



# Regulation Committee

**Tuesday 17th January 2023**

**10.00 am**

**Council Chamber, Council Offices  
Brympton Way, Yeovil, BA20 2HT**

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



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

The public and press are welcome to attend.

Any members of the public wishing to attend, or address the meeting at Public Question Time or regarding a planning application are asked where possible to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Monday 16<sup>th</sup> January 2023, so that we can advise on the options for accessing the meeting.

This meeting will be live streamed and viewable on YouTube by selecting the committee meeting at: [https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

This Agenda was issued on Monday 9 January 2023.

**Jane Portman, Chief Executive Officer**



This information is also available on our website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) or via the mod.gov app

# Regulation Committee Membership

The following members are requested to attend the meeting:

**Chairman:** Peter Gubbins  
**Vice-chairman:** Andy Soughton

Jason Baker  
Tony Capozzoli  
Adam Dance  
Sarah Dyke

Tony Lock  
Paul Maxwell  
Sue Osborne  
Paul Rowsell

Dean Ruddle  
Peter Seib  
Martin Wale  
William Wallace

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## Regulation Committee

Meetings of the Regulation Committee are usually held monthly, at 10.00am, on the third Tuesday of the month (unless advised otherwise), at the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of meetings are published on the council's website at:

<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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# Information for the Public

## Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

## Public Question Time

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

## Planning Applications

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

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

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

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

If a member of the public wishes to attend or speak they should contact Democratic Services ([democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)) by 9.00am on the day prior to the meeting and provide their name and whether they have supporting comments or objections, or who they are representing. If this is not possible and a member of the public wishes to speak, they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing - this must be done by completing one of the public participation slips available at the meeting.

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

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

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

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

## **Recording and photography at council meetings**

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

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

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

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

# Regulation Committee

**Tuesday 17 January 2023**

## Agenda

### *Preliminary Items*

**1. Minutes**

To approve as a correct record the minutes of the Regulation (Informal) Committee held on 17<sup>th</sup> May 2022. The draft minutes can be viewed at:

<https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

**2. Apologies for Absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

**4. Public Question Time**

**5. Planning Application 21/00701/FUL - Land at Pipplepen Farm (Solar Park)  
Pipplepen Lane North Perrott Crewkerne Somerset (Pages 6 - 48)**

**6. Date of Next Meeting**

The next scheduled meeting of the Regulation Committee will be held on Tuesday 21<sup>st</sup> February 2023 at 10.00am.

# Agenda Item 5

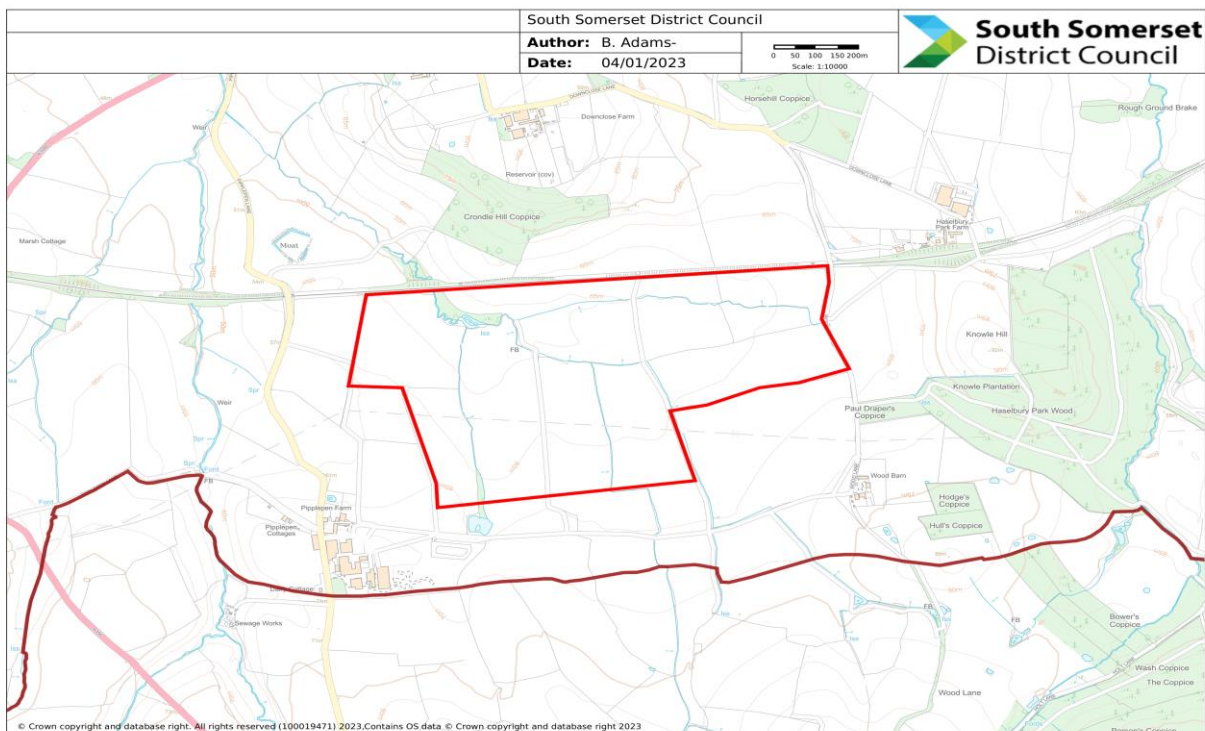
## **Officer Report On Planning Application: 21/00701/FUL**

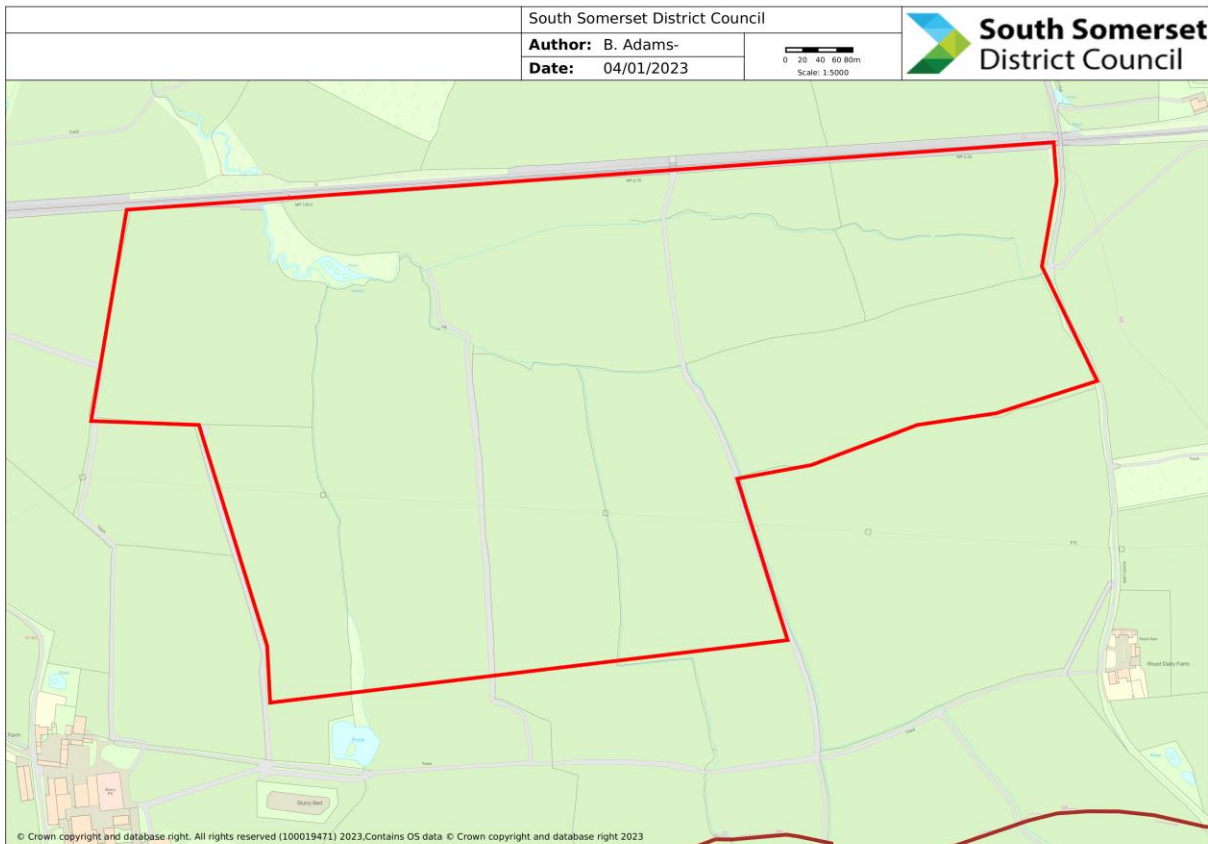
<b>Proposal :</b>	Ground mounted solar farm with DNO substation, point of connection, ancillary infrastructure and associated works, landscape planting and access tracks.
<b>Site Address:</b>	Land At Pipplepen Farm (Solar Park), Pipplepen Lane, North Perrott, Crewkerne, Somerset, <i>(note nearest postcode DT8 3HS Pipplepen Farm)</i>
<b>Parish:</b>	North Perrott
<b>PARRETT Ward (SSDC Member)</b>	Cllr O Patrick
<b>Recommending Officer:</b>	Catherine Miller-Bassi (Specialist) Tel: 01935 462527 Email: catherine.miller-bassi@southsomerset.gov.uk
<b>Target date :</b>	12th November 2021
<b>Applicant :</b>	Michelle Howley; Elgin Energy Esco Ltd
<b>Agent: (no agent if blank)</b>	Rachel Jacobson RPS Planning & Development 20 Western Avenue Milton Park Abingdon OX14 4SH Oxfordshire
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Regulation Committee as it comprises a large-scale major development ('major major') proposal due to the size of the application site.

