the site and drainage strategy. The applicant must ensure that the ground cover and vegetation is maintained appropriately.

Reason: The agreement of details of a surface water drainage scheme and a programme of implementation and maintenance for the lifetime of the development prior to commencement of development is fundamental to ensure that the development is served by a satisfactory system of surface water drainage, which will aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with Policy EQ1 of the South Somerset Local Plan, relevant guidance within the NPPF and the Technical Guidance to the NPPF.

06. No development shall commence unless a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include:

- a) Construction vehicle movements.
- b) Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route.
- c) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site, including procedures to be put in place for any emergency deviation of agreed working hours. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours.
- d) All construction deliveries being made off highway.
- e) On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman.
- f) Expected number of construction vehicles per day.
- g) All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements.
- h) Measures to be implemented to prevent the potential for heavy vehicles, plant and machinery from altering the topography (for example by creating wheel ruts), thereby altering surface water exceedance flow routes. Where access tracks need to be provided, permeable tracks should be used, and localised SUDS should be used to control any run-off. There must be no interruption to the surface water drainage system of the surrounding land nor changes to exceedance flow paths as a result of the operations on the site.
- i) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
- j) A scheme to encourage the use of Public Transport amongst contractors.
- k) On-site vehicle wheel washing and vehicle wash-down facilities and the regular use of a road sweeper for local highways.
- l) Measures (including screening) to control the emission of dust, fumes, odour, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.
- m) Oils/chemicals and materials - materials shall not be left lying loose anywhere on site.
- n) Storage areas and compounds - any chemicals or fuel to be stored on-site shall be in a locked compound, with bunding created around the compound to avoid accidental spillages into the stream.
- o) The location and form of work - all construction materials shall be stored in lifting sacks to prevent accidental spillage or run-off into the river; concrete shall be mixed off-site and poured in a controlled manner; no off-loaded or pumping of any potential pollutants shall be undertaken at any time;
- p) A scheme for recycling/disposing of waste resulting from any construction works. All waste materials on site shall be placed immediately into a skip or

vehicle for removal from the site. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process, unless prior written approval is obtained from the Local Planning Authority.

q) Methods and means of management of soils through the construction, operation and restoration phases.

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise the risks of pollution from the development; to minimise disturbance to local residents; the prevention of harm being caused to the amenity of the area; in the interests of highway safety during the construction process, and in the interests of European and UK protected species, having regard to Policies TA5, EQ1, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

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

a) Risk assessment of potentially damaging construction activities.

b) Identification of 'biodiversity protection zones'.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting bird habitat clearance measures, possible reptile habitat clearance, badgers buffer zones, bats, protection of hedgerows/trees and invasive plant measures for Himalayan Balsam.

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

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

f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.

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

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

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; the prevention of harm being caused to the amenity of the area; and in the interests of European and UK protected species, having regard to Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

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

- a) Description and evaluation of features to be created, restored, protected and managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework, Policy EQ4 of the South Somerset Local Plan, and the Council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

09. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. The landscaping scheme shall include details of:

a) Planting plans (to a recognised scale) and schedules indicating the location, number, species, density, form root types/root volumes and size of proposed tree, hedge and shrub, and also including native species which occur locally and chosen to provide food for insects on which bats feed. All new trees and hedges planted on site should ideally be from local native stock, such as blackthorn, field maple, ash, hornbeam, hazel, dogwood, spindle and/or beech. All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats, and the shrubs must also appeal to night-flying moths which are a key food source for bats.

b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geotextile, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.

c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment.

d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).

e) Existing and proposed finished levels (to include details of grading and contouring of land and any earthworks and details showing the relationship of any proposed mounding to existing vegetation and surrounding landform where appropriate).

f) The means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates, ramps, or other supporting structures).

g) The location, type and materials to be used for hard surfacing (including where applicable for permeable paving, tree pit design, underground modular systems, sustainable urban drainage integration and use within tree Root Protection Areas), including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved.

h) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate.

i) An on-going management and maintenance plan of all the approved landscaping features.

j) A timetable for the implementation of the approved hard and soft landscaping scheme.

k) The body or organization responsible for implementation, and subsequent management and maintenance, of the approved landscaping plan.

There shall be no excavation or raising or lowering of levels within any prescribed root protection areas of retained trees and hedges unless previously approved in writing by the Local Planning Authority.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, managed and maintained in accordance with the approved scheme.

