

## South Somerset District Council

**Minutes** of a meeting of the **Regulation Committee** held in the **Council Chamber, Council Offices, Brympton Way, Yeovil** on **Tuesday 17 January 2023**.

(10.20 am - 11.36 am)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

Tony Capozzoli	Peter Seib
Adam Dance	Andy Soughton
Tony Lock	Martin Wale

**Also present:**

Councillor Oliver Patrick  
Councillor Neil Bloomfield

**Officers**

Paula Goddard	Specialist (Legal Services)
Jo Boucher	Case Officer (Strategy & Support Services)
Becky Sanders	Case Officer (Strategy & Support Services)
Catherine Miller-Bassi	Planning Specialist
John Hammond	Lead Specialist (Built Environment)
Charles Potterton	Landscape Consultant

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### 142. Minutes (Agenda Item 1)

The minutes of the Regulation (Informal) Committee meeting held on 17<sup>th</sup> May 2022, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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### 143. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Jason Baker, Sarah Dyke, Paul Maxwell, Dean Ruddle, William Wallace and Sue Osborne.

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### 144. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

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### 145. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

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**146. Planning Application 21/00701/FUL - Land at Pipplepen Farm (Solar Park)  
Pipplepen Lane North Perrott Crewkerne Somerset (Agenda Item 5)**

***Proposal: Ground mounted solar farm with DNO substation, point of connection, ancillary infrastructure and associated works, landscape planting and access tracks.***

The Planning Specialist presented the application and referred to the addendum updating members on comments received from the Council's Conservation consultant. Considering these comments, she wished to alter the heritage impact assessment from 'no harm' to 'slight harm'.

With the aid of slides, she then proceeded to highlight the site location and proposed plans and included:

- That following amendment and additional information, no outstanding objections from any statutory consultees remain. The objections received related mainly to adverse impact on the visual amenity, character and AONB. Some concern raised regarding the impact on protected species (bats) and plans for water main easements.
- 9 objections received related mainly to the adverse impact on visual amenity, character and AONB. Some concern raised regarding the loss of grade 3b agricultural land, impact on heritage assets, landscaping not effective and cumulative impact of solar farms in the area and lack of financial benefit.
- Explained in detail the visual and character impact of the proposals within the local area and recognised the proposal would have some adverse impact on the appearance and character of the site due to it being a non-agricultural scheme and extent of land coverage
- Proposed mitigation plans including new/additional planting, green corridors and biodiversity gains, referred to the temporary duration of 30 years for the scheme, proposed landscaping strategy and conditions to address mitigation of visual impacts. She acknowledged that mitigation would be less effective when first planted but impact would reduce over time.
- Condition to ensure anti-reflecting coating is employed regarding any glint and glare concerns.
- Heritage impact showing various views of Pipplepen Farm and outbuildings and considered this impact to be at the lower end of less than substantial harm and therefore outweighed by public benefits.

In conclusion she referred to the adverse impacts to visual amenity, character of area and setting of AONB, impact to setting of listed buildings, biodiversity net gains, some economic benefits, carbon reduction and renewable energy benefit and the council's climate emergency declaration and considered that cumulatively the benefits would outweigh any disbenefits.

The Planning Specialist also considered the proposal accords with the policies of the Local Plan and the aims and objectives of the National Planning Policy Framework (NPPF). She therefore concluded that after considering all the responses and advice, as outlined in the agenda report, her recommendation was to approve the application subject to the conditions as set out in the agenda report.

In response to members' questions the Planning Specialist and Landscape Consultant clarified:

- The orientation of the site and position of the solar panels at a similar scheme shown in a photo at the end of the presentation on the application itself.
- The direction and access of the construction traffic to the site, this being within Dorset CC and therefore they would be assessing this aspect of the scheme.
- That the application site is within the curtilage of Pipplepen Farm.
- The assessment of the impact of the AONB and development within the setting referring to the NPPF as set out and explained within in the agenda report.
- National Policy makes clear that the applicant does not have to justify the estimate of power energy output and therefore the information provided is acceptable.
- The designated scheduled monument as being a former manse and moat, now described as an overgrown area of woodland and small cluster of trees.
- A small solar farm is also located at Pattermores Transport Ltd within the local area.