### SITE DESCRIPTION AND PROPOSAL





The 54.15 ha. application site lies in the countryside between North and South Perrott, on the eastern side of Pipplepen Lane (also referred to as School Hill on some maps) and the northern side of Wood Lane. The northern site boundary abuts the railway while the eastern most boundary abuts part of Wood Lane.

The site forms part of Pipplepen Farm and comprises Grade 3 Good to Moderate agricultural land consisting of fields bounded by mature hedging and tree groups.

Public right of way, Footpath Y19/14, runs north-south adjacent to the main part of the site, crossing over the site access from Pipplepen Lane; Footpath Y19/13 runs north-south through the centre of the site; and Footpath Y19/25 runs north-south along Wood Lane, on the easternmost site boundary.

A Scheduled Monument lies approx. 166m to the north-west of the site - Moated site 800m NNW of Pipplepen Farmhouse - while 3no. Grade II Listed Buildings lie to the south-west, including: Stable building about 5 metres east of Pipplepen Farmhouse, Pipplepen Farmhouse and Outbuilding attached to south; and Range of Farm Buildings about 20 metres south-east of Pipplepen Farmhouse.

The site encompasses a Habitat of Principal Importance (formerly known as a Priority Habitat area) comprising lowland mixed deciduous woodland in the north-western part and another lies within the Ancient Woodland at Knowle Plantation and Haselbury Park Wood, which lie at a distance of approx. 177m beyond the eastern site boundary.

Several streams cross the site and there is a pond within the mature woodland in the north-west segment of the site, and another pond approx. 28m beyond the south-west corner.

The site lies within Landscape Character Area Region 5: Ridges and Vales South and West of Yeovil.

The site lies considerably beyond the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar Site but falls within the Parrett Catchment Area of Risk. The nearest Site of Special Scientific Interest (SSSI), Whitevine Meadows, lies approx. 1.6m to the west. To the south and west of the main site area lies the Dorset Area of Outstanding Natural Beauty (AONB).

A narrow tract within the red outline leads southwards into Dorset, through the Dorset AONB, and adjoins the A356 road via Holt Lane to the east of Holt Farm (referred to as Chedington Court Golf Club in the submitted Access Strategy).

The site also lies within an Airfield safeguarding zone.

### **Description of Proposal:**

Amended plans and additional information have been received during the course of this application in response to consultee and officer concerns. These include:

- DAS Update and Archaeological Framework (4 January 2022)
- Geophysical Survey (4 January 2022)
- Pipplepen - Layout Plan (JPW1607-PIPPLEPEN-001 Rev J).pdf (4 January 2022)
- Pipplepen - Layout Plan w ExistingVegetation (JPW1607-PIPPLEPEN-001 Rev J).pdf (4 January 2022)
- Pipplepen - PV Array Detail.pdf (4 January 2022)
- Pipplepen - Inverter Detail.pdf (4 January 2022)
- Pipplepen - PV Fencing Detail.pdf (4 January 2022)
- Pipplepen - Access Track Detail.pdf (4 January 2022)
- Pipplepen - CCTV Detail.pdf (4 January 2022)
- Pipplepen - Typical Trench Details.pdf (4 January 2022)
- Pipplepen - Customer Substation Detail.pdf (4 January 2022)
- Pipplepen - DNO POC Compound Detail.pdf (4 January 2022)
- Pipplepen - Construction Compound Detail.pdf (4 January 2022)
- LVIA Addendum (7 February 2022)
- Updated PROW plans (7 February 2022)
- Ecological Addendum (7 February 2022)
- BNG Assessment (7 February 2022)

This application seeks permission for the installation of a Solar Photovoltaic (PV) Farm of approx. 133 acres with associated infrastructure including: central inverter stations; 1no. substation comprising the primary Distribution Network Operator (DNO) and Client Substation with Point of Connection mast; 1no. Applicant Substation; 2.4m high perimeter fencing within a 5m ecology buffer; pole mounted infra-red CCTV security cameras; internal gravel access tracks and a main access track to Pipplepen Lane; together with 1no. temporary compound for the construction phase.

A corresponding application (P/FUL/2021/00627) has been submitted to Dorset Council for the part of the site on land within its administrative control that is currently under consideration.

### **Relevant Planning History:**

21/00442/EIASS  
EIASS Screening Request  
Pipplepen Farm Pipplepen Lane South Perrottt Beaminster Dorset DT8 3HS  
UNDER CONSIDERATION

### **Development Plan:**



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

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respect listed buildings and states:

*in considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.*

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the following:

South Somerset Local Plan adopted March 2015

SD1 Sustainable Development

SS6 Infrastructure Delivery

EP5 Farm Diversification

EQ1 Addressing Climate Change in South Somerset

EQ2 General Development

EQ3 Historic Environment

EQ4 Biodiversity

EQ5 Green Infrastructure

EQ6 Woodland and Forests

EQ7 Pollution Control

TA4 Travel Plans

TA5 Transport Impact of New Development

TA6 Parking Standards

HW1 Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

Neighbourhood Plan

None relevant

Other material considerations

Dorset AONB Management Plan 2014-19

National Planning Policy Framework (NPPF) 2021

Planning Practice Guidance (PPG) Natural Environment

Planning Practice Guidance (PPG) Renewable and low carbon energy

Somerset County Council Parking Strategy, September 2012

South Somerset Community Infrastructure Levy (CIL) Charging Schedule, November 2016

South Somerset District Council Landscape Assessment published 1993

**Consultees:**

Consultee comments summarised below. Full comments available on Planning Register.

Dorset AONB:

Comments received 16/11/22: Broadly agrees with comments from Landscape Consultant of 07/11/22 that while scheme would result in some visual impact by its nature, mitigation is generally acceptable.