Reason: To clarify the level of detail of landscaping to form part of any subsequent application for reserved matters in order to safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. The proposed biodiversity enhancement measures set out in Section 4 of the document titled "Biodiversity Management Plan" (May 2021), prepared by Wychwood Biodiversity shall be strictly adhered to during the course of the development, regularly monitored by a suitable and competent ecologist, and completed in their entirety prior to the end of the first planting season following the completion of the construction phase of the development hereby permitted.

Also, photographs showing the installation of the various enhancement measures shall be submitted to the Local Planning Authority by the applicants/developer once the measures have been completed in their entirety and the Local Planning Authority shall acknowledge receipt and confirm its acceptance of the photographs within 21 days thereafter following their receipt.

Thereafter, such enhancement measures shall be retained and maintained in-situ and shall not be removed, either in whole or in part, without the prior written approval of the Local Planning Authority.

Reason: In the interests of safeguarding wildlife and in accordance with Local Plan Policy EQ4 and relevant guidance within the NPPF. The submission to, and written confirmation of acceptance by, the Local Planning Authority of photographs of the various compensation and enhancement measures prior to the occupation of the dwelling is fundamental to ensure there is strict protection afforded to protected species, having due regard to South Somerset Local Plan Policy EQ4, relevant guidance within the NPPF and relevant statutory legislation.

11. Prior to commencement of the construction phase of the development hereby permitted, any access to be used over at least the first 20 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and convenience in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

12. Any entrance gates erected shall be hung to open inwards and shall be set back a distance from the carriageway edge as previously agreed in writing by the Local Planning Authority. Thereafter, such approved details shall be maintained in that condition and position at all times.

Reason: In the interests of highway safety and convenience in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. No CCTV equipment or other cameras shall be installed on the site other than those shown on the approved solar farm layout plan, in accordance with the CCTV design details submitted with the application other than the poles that should be of timber construction. Each camera hereby permitted shall be static, shall be angled to have a fixed field of vision along the fence line and into the site, and shall be of a visual range all to be submitted to and approved in writing by the Local Planning Authority prior to the installation of any CCTV camera on site.

There shall be no subsequent variation to allow a greater field and range of vision for any of the cameras without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity and to safeguard the rural character of the setting in accordance with the aims of the NPPF and Policies EQ1 and EQ2 of the South Somerset Local Plan.

14. Except for the installation of lighting on the proposed substation building, no other floodlighting, security lighting or other external means of illumination to light the proposed development, either directly or indirectly, shall be provided, erected, installed, fixed, placed or operated at the application site edged red (as indicated on the approved Site Location Plan), either on a permanent or, notwithstanding the provisions of Article 3, Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) on a temporary basis, without the approval in writing of by the Local Planning Authority.

Prior to the installation, fixing, placement and/or operation of any external lighting on the proposed substation building, details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority, including through the provision of technical specifications. Such details shall include the equipment and supporting structures (if applicable), positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the building and the hours at which such lighting is to be operated, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

Reason: To safeguard the rural character and appearance of the locality which is in proximity to the Cranborne Chase Area of Outstanding Natural Beauty and designated as an International Dark Sky Reserve; to safeguard the residential amenities of owners/occupiers of the existing neighbouring property; to safeguard biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan, the adopted AONB Management Plan, and relevant guidance within the NPPF.

15. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and to safeguard the rural character of the setting in accordance with the aims of the NPPF and Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan.

Informatives:

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

For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

The applicant may find the Defra guidance on soils management helpful https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716510/pb13298-code-of-practice-090910.pdf and also the solar industry guidance which highlights soils on p.9 <http://www.solar-trade.org.uk/wp-content/uploads/2015/05/BRE-Planning-Guidance-for-Solar-Farms.pdf>.

02. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Notes on Good External Lighting and Paper by Bob Mizon on Light Fittings. In this location that means all lighting complying with Environmental Lighting Zone E1 as defined by the Institute of Lighting Professionals 2011.

The International Dark Sky Reserve brings an obligation on partners to reduce year on year the light pollution within the Reserve. That does mean that new development needs to be dark sky compliant. In that context there should be no external lighting installed within the redline area that is not explicitly approved by the Local Planning Authority in compliance with the AONB's Position Statement on Light Pollution and Good Practice Guides on Good External Lighting Any approved lighting should be installed as approved and maintained thereafter.