Councillor Oliver Patrick, SSSC ward member addressed the committee. His comments included:

- Proposal would help support the current climate change emergency with overwhelming local support regarding this.
- Believed the visual impact is acceptable and that the public benefits outweigh any concerns raised.
- The site does not dominate the landscape and is on low lying land which he believes will nestle well within the landscape and has a biodiversity net gain.
- Understand none of the land is graded as best or most versatile agricultural land.

In conclusion he believed the scheme to provide huge benefits to the local area and would help support the progress against the current climate change emergency. He voiced his full support of the application.

A representative of the CPRE then addressed the committee. His comments included:

- Referred to the government's intention to review the definition of BMV land to include category 3b agricultural land and this application be deferred until this policy has been clarified.
- The site lies within a highly sensitive landscape within Dorset AONB
- A major footpath the 'Parrett Trail' passes directly by the site.
- The scheme and its visual impact would have a detrimental impact of the local tourism with nearby businesses being affected.
- That community financial benefit should be secured for the whole duration of the project, as in the cases of Dorset and Cornwall and was a material consideration and should be reviewed before this application and further solar farms were approved.

Three members of the public addressed the committee and spoke in objection to the application. Their comments included:

- Concerns raised regarding the impact on the hydrological process of the river Parrett and believe the application should be deferred until a hydrologist report is undertaken.
- Site will be highly visible from the railway line.

- There is a need to consider all aspects of drainage as this site will have a huge impact on the river Parrett and its drainage channels.
- Considers the application to be in breach of paragraph 56 of the NPPF regarding excess conditions and informatives.
- Referred to Network Rail guidelines and processes regarding planting adjacent to railway boundaries to ensure the safety and operation of the railway.
- Application should be deferred to allow more details of the application and to submit revised plans omitting the panels that cannot be screened.
- This is a huge site in setting of AONB which will dominate the area and be visible for miles around and that the NPPF states should be given the highest level of protection.
- The site will harm the visual amenity and views of the walking routes in particularly the Parrett Trail.
- The site will have a detrimental impact on the local tourism, with the council actively promoting the local footpaths and encourage visitors to the local area year on year. These visitors help generate a significant level of income and provide support to local businesses and tourism.
- Current local walks will be 'carpeted in glass'.
- This application should be deferred until input has been received from the tourism board.

The agent then addressed the committee. His comments included:

- The scheme would provide significant power supply for the local area.
- It is a renewable low carbon energy project that will help tackle climate change and provide a contribution in cutting greenhouse gas emissions.
- Will provide a significant contribution to the governments net zero carbon obligation.
- Supported by the NPPF and local plan policies for renewable energy.
- Secure electricity supply while continuing farming opportunity across the site.
- Believe any landscape harm to be temporary and fully reversible once any landscaping and tree planting matures.
- Provide a biodiversity net gain of over 30%.
- The solar farm and all equipment after thirty years will be removed and the land fully reinstated.

He concluded that the application was a sustainable form of development with substantial benefits that would outweigh any local harm.

Following further questions, the Planning Specialist and Lead Specialist advised members that:

- The economic impact of this application has been assessed and acknowledged there would be an adverse impact on the character and appearance of the site. However, she considers these have been mitigated to acceptable levels and therefore outweigh the harms in this case.
- The application is assessed on current national planning policy and at present grade 3b agricultural land is not protected under current policy.
- Current consultation received on the NPPF does not at present make proposals regarding solar farms.