Comments received 23/9/21 outlining initial concerns as follows:

- Lack of detailed landscape and ecological management plan for the site
- Lack of detail regarding impact on hedgerow trees
- Limited biodiversity enhancements proposed considering scale of development
- Large-scale adverse effect on a view into the AONB, from Crondle Hill, to the north
- A number of localised adverse effects on the experience of the setting of the AONB, particularly from those footpaths that pass through the site area
- Whether the proposal would pass the tests set out in AONB Management Plan points C2 d, e and f, particularly whether the scheme would conserve and enhance landscape and scenic beauty
- Range and presentation of images/visualisations in submitted LVIA is limited; it does not provide images of a format that utilises an enlargement factor that is consistent with the Landscape Institute's guidelines. As a result, the images provided commonly under-represent the scale of the development
- Whether the proposal has been sensitivity sited and designed, in order to conserve and enhance the landscape qualities of the AONB, in line with the NPPF

Dorset AONB & South Somerset District Council Landscape Consultant:

Latest comments (joint response) received 07/11/22 following receipt of further amendments and information on landscaping strategy: original concerns regarding the landscaping/AONB impact now overcome subject to conditions; lack of bigger trees on site can be addressed via condition.

Joint response received 20/06/22 following receipt of additional information -

- LVIA methodology now acceptable
- Insufficient amendment to layout to overcome original concerns
- Landscaping proposals around site perimeter and internally remain insufficient to overcome visual harm including to users of national Parrett Trail public footpath
- Overall, landscaping proposed is minimal given scale of development
- Viability is given as rational for not amending scheme as previously advised by AONB and Landscape Officers (removing solar panels from certain areas of site and increasing tree/hedge planting) and we recommend that the Council, therefore, evaluate viability

Dorset Council:

Comments received 23/11/22: No objections; benefits of revised scheme balance out landscape impact to result in neutral position

Comments received 01/11/21: No objection to principal; objections concerning landscape harm and impact on views to and from Dorset AONB from public footpaths, contrary to Local Plan policies EQ1 and EQ2.

Lead Local Flood Authority (LLFA)

Following submission of additional information during the course of this application, LLFA has no objections subject to conditions and informatives.

Historic England:

No objection. There would be impact from change of agricultural land to an industrial style landscape within the setting of a nationally important heritage asset. However, this impact would be minimal due to the topography of the land and the physical barrier of the embanked railway line.

Natural England:

Comments received 02/12/22: No objections subject to tree protection and landscape compensation scheme.

Comments dated 23/6/22: Objection - lack of information. We consider that without appropriate mitigation the application may have an adverse effect on the integrity of Bracket's Coppice Special Area

of Conservation and a significant impact on the purposes of designation of Dorset AONB

Network Rail:

No objection subject to informatives

Somerset County Council Ecologist:

Comments received 17/12/22: Previous concerns overcome subject to conditions.

Comments received 27/09/22: Objections concerning lack of information on habitat and protected species protection, mitigation and enhancement, especially bats and Bracket's Coppice SAC.

Somerset County Council Highways:

No objections subject to conditions

Somerset County Council Rights of Way Officer:

No objections subject to conditions/informatives

South Somerset District Council Environmental Health Officer:

No comments received

South Somerset District Council Landscape Consultant:

Further comments received 07/11/22 following receipt of additional information and amended plans, as summarised above confirming initial concerns now overcome.

Comments received 20/06/22: Not acceptable by reason of harm to users of PROWs; change to landscape character would be reversible but scheme does not meet policy criteria of enhancement; mitigation to visual harm unlikely to be effective; LVIA lacks detail on impact on visibility, heritage assets and glint and glare; landscape scheme not acceptable, mitigation is insufficient and detail is lacking; LEMP required; cumulative impact not well considered; proposed construction route acceptable subject to tree protection conditions; overall beauty & integrity of AONB unharmed.

South Somerset District Council Tree Officer:

Comments received 21/11/22: no objections subject to conditions.

South West Heritage Trust:

Following the submission of additional information in response to initial concerns, the Archaeologist is now satisfied with the proposal subject to a pre-commencement condition.

Wessex Water:

Comments received 03/01/23: Amended drawing overcomes original concerns and objection withdrawn.

Comments received 31/08/22: Holding objection. There is a 63mm public water main crossing this site. Wessex Water require unrestricted access to our public assets for repair and maintenance activities. We will require an easement of 3 metres from both sides of the outer pipe. The holding objection can be removed if the applicant can demonstrate that the public water main has been traced on site and satisfactory protection easements can be achieved on site.

**Representations:**

11no. representations have been received from separate addresses, including, of which 9no. object (including North Perrott Parish Councils and Dorset and Somerset CPREs) and 2no. support (including South Perrott).

Comments summarised below. Full comments available on Planning Register.

### Support:

- This is an ideal site for a solar installation. It is sufficiently secluded to avoid changing the views from nearby houses.

### Objections:

- Concerns over lack of clarity regarding impact on biodiversity and enhancement details
- Over reliance on conditions
- Adverse visual impact of the development affecting the Dorset AONB, the ancient monument to the north-west of the site and Crondle Hill cannot be sufficiently mitigated for the proposal to be acceptable in landscape terms
- Trees would be planted on the southern boundary of the site to screen the panels from the Dorset AONB. However, it is generally considered that the planting of trees to the south of a solar farm is to be avoided because they shade the panels
- No evidence that Network Rail would agree to sufficient planting along northern boundary to provide adequate screening
- If the panels are broken by falling branches then toxic chemicals would cause river/land contamination
- Impact on Parrett Trail not clear from plans and should be avoided
- Potential adverse impact on tourism which relies on landscape beauty given the district's lack of access to the coast - loss of tourism revenue would far exceed likely income from the proposed development
- Site maintenance and keeping of sheep would be impeded by physical constraints of solar panels and fully detailed landscape and ecological management plan is required
- High cost of decommissioning and likely chemical contamination from the proposed use will prohibit future agricultural use
- This does not comprise sustainable development and will limit food production through loss of agricultural land in addition to that lost to flooding, housing and infrastructure
- Support renewable energy but object to use of greenfield site for solar when panels could be better installed on warehouse/supermarket/car parks roofs
- Application is driven by money not environment
- Scheme would harm environment when countryside and wildlife should be protected/enhanced
- Scheme will harm visual amenity, specifically unspoiled landscape and AONB and harm views from walking routes, particularly Parrett Trail
- Site lies 150 metres away from 13thC woodland, home to a colony of Long Eared bats which are protected
- The perimeter fence of the site will prevent all but the smallest mammals from using the established routes between the Pipplepen land and the woodland
- Site is huge covering 120 acres, and located in a currently unspoilt valley overlooked by an AONB. This size site will totally dominate the area and be visible for miles around
- North & South Perrott offers large number of Holiday Let properties booked all year round by UK & International visitors, who come to enjoy walking holidays, using the local footpaths and bi-ways, these visitors return year after year and generate a significant level of income and provide employment to local people, supporting businesses, pubs, restaurants local tourist areas
- If 120 acres of the countryside used by these walkers is buried under solar panels they will find other less spoilt areas to visit taking their money with them.
- Ecology statements paid for by applicants cannot be objective or relied on
- Scheme is far too big
- Benefits of solar energy in general have been exaggerated
- Extensive adverse visual impact will last for decades
- This scheme may not be necessary in light of the Somerset Resource Recovery Centres
- Solar panels will be visible from neighbouring dwellings and will cause glint and glare - photo submitted of nearby site at Pattesmore Transport (Crewkerne) Ltd Mosterton Road Misterton Crewkerne TA18 8NT, ref. 20/00315/FUL, showing high reflection of sunlight

- Access track planned on Pipplepen Lane will increase traffic, noise and pollution. This is a narrow Lane with poor visibility, cyclists and dog walkers so highway safety is problematic. The alternative route creates new access tracks through a valley of outstanding natural beauty, which is also problematic as it will be unsightly, disruptive to very wildlife, noisy and dusty/muddy
- Development will be harmful to setting of listed buildings and scheduled monuments and to AONB, not mitigated by proposed screening, on which Historic England is relying, due to undulating topography
- Industrial scale glass and metal environment will replace rural landscape and will be out of character
- Mental health benefits of green capital will be lost
- The Parrett Trail attracts tourists from Australia, New Zealand and North America who come to enjoy the natural beauty and escape from modern technology - development will result in economic harm
- Lake effect of solar panels cause harm to birds who mistake it for water and crash into them
- Positioning of panels will alter microclimate including temperature, rainfall and wind which will decrease capacity of soil to retain carbon
- Solar farm should be reduced from 120 acres to 30 acres and re-sited away from sensitive receptors
- A high number of solar farms are sited in this area leading to greater cumulative impact and decreasing justification for this proposal

#### Dorset CPRE:

Comments received 01/10/21:

- Oppose proposal as close to Dorset border
- Close to Dorset AONB and within its setting
- Four solar farms already in this area of which some are visible from AONB
- Large solar installations not necessary since offshore wind and nuclear are least damaging options for large generation of renewable/low carbon energy in England
- This will harm landscape and heritage assets and cause loss of good quality agricultural land limiting food production
- Smaller scale ground mounted panels up to 20,000 or 5mw are preferred as can be well-screened from surrounding viewpoints  
[Officer note: Emailed on 09/11/22 following the receipt of additional information and amended plans but no further comments were received.]