Light could cause nuisance to ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council, and also Guidance Note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

03. All works which affect the highway, including any signage proposed to alert highway users of construction traffic, must be agreed in advance with SCC Highways and Public Rights

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

If any cables, pipes etc are to run through the PROW, they will need to be authorised through a s50 licence. More information is available on the relevant Somerset County Council webpage: <https://www.somerset.gov.uk/roads-and-transport/apply-for-a-licence-to-dig-up-the-road/>

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

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

- o A PROW being made less convenient for continued public use.
- o New furniture being needed along a PROW.
- o Changes to the surface of a PROW being needed.
- o Changes to the existing drainage arrangements associated with the PROW.

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

- o make a PROW less convenient for continued public use; or
- o create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

(voting: unanimous)

26. Planning Application 21/02788/S73 - Leonardo Helicopters, Lysander Road, Yeovil, BA20 2YB (Agenda Item 7)

Proposal: The formation of a hard surface airstrip, associated lighting and ancillary lighting control building. S73 application to vary conditions 04, 05, 07 and 08 of planning approval 19/02614/FUL to amend wording of pre-commencement conditions.

The Specialist, Principal Planner presented the report and explained this Section 73 application is brought to committee to merely seek approval to vary conditions 04, 05, 07 and 08 of planning application 19/02614/FUL to amend wording of pre-commencement conditions previously approved.

She explained this would allow the bringing forward of the associated lighting and ancillary lighting control building and that the previous approval of the application in 2019 was a significant material consideration with the principal already being established by the consent.

With the aid of slides she then proceeded to show the site and previously proposed plans highlighting the ancillary lighting building. She also highlighted the key considerations being:

- Principle already established.
- Residential Amenity- no change to previous approval.
- Highway Safety – no objections to a small building being built.
- Setting of Listed Buildings – no change to previous approval.
- Drainage – 2 letter's had been received from local residents raising concern, however the Lead Local Flood Authority have raised no objection and consider the proposed small building to have no significant impact on surface water drainage, and that the previously approved detailed surface water drainage condition be sufficient.
- Ecology.

She therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, her proposal was to approve the application subject to the conditions as set out in the agenda report.

The agent then addressed the committee. His comments included:

- Highlighted the application itself had already been approved and that this application was merely to enable works to start on the development by building the lighting shed.
- The lighting building would be tucked away by an existing factory building and built on an existing hardstanding area.

During a short discussion, a member raised concern regarding biodiversity. However following advice from the Specialist, Principal Planner it was acknowledged that whilst it be encouraged that the applicant look to attract wildlife with appropriate means, there would be a significant impact on the safety operation of the airstrip and aircraft should any further conditions be imposed.

There being no further debate it was then proposed and seconded to approve the application as per the officer's recommendation and as set out in the agenda report. On being put to the vote this was carried unanimously.

RESOLVED:

That Regulation Committee recommend the Chief Executive to:

Approve planning application reference 21/02788/S73 for the following reason:

01. The proposal supports the essential infrastructure of an important local employer which will not unacceptably impact upon residential and visual amenities, the setting of adjacent listed buildings/structure, highway safety, drainage and ecology. As such, the proposals comply with Policies SD1, SS1, YV4, TA5, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan 2006-2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the 05th December 2019, (being the decision date of original planning permission 19/02614/FUL).

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:

Site Location Plan 3980-BB-XX-XXX-DR-A0001 16/09/19
General Arrangement 129792/1000/D 05/02/19
Construction Phasing General Arrangement 129792/1001 26/09/19
Runway Plan and Long Sections
1 of 3
129792/1100/B 18/04/19
Runway Plan and Long Sections