Following members discussion, several comments were made including:

- Proposal would help support the current climate change emergency.
- Noted no objections received from statutory consultees.
- Need to support renewable energy projects and believe it is the way forward.
- Consider the benefits outweigh any disadvantages.
- Concern raised on the relationship to the AONB and requested a condition be amended to ensure any boundary mitigation work be in place before any development on the site.
- Acknowledge the impact the application may have on the Parrett Trail, however the site accommodates the current footpath well and would not be a reason to refuse the application.
- Consider the impact on the setting of the listed buildings to be acceptable.
- Believe the water drainage of the site to be acceptable and appreciate the efforts of biodiversity.
- Proposal will contribute to a huge amount of energy to power the local area.
- Believe the application is a good use of land and is in line with the local development plan.
- Acknowledge concerns raised regarding the impact on the character of the local area, however climate change is a huge problem at present and believe this application provides a clean form of energy.

Following a short discussion, it was agreed to amend condition 13 point 'F' to the word 'occupation' being replaced with the word 'operation' to reflect landscaping mitigation work to be completed prior to first use of the operational development.

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 13 'F'. On being put to the vote this was carried unanimously.

**RESOLVED:**

That application **21/00701/FUL** be approved for the following reason:

01. The proposal, by reason of the substantial benefits resulting from the provision of renewable energy, together with the landscape enhancements and biodiversity net gains, which cumulatively outweigh the adverse impact to the visual amenity and landscape character, is considered to comprise sustainable development in accordance with the aims and objectives of the South Somerset Local Plan and the NPPF.

**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:

Layout Plan (JPW1607-PIPPLEPEN-001 Rev O).pdf (3 January 2023)

PV Array Detail.pdf (4 January 2022)  
Inverter Detail.pdf (4 January 2022)  
PV Fencing Detail.pdf (4 January 2022)  
Access Track Detail.pdf (4 January 2022)  
CCTV Detail.pdf (4 January 2022)  
Typical Trench Details.pdf (4 January 2022)  
Customer Substation Detail.pdf (4 January 2022)  
DNO POC Compound Detail.pdf (4 January 2022)  
Construction Compound Detail.pdf (4 January 2022)  
Updated PROW plans (7 February 2022)  
Landscape Strategy JSL3467\_LS02 Rev.C (8 November 2022)

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

03. The operational development involving the solar arrays, ancillary structures and access tracks hereby permitted shall be removed and the land restored to its former condition on or before 17 January 2053 (30 years following the date of this decision notice) in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the visual amenity including the nearby Dorset AONB and green infrastructure in accordance with Local Plan policies SS2, EQ1, EQ2 and EQ5, and the NPPF.

04. Within 6 months of the date of this decision notice, a detailed demolition and restoration scheme shall be submitted to the Local Planning Authority for consideration. The approved restoration scheme shall be implemented in full within 6 months of the ceasing of the use or by 17 January 2053 (whichever is the soonest), as set out in Condition 3.

Reason: To prevent long-term harm to the visual amenity including the nearby Dorset AONB and the natural environment in accordance with Local Plan policies SS2, EQ1, EQ2 and EQ5, and the NPPF.

05. Before any above ground works commence, details including design and materials of all boundary treatments within the application site including gates, as set out in Layout Plan (JPW1607-PIPPLEPEN-001 Rev O), shall be submitted to and approved in writing by the Local Planning Authority.

The boundary treatments shall be implemented in accordance with the approved details prior to the first use of the development and retained as such until the operations are decommissioned and the site is restored.

Reason: In the interest of visual amenity of the area and biodiversity, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

06. Prior to installation, details of the appearance, dimensions, footing design and locations of the solar arrays, inverters and CCTV cameras hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The solar panels, inverters and cameras shall be implemented in accordance with the approved details prior to the first use of the development and retained as such until the operations are decommissioned and the site is restored.

REASON:

In the interest of visual and neighbouring amenity and green infrastructure in accordance with Local Plan policies SS2, EQ1, EQ2 and EQ5, and the NPPF.

07. Prior to installation, the solar panels hereby permitted shall be treated with the most effective available anti-reflective coating, in accordance with the submitted manufacturer's specification, PV Module Reflection - Glare, ref. Hanwha Q CELLS Module\_reflection\_2017-02\_Rev01\_EN, and, thereafter, maintained in accordance with the approved details until the operations are decommissioned and the site is restored.