#### North Perrott Parish Council:

Object due to scale being too large for the location, but would support a much smaller site of 5-10 acres, and concerns over neighbouring amenity of Holt Farm Bungalow and impact on water mains.

[Officer notes:

- Holt Farm Bungalow lies outside South Somerset District;
- Wessex Water has no objections;
- Emailed 31/5/22 and 09/11/22 following the receipt of additional information and amended plans but no further comments were received.]

#### Somerset CPRE:

Comments received 21/11/22:

- Objections upheld
- Brownfield sites should be prioritised for solar farms, and best agricultural land should be farmed.
- There is no evidence in this case that any sequential analysis has been undertaken for alternative and more appropriate brownfield sites.
- Data on agricultural land classification is missing from the application.
- Proposed planting and layout will not mitigate visual and character harm to a highly sensitive landscape
- Legal rights for non-agricultural vehicle use of public footpaths is not evident

- Cumulative impacts that arise from the growing number of solar farms in the area, that are not 'intervisible' with the site have not been considered by Landscape Consultant
- No community financial benefits have been secured as in the cases of Dorset and Cornwall Councils

Officer notes:

- Agricultural Land Classification Report, dated May 2020, resubmitted by agent on 22/11/22 and added to website - this notes that a very small percentage of the site was not surveyed, however, none of the site is graded BMV;
- Letter from applicant's solicitors received 03/01/23 confirming non-agricultural vehicular rights of access via PROW]
- Community financial benefits are not a material consideration in this case.

Comments dated 26/09/21:

- The selected site is highly sensitive, lying within the immediate setting of the Dorset AONB
- The scheme would adversely affect heritage assets, public views from footpaths, high quality visual amenity
- The proposal is not sensitively located or designed to avoid or minimise impacts on the designated areas, and therefore is not compliant with NPPF para 176 or the PPG
- The harm arising cannot be successfully mitigated due to the large scale of the scheme and higher land in the vicinity affording long views to the site
- We consider that the scale of the proposal is unnecessarily large. Solar farms have recently been re-introduced into the contracts for differences subsidy framework, and they no longer need to be on a very large scale in order to be viable
- We request the council to give substantial weight to the cumulative impacts produced by the conglomeration of solar farms now in the area, including those at Coombe Farm, Severalls, North Perrottt and Maiden Newton
- The Historic England response has omitted any reference to the adverse impacts of the proposal on the Grade II listed Pipplepen Farm, and we would request that further advice be sought on that point [Officer note: see section on heritage impact]

South Perrottt Parish Council:

Comments received 23/11/22: Original comments upheld following submission of additional information: Support subject to the following points -

1. During the construction phase the developers ensure that all traffic associated with the project accesses the site via the proposed route of the A356 and does not pass through the villages of South Perrottt, North Perrottt, Mosterton and Misterton.
2. Careful consideration is given to the landscape scheme to ensure that visual intrusion from the surrounding countryside is minimalised.
3. Existing hedgerows are retained and maintained carefully to cause minimum disruption to wildlife.
4. All new vegetation that is planted is carefully selected to ensure it is native to the area and reaches maturity relatively quickly.

**ANALYSIS:**

**Principle of Development:**

In May 2019 South Somerset District Council formally recognised a climate and ecological emergency.

Paragraph 13.12 of the Local Plan states:

*In terms of other potential renewable and low carbon energy resources in South Somerset, there is good potential to develop solar photovoltaic panels as the district has relatively high levels of sunshine duration compared to the rest of the UK, with around 1,500 sunshine hours per year.*

Policy EQ1 of the Local Plan states:

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

Policy EP5 of the Local Plan permits development for the purpose of farm diversification within established agricultural holdings if they comply with the certain criteria.

Paragraph 13.24 of the Local Plan sets out the following target to address climate change:

*Annual 1% increase in the proportion of the district's electricity consumption met by renewable electricity generation located in South Somerset*

Paragraph 152 of the NPPF states:

*The planning system should support the transition to a low carbon future in a changing climate... and support renewable and low carbon energy and associated infrastructure.*

Paragraph 158 of the NPPF states:

*When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.

The submitted Planning Statement, dated February 2021, notes that the proposed solar farm would generate up to 32 MegaWatts (MW), which would be equivalent to the annual electricity needs of approximately 10,000 homes. As such, the scheme would not meet the criteria of utility scale solar projects or nationally significant infrastructure projects which require over 50mw of energy production.

The Planning Statement notes that the scheme represents a form of farm diversification. However, no detail has been supplied with regard to the host farm's need for or benefit from the scheme. As such, it is the Officer's view that insufficient information has been submitted to determine whether or not the scheme would comply in principle with Local Plan policy EP5.

For the reasons above, the principle of the proposed solar farm is considered acceptable in line with policy EQ1 of the Local Plan. However, this is subject to a detailed assessment of the impact of the scheme on other receptors such as landscape.

### **Visual Amenity and Landscape Character:**

Local Plan policy EQ1 encourages renewable and low carbon energy development, *providing there are no significant adverse impacts upon .. visual amenity [and] landscape character ..*

Policy EQ2 of the Local Plan requires high quality design, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district by:

- *Creating quality places;*
- *Conserving and enhancing the landscape character of the area;*
- *Reinforcing local distinctiveness and respect local context;*
- *Having regard to:*
  - *Local area character;*
  - *Site specific considerations; and*
  - *Not risking the integrity of internationally, nationally or locally designated landscape sites.*

Policy EQ5 of the Local Plan promotes the enhancement of green infrastructure with reference to

walking and cycling routes, increasing access, improving physical and mental health benefits, increasing tree cover, enhancing landscape and place, protecting existing green infrastructure and mitigating any loss.

Paragraph 174 b) of the NPPF states:

*Planning... decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.*

The site lies within Landscape Character Area Region 5: Ridges and Vales South and West of Yeovil. The SSDC Landscape Assessment notes that this area:

- is amongst the least changing;
- has a dispersed and remote settlement pattern; and
- has a distinctive over-ridge fieldscape and natural wooded watercourse landscape that is largely intact and unspoilt;
- the landscape character is traditional and aesthetically pleasing with a balance between lowland English landscape (thick winding hedges, many hedgerow oaks, treelined blocks and copses) and larger blocks of broadleaved woodland, of which future management is of concern.

Paragraph 5 of the Planning Practice Guidance (PPG) Renewable and low carbon energy states:

*The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.*

Paragraph 15 states:

*... in considering planning applications..., it is important to be clear that:*

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that ... large scale solar farms can have on landscape and local amenity as the number of ... solar arrays in an area increases;
- local topography is an important factor in assessing whether ... large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

The requirement for environmental or landscape protection is reinforced by paragraph 158 b) of the NPPF, which is clear that where the impacts cannot be made acceptable, then the application should be refused.

The application site lies beyond any protected landscape. However, the Dorset AONB is located approx. 195m to the south and just over 300m to the west of the main site area. A narrow tract within the red outline leads southwards to Holt Farm in Dorset, through the Dorset AONB. The southernmost element of the site is subject to a separate planning application under consideration by Dorset LPA.