2 of 3 129792/1101/B 18/04/19
 Runway Plan and Long Sections
 3 of 3 129792/1102/B 18/04/19
 Taxiway and Access Road Plan and Long Section 129792/1103/B
 18/04/19
 Proposed grading contours 129792/1104/B 18/04/19
 Runway Cross Sections Sheet 1 of 5 129792/1105/B 18/04/19
 Runway Cross Sections Sheet 2 of 6 129792/1106/A 28/06/19
 Runway Cross Sections Sheet 3 of 5 129792/1106/A 28/06/19
 Runway Cross Sections Sheet 4 of 5 129792/1108/A 28/06/19
 Runway Cross Sections Sheet 5 of 5 129792/1109/A 28/06/19
 Taxiways and Access Road Cross Sections 129792/1110/A 28/06/19
 External Works General Arrangement 129792/1200/B 28/06/19
 External Works Sections 129792/1201/B 28/06/19
 Proposed Sloping Ground Test Area General Arrangement 129792/1202/A
 28/06/19
 Proposed Runway External Works Details 129792/1203/B 28/06/19
 Vehicle Tracking 129792/1250/B 03/06/19
 Proposed Runway White Lining General Arrangement 129792/1500/B
 28/06/19
 Runway Plan AGL Ducting Layout
 Sheet 2 of 4 129792/2201/A 28/06/19
 Drainage Standard Details
 Sheet 1 of 2 129792/2002/B 24/06/19
 Drainage Standard Details
 Sheet 2 of 2 129792/2003/A 24/06/19
 Manhole Schedule 129792/2004/A 24/06/19
 Drainage Outfall 129792/2005/B 24/06/19
 Indicative Contractors Site Compound Location 129792/2100/B
 23/05/19
 Runway Plan AGL Ducting Layout
 Sheet 1 of 4 129792/2200/A 28/06/19
 Runway Plan AGL Ducting Layout
 Sheet 4 of 4 129792/2203/B 28/06/19
 B-Centre Building Proposed External Works General Arrangemens (sic)
 129792/4000/B 03/06/19
 B-Centre Building Proposed General Arrangement 129792/4001/B
 03/06/19

- Reason: For the avoidance of doubt and in the interests of proper planning.
03. Prior to the first use of the airstrip hereby approved a detailed plan for the restoration of the site to include landscaping details shall be submitted to and approved in writing by the Local Planning Authority. 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 first use of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan 2006.

04. Other than the development of the ancillary lighting control building, no development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements;
 - o Construction operation hours;
 - o Construction vehicular routes to and from site;
 - o Construction delivery hours;
 - o Expected number of construction vehicles per day;
 - o Car parking for contractors;
 - o Efficient means for cleaning the wheels of all lorries leaving the site;
 - o Specific measures to be adopted to mitigate construction impacts in pursuance
 - o of the Environmental Code of Construction Practice;
 - o A scheme to encourage the use of Public Transport amongst contractors;
- and
- o Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and residential amenity in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

05. Other than the development of the ancillary lighting control building, the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority prior to the commencement of the hard surface airstrip hereby permitted. The WSI shall include details of archaeological evaluation and subsequent excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure appropriate recording of archaeological remains in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028.

06. Prior to the installation of any lighting associated with the airstrip details shall be submitted to an approved by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved scheme and retained and maintained in the agreed manner unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

07. Other than the development of the ancillary lighting control building, a Dust Management Plan to follow the advice contained in the Air Quality Assessment (prepared by Air Quality Consultants Ltd dated April 2019) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the hard surface airstrip hereby permitted. The development shall take place in full accordance with the approved plan.

Reason: In the interests of residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

08. Other than the development of the ancillary lighting control building, no development hereby permitted shall be commenced until details of the surface water drainage scheme based on the Flood Risk Assessment and Drainage Strategy Issue 3 (dated 20/08/19) and sustainable drainage principles, together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- o Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

Informatives:

01. Attention is drawn to the response from Wales and West Utilities dated 23/10/2019

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

that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

03. Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). As such, no vegetation removal works around the site should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and ensure that appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

04. Water voles are fully protected under the Wildlife and Countryside Act 1981 (as amended). A riparian survey of stream banks for water voles and other notable and protected riparian species should be carried out prior to the final design of the drainage infrastructure proposed off-site to the north of the proposal. The results of the survey should inform the final drainage design, ensuring negative impacts are avoided. A copy of the survey report should be issued to South Somerset District Council before any drainage infrastructure is constructed.

05. It is recommended that the applicant consider a biodiversity and mitigation plan which could include (if in accordance with operational constraints at the site):

- o Installation of 4 X Kent bat box, purchased or built, on to mature trees along the northern end on site, facing south or west, at a height above 3m.
- o Planting of Three 10x2 metre stretches of wildflower beds along the northern boundary. All new plants must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

(voting: unanimous)

27. Date of next meeting (Agenda Item 8)

Members noted the date of the next meeting.

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Chairman