Reason: In the interest of visual and neighbouring amenity and green infrastructure in accordance with Local Plan policies SS2, EQ1, EQ2 and EQ5, and the NPPF.

08. Prior to commencement of the development hereby permitted, details of the customer (or applicant) substation compound including the layout and boundary treatment, and dimensions, appearance and materials of the above ground infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The customer substation shall be implemented in accordance with the approved details and maintained as such until the operations are decommissioned and the site is restored.

Reason: In the interest of the visual amenity including the nearby Dorset AONB and green infrastructure in accordance with Local Plan policies SS2, EQ1, EQ2 and EQ5, and the NPPF.

09. Prior to commencement of the development hereby permitted, details of the temporary construction compound including the compound layout and boundary treatment, and dimensions, appearance and materials of the above ground infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include the removal of the compound and all infrastructure therein and restoration of the land following implementation of the development. The temporary construction compound shall be implemented in accordance with the approved details and fully removed with this part of the site being fully restored within 6 months of the first operational use of the development.

Reason: In the interest of the visual amenity including the nearby Dorset AONB and green infrastructure in accordance with Local Plan policies SS2, EQ1, EQ2 and EQ5, and the NPPF.

10. Prior to commencement of the development hereby permitted, details of the construction methods and materials of the access tracks hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The access tracks shall be implemented in accordance with the approved details and maintained as such until the operations are decommissioned and the site is restored.

Reason: In the interest of the visual amenity including the nearby Dorset AONB and green infrastructure in accordance with Local Plan policies SS2, EQ1, EQ2 and EQ5, and the NPPF.

11. All hedgerows and trees on site to be retained shall be maintained in accordance with Landscape Strategy JSL3467\_LS02 Rev.C (8/11/22), and shall not be cut

down, uprooted, destroyed or damaged in any manner at any time without the prior written approval of the local planning authority.

Reason: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-2028.

12. Prior to commencement of the development hereby permitted, including groundworks, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures must be prepared and submitted to the Council for their approval in writing.

Upon receipt of the Council's approval in writing, the satisfactory installation of the approved protection scheme (in particular, any required fencing, signage and ground-protection installations), must be confirmed in writing by the Council, prior to development works taking place (to comply with the terms of this condition, you will need to e-mail us at: [planning@southsomerset.gov.uk](mailto:planning@southsomerset.gov.uk) - quoting relevant planning reference - making sure to provide supporting photographs clearly demonstrating compliance with the approved scheme).

Those approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled with the prior consent of the Council in writing.

Reason: In the interest of visual and natural amenity, in accordance with Policies EQ2, EQ4, EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-28 and the NPPF.

13. No above ground works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping measures incorporating those set out in Landscape Strategy and Typical Planting Schedules V2, (received 4/11/2022) and Landscape Strategy LS02, Rev.C, (received 8/11/22) and to be in accordance with the criteria for appropriate compensation for unavoidable harmful effects as set out in the Dorset AONB Management Plan policy C2.f.

a) The submitted scheme shall clearly confirm the details, materials, levels and dimensions of any intended tree or shrub planting, tree pit design, earth-moulding, boundary treatments (for example, hedgerows, fences & walls), seeding, turfing and the installation of hard-surfaces, pathways, driveways and parking spaces.

b) The scheme shall also detail measures to deliver biodiversity net gains, such as bird or bat boxes and log piles, and incorporate the planting of native species of trees, shrubs, herbaceous plants and areas to be grassed, with a focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife, in accordance with the Biodiversity Net Gains Metric, received on 13/12/22.

c) All planting stock must be specified as UK-Grown, and details must be provided in relating to the planting locations, planting matrixes, numbers of individual species, sizes, forms, root-types & root-volumes (for example, "Cell-Growns" for smaller sizes, larger sized "Container-Grown's" - ought to have their root volumes detailed in litres, e.g 45-65 litres for a '10-12' or a '12-14' ) and the intended timing of planting.

d) Installation details to ensure successful establishment, specifically relating to ground-preparation, the use of bio-degradable geo-textiles and other weed-suppression and ground stabilising measures, surface-mulching, strimmer-guarding, staking, supporting and tying must also be included within the submitted scheme.