The Natural Environment PPG states:

*Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and*



*Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated...*

This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Park authorities, and is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection.

It also states:

*Management plans... do not form part of the statutory development plan, but they... may contain information which is... a material consideration when assessing planning applications.*

By reason of the scale of the proposed development and proximity to the protected landscape, it is the Officer's view that a full assessment of its impact on the setting of the AONB is required in this case.

Paragraph 176 of the NPPF states:

*Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

The Dorset AONB Management Plan identifies the Special Qualities of the AONB as:

- *Contrast and diversity - a microcosm of England's finest landscapes - comprising a collection of fine landscapes; striking sequences of beautiful countryside that are unique in Britain; uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes; numerous individual landmarks; tranquillity and remoteness; Dark night skies; and undeveloped rural character*
- *Wildlife of national and international significance*
- *A living textbook and historical record of rural England comprising an exceptional undeveloped coastline and a rich historic and built heritage*
- *A rich legacy of cultural associations*

The Dorset AONB Officer and Dorset Council have been consulted on this application and initially raised objections regarding the impact of the proposed development on the character of the landscape and the special qualities of the AONB, as well as the quality of the submitted LVIA.

The Council's Landscape Consultant has been consulted on this application and originally raised objections regarding insufficient detail contained in the submitted LVIA and ineffective mitigation of visual harm.

Following the submission of additional information, the Landscape Consultant and AONB Officer have jointly commented that the original concerns have been largely overcome and the scheme would be acceptable subject to conditions requiring, among other elements, the submission of a more detailed landscaping strategy including a greater range of native trees together with larger trees on site to provide more immediate visual screening.

Dorset Council have submitted revised comments noting they now have no objections and that the benefits balance out the landscaping disbenefits to result in a neutral impact.

The Council's Tree Officer has been consulted on this application and has no objections subject to conditions relating to tree planting.

Natural England has been consulted on this application and originally raised concerns regarding the

impact on the Dorset AONB. These objections have now been withdrawn subject to conditions relating to appropriate compensation for unavoidable harmful effects as set out in the Dorset AONB Management Plan policy C2.f.

The following elements are involved in the proposed development.

#### Solar panels

As confirmed by email dated 14/06/22, the quantum of solar panels proposed would not be available until the detailed design stage, however, the arrays would cover approx. 11ha. of the 54ha. application site or 20%. These would be set on posts up to 2m deep depending on the ground and would have a max. height above ground level of 3m and min. height above ground of 0.8m, with a gap between the arrays of 2 to 6m.

In the area prone to surface water flooding to the northwest of the site, the min. ground clearance would be 1m, such that the max. height of the panels would be 3.2m.

Objections have been received relating to potential glare from the proposal. including a photo of the nearby Pattermores solar panels implemented under consent ref, 20/00315/FUL. No information was included in the Officer Report or submitted documents pertaining to that application detailing any anti-reflective coating.

In this case, the submitted Glint and Glare Assessment, dated June 2020, notes that the panels would be fixed and would not rotate to follow the sun path, and would be treated with an anti-reflective coating. The report concludes that the impact of potential glare on visual and landscape receptors would not be significant and would be limited by landform, vegetation and proposed layout of the panels.

Technical guidance on PV Module Reflection - Glare information by Q-Cells has been submitted during the course of this application in response to Officer queries.

Should the Council be minded to approve this application then it would be considered reasonable to impose a condition to ensure the panels installed are treated with the anti-reflective coating as per the manufacturer's technical guidance.

In terms of layout, green corridors would be retained that would be devoid of built form, of approx. 10m wide, that would broadly follow the existing field boundaries. This gap between the parcels of arrays would increase to approx. 67m wide for an approx. 72m long stretch of the Footpath Y19/13.

#### Boundary treatments

The proposed solar farm would involve a deer fence along all boundaries, except that along the railway embankment, and including those aligning the Y19/13 public footpath. The fence would have a height of approx. 2.5m and would comprise wire mesh between timber posts that would bridge over existing hedges.

The submitted DAS Update, dated 4/1/22, notes:

*Security fencing c. 2.5m high would be installed around the perimeter of the Site. This will be 'Deer Fencing' with wooden fence poles and galvanised high tensile steel wire between. No industrial metal palisade fencing or wire mesh fencing will be proposed. There will be access wing gates at entrances.*

Further details would be sought via conditions.

#### Trees and hedges

Landscape Strategy and Typical Planting Schedules V2, Landscape Strategy 1 of 3, LS03\_1, Landscape Strategy 2 of 3, LS03\_2, Landscape Strategy 3 of 3, LS03\_3, and Landscape Strategy LS02,

Rev.C, all dated November 2022, were submitted during the course of this application in response to officer and consultee concerns.

The main areas of concern outstanding were insufficient proposed tree and hedgerow planting to mitigate the visual harm arising from the solar arrays and infrastructure or to deliver long term landscaping enhancements.

The scheme as amended in November 2022 would include the following proposals:

- A 10m wide belt of woodland mix and trees planted inside existing fence line along west boundary of north-west corner of site;
- A 5m wide belt of woodland mix and trees planted inside existing hedgerow along west boundary of western edge and south-west corner of site and along southern boundary;
- New hedgerow including treeline to align west side of Footpath Y19/13 running from the southern to the northern site boundaries;
- New hedgerow including treeline to align east side of Footpath Y19/13 running southwards from the northern site boundary to join the existing hedgerow on the east side of the footpath - this, together with the above measure, would form a 'green lane' along this stretch of the footpath;
- New native scrub mix including native tree groups to align west side of Footpath Y19/25, which lies adjacent to the eastern boundary, for extent of second field going southwards from railway line, increasing the width of the existing hedgerow to over 23m;
- The existing vegetation along the northern site boundary, to the south side of the railway track, would be enhanced with interspersed native standard tree and native scrub mix planting;
- New native scrub mix including native tree groups to align the existing hedgerows running broadly parallel to the railway line within the northern half of the site, increasing the width of the existing hedgerows to over 21m.

The landscaping features originally proposed for retention have not been amended in the latest iteration of the scheme and comprise the following:

- Existing trees and hedges retained with the exception of small areas of removal for access tracks to cross through the field boundaries;
- Majority of existing grassland to be retained around and beneath solar arrays or reinstated following construction.

The submitted Ecological Addendum noted the proposed new hedging would measure approx. 1.5km overall. However, as confirmed by email dated 09/11/22, the proposal would now involve approx. 820m of new hedgerow planting since several sections of the previously proposed hedgerow have been upgraded to strips of woodland in the latest version of the Landscape Strategy, hence the apparent reduction.

Confirmation received by email dated 09/11/22, notes that:

- None of the existing 159no. trees and 26no. tree groups surveyed on site would be removed.
- *The woodland and scrub/tree mixes proposed would include tree species so an exact number of trees is difficult to work out before a detailed planting scheme is created. It is likely to be over 10,000, based on area, spacing of plants and percentage of tree species within mix.*
- The approx. area of proposed woodland planting would measure 7,250sqm and scrub planting with trees 17,250sqm.

The submitted LVIA Addendum notes that the final details of the locations, design, materials, and finishes pertaining to the scheme should be secured via a pre-commencement condition and that a Tree and Hedge Protection Plan, Landscape Planting Plan and Landscape and Environmental Management Plan (LEMP) should be secured via pre-commencement or pre-operation conditions. This is considered reasonable, should the Council be minded to approve this application.

## Infrastructure

2no. compounds, enclosed by a 2.45m high timber fence, would be sited adjacent to each other on the western side of the area of proposed development, near to the access off School Lane, as shown in drawing no. JPW1607-PIPPLEPEN-001 Rev.O. These would comprise:

1. The Customer (or Applicant) Substation Compound
2. The Distribution Network Operator (DNO) Substation Compound that would house the POC (Point of Connection) Mast and Control Room.

### CUSTOMER (OR APPLICANT) SUBSTATION COMPOUND:

As shown on drawing no. JPW1607-PIPPLEPEN-010, the Customer/Applicant Substation Compound would measure 34.21m long by 22.62m wide. This would contain the Customer Substation also referred to within the submitted documents as the Applicant Substation, built, owned and operated by the applicant who constitutes the solar generator.