- e) The tree species to be planted shall include a wide range of native trees in addition to Oak (*Quercus robur*) and shall include large trees where more immediate visual screening is required such as but not limited to the northern boundary;
- f) The landscaping shall be implemented in accordance with the approved scheme and all planting shall be carried out within the dormant season (November to February inclusively) upon or prior to the first operation of the development hereby approved.
- g) If any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they must be replaced within the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of visual and natural amenity, to provide screening of the development and mitigate its visual impact, to ensure that the proposed development will deliver biodiversity enhancements, to compensate for the loss of greenfield land and to ensure compliance with policies EQ2, EQ4, EQ5 and EQ6 of the Local Plan and the NPPF.

14. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- a) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
  - b) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - c) Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
  - d) Procedures for emergency deviation of the agreed working hours shall be in place.
  - e) South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.
  - f) Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared.
  - g) Control measures shall be in place for dust and other air-borne pollutants.
  - h) Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.
  - i) Control measures shall be in place for vehicular use of Public Right of Way Footpath Y19/13 to prevent the risk of harm to pedestrians.

Reason: In the interests of the amenities of nearby occupiers and in accordance with Local Plan policy EQ2 and the relevant policies of the NPPF.

15. No external lighting shall be installed without prior consent from the Local Planning Authority.

Reason: To protect the residential amenity of the locality, to ensure that the proposed development will not result in a net increase in external artificial lighting to the foraging places and commuting routes of bats and safeguard the ecological interest of the site in accordance with Local Plan policies EQ2 and EQ4, Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

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

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted, and the site covers a large surface area in which it is considered necessary to preserve as a record any archaeological information before it is destroyed by the development in accordance with Local Plan policy EQ3 and paragraph 189 of the NPPF.

17. The construction phase of the development hereby permitted shall be carried out in full compliance with the details set out within the submitted Construction Traffic Management Plan, dated 09/02/2021, and the Travel Plan included therein.

Reason: In the interests of highways safety and in accordance with Local Plan policies TA4 and TA5, and the NPPF.

18. Prior to commencement of the decommissioning of the operational development hereby permitted, a Construction Environmental Management Plan (Highways) shall be 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:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- 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;
- A Travel Plan to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highways safety and in accordance with Local Plan policies TA4 and TA5, and the NPPF.

19. 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 birds habitat clearance measures, habitat clearance measures for reptiles and amphibians including detailed reptile mitigation strategy which should also incorporate a translocation plan; protective/precautionary working measures for roosting bats; protective/precautionary working measures for otter's and water voles; protective/precautionary working measures for badgers as well as other small mammals e.g. hedgehog; protective/precautionary measures for invertebrates; protection measures for hedgerow and tree's from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012; Pollution Prevention Reasonable Avoidance Measures implemented during construction concerning nearby or onsite waterbodies; protective/precautionary measures for The Crondle Hill Plantation Local Wildlife Site (LWS); etc.
  - 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: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan policies EQ4, EQ5 and EQ6, and the NPPF.

20. 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 [or specified phase of development. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be 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: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan policies EQ4, EQ5 and EQ6, and the NPPF.

- 21. The works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
  - a. a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
  - b. a statement in writing from the licensed great crested newt ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

- 22. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP have been completed to the Local Planning Authority's satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and that South Somerset District Council Local Plan - Policy EQ4 Biodiversity

- 23. The development hereby permitted shall not commence until details of the design of a Surface Water Drainage Scheme have been submitted to and approved in

writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a discharge rate to be agreed with SCC as LLFA.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- g) Details of the gravel trenches surrounding the proposed inverters and substations.
- h) Details of a temporary drainage design for temporary construction compound.
- i) Details of the installation method for the solar arrays and drainage design where concrete bases are to be installed.