As shown in drawing no. JPW1607-PIPPLEPEN-009, this would be set on a concrete pad atop a gravel base and would measure 3.7m high, 5.8m long and 3.8m wide, with a shallow-pitched, hipped roof. No details of materials or colour have been submitted for this element. However, the submitted DAS Update, dated 4/1/22, notes it would comprise a pre-fabricated building, making removal at the end of the operational phase easier.

### DISTRIBUTION NETWORK OPERATOR (DNO) SUBSTATION COMPOUND:

The DNO Substation would be built by the Applicant but controlled and managed by SSE (an energy supplier) and/or the DNO and would be sited in a compound adjacent to the Applicant Substation Compound. As shown on drawing no. JPW1607-PIPPLEPEN-010, this compound would measure 57.44m long by 45.5m wide. No details of dimensions, materials or appearance have been submitted for the DNO Substation.

The submitted Design and Access Statement (DAS) Update notes:

- *Unlike the rest of the solar farm, this land will become owned by the DNO and not leased, with the development in the DNO compound a permanent feature and local infrastructure upgrade. It is for this reason that it is located immediately adjacent to an existing DNO asset (pylon) within the Site.*
- *As this is being built as a statutory undertaker this element of the Proposed Development may be considered Permitted Development under the General Permitted Development Order, Schedule 2, Part 15, Class B). [Officer note: this would be subject to a separate planning process]*
- *Because it will be a DNO asset built to DNO specifications the applicant has no flexibility to control the appearance of elements within the compound. However, a general layout and elevation plan is provided. The building is likely to be built of brick or similar material. Within the compound there will also be an external transformer, POC mast, and permeable gravel/aggregate access track and parking area.*

### POINT OF CONNECTION (POC) EQUIPMENT:

The POC Mast would have a height of 23.5m. For context, the existing pylons on site have an approx. height of 27m, as confirmed in the agent's email dated 07/07/22. The Control Room would have a height of 4m. The submitted DAS Update notes:

- *Alongside the DNO Substation will be the POC equipment including a transformer, control room, telecom mast, unit distribution equipment (UDE) substation and PoC Mast. The infrastructure is required to connect into the existing high voltage overhead transmission line.*
- *For security purposes and to reduce visual intrusion the DNO substation and POC equipment is proposed to be surrounded by wooden panel fencing approximately 2.45 metres high. A small permeable hardstanding area will be provided outside the substation control building with parking for approximately two vehicles.*
- *Once operational the substation will not be staffed but will be periodically visited by maintenance*

personnel associated with the DNO.

#### INVERTERS:

As confirmed by email dated 13/06/22, there would be 7-10 central inverters distributed throughout the site, adjacent to internal access routes, whose typical design is shown in drawing no. JPW1607-PIPPLEPEN-008. These (referred to in the drawing as an Inverter Substation rather than an inverter unit), would be set at 0.1m to 0.5m above ground level on concrete plinths atop a gravel base. The units would have a flat roof with a height of approx. 3.1m, length of approx. 6.9m and width of approx. 2.4m.

The submitted DAS Update, dated 4/1/22, notes:

- *Inverters are housed within pre-fabricated metal containers measuring up to 7m x 3m x 2.5m (LxWxH) (footprint of 21m<sup>2</sup>). They are typically finished in a grey or green colour. Finishing specifications can be agreed by condition.*
- *The containerised solution means they are easily removed at end of the solar farm operational life easier.*

#### CCTV CAMERAS:

The CCTV cameras would comprise grey metal posts of approx. 3m high that would function in the daytime and nighttime without the use of external lighting. No details have been submitted regarding the quantum or locations of the proposed cameras. However, the DAS Update notes:

- *Site would be protected by a system of CCTV and/or infra-red cameras to provide full 24-hour surveillance around the internal perimeter.*
- *Cameras would be inward facing on poles of up to approximately 3m high, spaced at intervals along the fence line.*
- *CCTV would only monitor internally and not any public or private land outside the perimeter.*

Given the lack of detail regarding the appearance of the proposed infrastructure, as noted above, these elements would be addressed via conditions, with the exception of the DNO substation.

#### Temporary construction compound

The construction compound would be located at the southernmost south-eastern corner of the site for a temporary period of up to 4 months or 16 weeks, as noted in the submitted Construction Traffic Management Plan, dated 9.2.21, after which it would be removed and remediated. The area would measure 75m by 75m and would be enclosed by Heras fencing. No details have been submitted regarding the quantum, scale or appearance of the buildings or the height of the Heras fencing.

Should the Council be minded to approve this application then conditions would be imposed regarding the temporary duration of the construction compound, the proposed layout including the parking area, turning, staff facilities etc., and the removal and remediation of the compound.

#### Access

The site would have 2no. access routes, of which one would lead off School Hill to the west, via an existing unsurfaced farm track accessed through a gap in the hedge bounded by a field gate. No details have been submitted regarding the construction or materials proposed for the track or the gate. As such, a condition would be required in this respect.

The other route would be for construction traffic and would lead off the A356 beyond the district boundary to the south. The southernmost element of the construction access falls beyond the remit of this application and is subject to a separate application to Dorset Council. However, the portion sited within South Somerset would comprise an existing unsurfaced agricultural track.

There would be 3.8km of 3.5m wide access tracks within the main area of the application site that would

be finished with an aggregate topping. As such, the appearance would not be dissimilar from a typical agricultural track.

### Topography

A Topographical Survey, dated March 2020, has been submitted in support of this application.

This shows that the access point at School Hill lies at 56.8m AOD while the western site access lies at approx. 60m AOD; the north-west site corner lies at approx. 55m AOD while the south-west site corner lies at approx. 60m AOD.

As such, the land rises from the west of the north-west portion of the site eastwards before dipping down to 52m AOD in the area of mature woodland which also contains a pond.

The northern portion of the site rises to the east such that the north-east corner lies at approx. 62m AOD. There is a steep embankment to the east and the adjacent Footpath Y19/25 beyond the site lies at approx. 68m AOD.

The ground levels within the site rise slightly to the south at approx. 65m AOD.

Overall, the ground levels rise from north-west to north-east by approx. 12m and from north-west to south-west by 10m. As such, the site can be considered to dip down towards the north-west corner, particularly at the site of the pond within the mature woodland.

The ground levels of the land surrounding the site have not been submitted. However, the Council's mapping system shows that Crondle Hill to the north of the site lies at 98m AOD; Knowle Hill to the east lies at 92m AOD; the hill adjacent Hull's Coppice to the south-east lies at 85m AOD; and Shepherd's Farmhouse to the south lies at 94m AOD.

The land immediately to the west of the site seems to drop slightly to 55m AOD and then rise again to 60m AOD further to the west towards Misterton.

### Views

A Landscape and Visual Impact Assessment (LVIA) dated May 2020 and an Addendum dated February 2022 have been submitted to accompany this application. The latter notes that additional screening has been added to the amended plans (as detailed under Trees above) to mitigate the visual impact on views from the north (Crondle Hill) and south (Dorset AONB). The Addendum further notes that only intermittent tree planting is proposed along the northern boundary to protect the open, sunny habitat preferred by reptiles along the southern railway embankment.

Following concerns raised regarding the limitations of the originally submitted LVIA, the Addendum includes further detail of views towards the development from 11 no. vantage points within a 5km radius.

The LVIA Addendum notes that the development would have a minimal visual impact in long views due to its low-lying ground levels and relatively low heights of the proposed structures, resulting in moderate adverse effects on the character of the site and minor adverse effects on the surrounding landscape.

However, the LVIA Addendum also recognises that the visual impact would not be mitigated to the moderate and minor levels cited until Year 15 following the maturation of the proposed planting.

The solar panels would have a max. height of 3.2m above ground and would be distributed across the majority of the site with the exclusion of the linear gaps between arrays and along the field boundaries and site perimeter. The tallest structure would be the POC mast albeit that would be of a semi-permeable appearance similar to the existing pylons, rather than solid. There would also be a number of buildings or structures within the 2no. proposed compounds of 4m max. height, together with the

inverters that would be distributed across the set and generally sited adjacent to mature vegetation.

#### Long Views:

Following a site visit of the area of proposed development and its vicinity, it is clear that the site is visible from some longer-distance vantage points, such as that from the garden of Winyard Gap Inn and from further along the road to Chedington that leads off the A356. However, relatively few public views of the site are available for the following reasons:

- Much of the surrounding land lies within private ownership;
- Local topography - the site forms a relatively flat area with ground levels generally rising away from the site considerably, such that the area of proposed development would be screened from many angles by nearby hillsides; and
- Additional screening is provided by intervening features comprising tall hedges, lines of trees and woodland between the footpaths, dwellings and highways affected.

While the area of development would be extensive, at 54ha, the visual impact would substantially diminished by the separation gaps, of approx. 2km, between the available vantage points and the site. It is recognised that from such distances, the scheme would appear relatively modest in the context of the wider landscape views afforded by these perspectives.

#### Close Views:

The development would be most visible from the field immediately to the north of the site, namely, from footpath Y19/13, once users have proceeded southwards past the brow of the hill. The site would also be visible from the railway bridge on footpath Y19/25. However, the height of the bridge walls would prevent the majority of walkers from seeing over the top towards the site, facing west. The mature hedging aligning Downclose Lane and footpath Y19/25 effectively screens the site from view.

Users of footpath Y19/13 would experience close up views of the solar farm once within the application site. However, views of the scheme would be significantly reduced by the existing hedge boundaries and the relatively flat topography, such that the footpath users would experience views of a small field parcel at a time, rather than the site as a whole.

#### Removal and remediation

The submitted Design and Access Statement dated February 2021 notes that at the end of the proposed 30-year operational period the Solar PV Farm and its ancillary equipment will be decommissioned and removed and the site will be fully reinstated although an application may be made to extend the operational life of the solar park depending on electricity requirements and climate considerations at that time.

Should the Council be minded to approve this application then it is considered reasonable to impose a condition requiring the remediation of the site 30 years after the determination date in accordance with details to be approved by the LPA (or upon the ceasing of the use if sooner).

#### Assessment of visual impact

It is acknowledged that the approx. surface area of the site to be covered with solar panels would equate to less than a quarter in numerical terms and would exclude the land aligning the site peripheries, access routes, footpaths and field boundaries covered by hedgerows, together with the gaps between the lines of proposed arrays, of 2-6m.

The submitted Planning Statement dated February 2021 notes:

*The harm caused to the character and appearance of the area, and the visual impacts experienced, would be localised and very limited.*

The arrays would be distributed across the entire site and the site would appear visually to be predominantly covered with solar panel arrays, together with some infrastructure. Details of the

quantum, dimensions and external materials of the proposed buildings have not been submitted to date and the agent has confirmed by email dated 07/07/22 that these details are subject to a later design stage.

By its nature, a solar farm would be out of character with a pastoral landscape. While the site is relatively screened by existing vegetation and topography, close and long-distance views of the site are publicly available. It should also be recognised that the application site lies in an area that is considerably more sensitive than the majority of the district due to its proximity to the Dorset AONB and subsequent intervisibility.

The changes to the landscape and visual amenity arising from the scheme would be considered to result in some harm by reason of the introduction of built form that would be out of character with the area and visible in far-reaching views.

However, the majority of the existing, grassland, trees and hedges on site would be retained and that the proposed landscaping strategy would provide screening from views within and adjacent to the site, particularly given the 'green lane' design for the central footpath. The screening would be less effective in the short term but would improve over time as the vegetation matures. A condition is recommended to include larger trees to improve the screening from the outset.

While the screening would also be less effective in long views, it is acknowledged that the visual impact of the development would be significantly lessened by the distances involved. However, the site is located within a valley that is shielded by surrounding rising ground. From afar, the site appears very small and difficult to perceive among the patchwork of fields and woodland, and the surrounding hills obscure the site from many perspectives.

It is also acknowledged that the ecological buffers devoid of built form would also lessen the impact of the solar farm by reducing the parcels of development to some degree. It is the Officer's view, therefore, that the proposed layout and landscaping strategy, following amendments, would be sufficient to reduce the visual impact of the scheme to an acceptable level.

Notwithstanding the residual visual impact of the scheme following mitigation, it is acknowledged that the proposed landscaping would significantly enhance the site. This landscaping enhancement would remain in situ following the removal and remediation of the solar farm and would continue to mature and improve in the long term.

Coming back to the Dorset AONB, as noted above, the development would be sited less than 200m from its boundary and would be visible in views to and from the nearby designated area. The proposal would result in some change to the setting of the special qualities of the designated landscape including: beautiful countryside; uninterrupted panoramic views; and undeveloped rural character.

However, for the reasons above, it is the Officer's view that the proposed solar farm has been sensitively located and designed to avoid or minimise adverse impacts on the designated area. As such, the scheme would not be considered to risk the integrity of the nationally designated landscape and is capable of compliance with paragraph 176 of the NPPF and Local Plan policy EQ2.

Turning to the public footpaths and walking routes of local and national significance within and adjacent to the site, following mitigation, the development would not be considered to have a harmful impact on the experience of users of the walking and cycling routes within the site and its vicinity. As such, the scheme is capable of compliance with policy EQ5.

The amended landscaping strategy would contribute to and enhance the natural and local environment by delivering mitigation to reduce the visual impact of the scheme, recognising the intrinsic character and beauty of the countryside. As such, the scheme is capable of compliance with Paragraph 174 b) of



the NPPF.

In terms of paragraph 5 of the Renewable Energy PPG, it must be recognised that 2no. representations have been received in support of the development, including South Perrott Parish Council. However, 9no. objections have been received including from North Perrott Parish Council, Somerset CPRE and Dorset CPRE. The concerns raised include the visual impact of the scheme.

It is the Officer's view that the amended landscaping scheme and layout would mitigate the visual impact of the scheme to an acceptable level that would improve over time and result in long-term enhancements following the decommissioning of the operations and restoration of the site. As such, it is considered that the planning concerns of local communities would be overridden by the need for renewable energy in this case and the amended application would accord with the Renewable and Low Carbon Energy PPG in this regard.

In addition to the above assessment, having regard to a recent Appeal Decision, ref. APP/J3720/W/22/3292579, dated 01/12/22, for a similar scheme, comprising a 82.5 ha solar farm in Warwickshire, the Inspector notes that:

- ..*the main issue in the appeal is the effect of the proposed development on the character and appearance of the surrounding landscape.*
- .. There would be a change to the character of the landscape in the immediate locality of the solar farm;
- That change would be adverse and, given the moderate sensitivity of the site, the overall magnitude of impact would also be moderate, reducing over time to a minor impact as the mitigating landscaping took effect;
- There would be a moderate visual impact overall, albeit with some locally major magnitudes of impact in the short term. In the longer term visual impact would be reduced to a minor level.
- ..*the proposed development has addressed the matter of landscape and visual impact in an appropriate manner, and that it has been shown that the impacts can be made acceptable. That is not to say there would be no impact, but any impact would be at a level which would not be unduly harmful.*

As such, the Inspector's report is considered to support the Officer's planning judgement set out here regarding the impact on the visual amenity and character of the application site.

#### Conclusion on visual/character impact

Overall, the proposed scheme is considered acceptable with respect to the visual amenity and character of the site and surrounding area, including the setting of the Dorset AONB.

Therefore, subject to conditions, the scheme would be capable of compliance with Local Plan policies EQ1, EQ2 and EQ5, paragraphs 174 b) and 176 of the NPPF and paragraph 15 of the Renewable Energy PPG.

#### **Neighbouring Amenity:**

The nearest residential properties to the site include Pipplepen Farm over 320m to the south-west, the dwellings at Wood Dairy Farm over 320m to the south-east, the dwellings at Haselbury Park Farm over 260m to the north-east, the dwellings at Downclose Farm over 430m to the north of the site.