The drainage works shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To reduce the risk from surface water flooding within and around the site and to manage climate change, in accordance with Local Plan policy EQ1 and the NPPF.

24. No development hereby approved which shall interfere with or compromise the use of footpath Y 19/13 and Y 19/25 shall take place until a path diversion /part- width extinguishment orders has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: In the interests of green infrastructure and in accordance with Local Plan policy HW1 and NPPF paragraph 100.

25. No development hereby approved which shall interfere with or compromise the use of the area of the land along the route of Modification application 663 shall commence until Modification Application 633 has been determined and that determination is beyond legal challenge.

In the event that public rights are confirmed beyond legal challenge, and that they are obstructed by the proposed development, the applicant must vary the application or submit an application to divert such rights and no development hereby approved which shall interfere with or compromise the use of such rights shall take place until a path diversion order has been made and confirmed, and the diverted route made available to the satisfaction of the Local Planning Authority.

Reason: In the interests of green infrastructure and in accordance with Local Plan policy HW1 and NPPF paragraph 100.

26. No development hereby approved shall be located within 3m of either side of the public water main that crosses the site in accordance with Layout Plan (JPW1607-PIPPLEPEN-001 Rev N).pdf (3 January 2023).

Reason: To allow Wessex Water unrestricted access to their public assets for repair and maintenance activities.

**Informatives:**

01. In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. The Local Planning Authority is satisfied that its processes and practices are compatible with the Human Rights Act and the decisions of the European Court of Human Rights.
02. The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and the obligations this imposes, separate from the planning process, in respect of protecting wildlife.
03. Should the development hereby permitted provide for the importing, exporting or use on site of any waste materials, then the development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010) from the Environment Agency, unless a waste exemption applies. The developer is advised to contact our National Permitting Team on 03708 596506 to discuss the issues likely to be raised.
04. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
05. The proposed access tracks will require surface authorisation from SCC Rights of Way Group where they coincide with paths Y19/13 and Y19/14. Associated infrastructure may also be required. Crossing points must be safe for the public to use and constructed appropriately through the change of surface application. The Application for Authorisation to Carry Out Surface Works on a Public Right of Way Form should be completed by the applicant/developer and returned to Debbie Ebsary (debsary@somerset.gov.uk).
06. It is the responsibility of the applicant/developer to ensure they have an all-purpose vehicular right to the property along the paths Y19/13 and Y19/14 and that they can demonstrate this using appropriate evidence. The applicant/developer's attention is drawn to the fact that driving on a public footpath, public bridleway or restricted byway without lawful authority constitutes criminal activity.

07. 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. 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:
- a) A PROW being made less convenient for continued public use.
  - b) New furniture being needed along a PROW.
  - c) Installing any apparatus within or across the PROW.
  - d) Changes to the surface of a PROW being needed.
  - e) Changes to the existing drainage arrangements associated with the PROW.
  - f) If the work involved in carrying out this proposed development would:
  - g) make a PROW less convenient for continued public use; or
  - h) 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: <https://www.somerset.gov.uk/roads-and-transport/apply-for-thetemporary-closure-of-a-right-of-way/>
08. Due to the close proximity and potential impact of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) prior to works commencing. This will allow Network Rail's ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.
- The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from Network Rail's website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>
- The applicant / developer must also follow the Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with Network Rail's ASPRO team).
09. a. The applicant is advised to obtain the Land Drainage Consent required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board or LLFA as appropriate for any construction in, or within, 9m of watercourse and for the introduction of additional flow into an Ordinary Watercourse.
- b. The surface water mapping shows considerable flooding with depths over 900mm in the northwest corner of the site in all scenarios. It is for the applicant to confirm that they are satisfied that any infrastructure in this location would not be adversely impacted by such flooding.

(voting: unanimous)

**147. Date of Next Meeting (Agenda Item 6)**

Members noted the date of the next meeting was likely to be rescheduled and held on Tuesday 14<sup>th</sup> February 2023 at 10.00am. Confirmation would be sent to members as soon as possible.

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Chairman

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Date