Local Plan policy EQ1 encourages renewable and low carbon energy development, *providing there are no significant adverse impacts upon residential .. amenity ..*

Local Plan policy EQ2 states:

*Development proposals should protect the residential amenity of neighbouring properties.*

Local Plan policy EQ7 controls harm to amenity, health or safety arising from new development.

The Council's Environmental Health Officer has been consulted and has made no comments at the time of writing.

North Perrott Parish Council have raised concerns regarding the impact on Holt Farm Bungalow. However, this dwelling lies beyond SSDC and would any impact would be assessed by Dorset Council.

It is considered that the separation gaps between the proposed area of development and the nearest dwellings, of min. 260m, are substantial. The separation gaps contain in all cases intervening features that off substantial screening of the site such as a railway embankment, road or field boundary vegetation.

As such, it is not considered that the development would result in harm to the neighbouring amenity of the nearest dwellings in the form of overbearing impact, loss of light or privacy.

With regard to Glint and Glare, as noted above, the submitted Assessment assumes that the panels would be treated with an anti-reflective coating. The report concludes that the impact of potential glare on visual receptors would not be significant and would be limited by landform, vegetation and proposed layout of the panels.

As such, a condition would be added to ensure the panels are treated with an anti-reflective coating to safeguard the neighbouring amenity.

With regard to noise during the operational phase, it is not considered that the solar farm would give rise to unacceptable noise levels by reason of the nature of the development and the separation distances to nearby dwellings.

With regard to the construction phase, the construction access route would not be sited in proximity to any dwellings within the district boundary and the temporary work compound would also be sited well away from any dwellings. Traffic and parking are assessed later in this report. However, a condition would be imposed limiting the hours of construction and related matters.

For these reasons, the proposal is considered capable of policy compliance with regard to Local Plan policies EQ1 and EQ2 with regard to neighbouring amenity and the relevant policies of the NPPF.

### **Heritage Assets:**

Local Plan policy EQ1 encourages renewable and low carbon energy development, *providing there are no significant adverse impacts upon ... designated heritage assets...*

Local Plan policy EQ3 states:

*Heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. Their potential to contribute towards the economy, tourism, education and local identity will be exploited.*

All new development proposals relating to the historic environment will be expected to:

- Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets;
- Make a positive contribution to its character through high standards of design which reflect and complement it and through the use of appropriate materials and techniques;
- Ensure alterations, including those for energy efficiency and renewable energy, are balanced alongside the need to retain the integrity of the historic environment and to respect the character and performance of buildings, adopting principles of minimum intervention and reversibility.

Paragraph 195 of the NPPF states:

*Local planning authorities should identify and assess the particular significance of any heritage asset*

*that may be affected by a proposal (including by development affecting the setting of a heritage asset)...*

Paragraph 197 of the NPPF states:

*In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.*

Paragraph 199 of the NPPF states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 200 of the NPPF states:

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

Paragraph 202 of the NPPF states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...*

The application site lies approx. 166m south-east of a Scheduled Monument entitled, Moated site 800m NNW of Pipplepen Farmhouse, while 3no. Grade II Listed Buildings lie to the south-west, including: Stable building about 5 metres east of Pipplepen Farmhouse, Pipplepen Farmhouse and Outbuilding attached to south; and Range of Farm Buildings about 20 metres south-east of Pipplepen Farmhouse.

The submitted Heritage Statement dated 14.12.20 notes that:

*Due to a combination of topography and existing mature vegetation including trees and tall hedgerows, the proposed development would be almost entirely invisible in views from, to or across the historic farm buildings at Pipplepen Farm ; and*

*No part of the proposed development would be visible in views from, to or across the Scheduled moated site to the north of Pipplepen Farm (Site 4). The land rises up to the south of this monument and then the railway line is on a low embankment, thus screening any views from the monument towards the proposal site.*

Historic England has been consulted on this application and has raised no objections with regard to heritage assets.

#### Scheduled Monument

It is the Officer's view that the railway embankment and topography, together with the proposed landscaping, would combine to remove any impact on the monument. As such, no harm would be considered to result in this regard.

#### Listed buildings

The listed buildings at Pipplepen Farm are separated from the application site by over 200m and several buildings and existing hedgerows lie in the intervening gap.

Representations have been received regarding the impact on the listed buildings at Pipplepen Farm.

The proposal includes additional screening along the site boundaries in the form of enhanced hedgerows and tree planting.

By reason of the intervening buildings and hedgerows, the separation gap and the proposed

landscaping, the proposal would not be considered to result in harm to the significance of the listed buildings and their setting.

### Archaeology

The Council's Archaeology Consultant has been consulted on this application and originally raised concerns regarding the potential for archaeology relating to the prehistoric and Roman periods on the application site. Following receipt of additional information, the Archaeologist is now satisfied with the scheme subject to a pre-commencement condition.

The submitted DAS Update and Archaeology Framework, dated 04/01/22, notes that:

- Further archaeological investigation would be required post-determination and pre-commencement that would inform the detailed design of the development;
- The detailed design of solar farms is generally not able to be finalised until very late in the process due to the specific nature of the development which is affected by fast-changing technology;
- This flexibility would enable the final design to respond to any archaeological requirements discovered post-determination;
- Measures that could be employed to avoid archaeological harm include exclusion areas and non-invasive structures such as arrays fixed to concrete pads above ground and string inverters fixed to the arrays thus eliminating the need for groundworks;
- The foundations proposed within the submitted scheme for the arrays and other infrastructure reflect what the developer suggests is a worst case scenario such that post-determination changes through the conditions or amendments process would result in less impact than that found acceptable under this application.

A Gradiometer Survey Report, dated December 2021, has been submitted in support of this application that notes that potential archaeological features have been found within the site but the survey results are not conclusive; therefore, further investigation would be required.

Given the above, it is considered that there is some potential for archaeological assets to be present within the site. However, the avoidance of harm measures and additional investigations noted in the submitted archaeological documents are considered satisfactory in this case, subject to conditions.

### Conclusion on heritage impact

For the above reasons, the proposal is considered capable of compliance with Local Plan policies EQ1 and EQ3 and the NPPF in this regard.

### **Highways, Parking, Waste:**

NPPF paragraph 111 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Local Plan policy TA4 requires developers to produce and implement travel plans commensurate with the scale of the development.

Local Plan policy TA5 requires all new development to maximise the potential for sustainable transport.

Local Plan policy TA6 requires the Somerset County Council Parking Strategy standards be applied to all new development.

The proposed development would have 2no. access routes, of which one would lead off School Hill to the west, via an existing unsurfaced farm track accessed through a field gate.

The other route would be for construction traffic and would lead off the A356 beyond the district boundary to the south. This would utilise an existing agricultural track that encompasses public footpath Y19/13. The impact on public footpaths is addressed later in this report.

The southernmost element of the construction access falls beyond the remit of this application and is subject to a separate application to Dorset Council.

There would be a temporary construction compound located at the southern-most south-eastern corner of the site for approx. 4 months.

The development itself would be in situ for approx. 30 years after which the solar farm would be decommissioned. As such, a further CTMP would be required for the decommissioning phase. It is reasonable to impose a pre-commencement condition in this regard.

The submitted LVIA Addendum notes that a Construction Management Plan (CMP) should be secured via a pre-commencement condition.

The submitted Access Strategy dated 9.2.21 identifies a preferred access route via the A356 from the Chedington Court Golf Club (referred to as Holt Farm in the mapping available to the Case Officer).

The submitted Construction Traffic Management Plan (CTMP) dated 9.2.21 notes:

- The construction period would be up to 4 months or 16 weeks and decommissioning phase after approx. 30 years or a slightly shorter duration;
- Construction HGVs would route to the site via the A356 from the south;
- Construction vehicle movements would take place between 08:00 and 18:00 Monday to Friday with limited construction activities on Saturdays between 08:00-13:00 and a booking system would be in place;
- Average vehicle movements of 6no. per day in and out of site;
- Construction compound area would provide an area for loading and unloading of vehicles and would provide a turning area to allow vehicles to exit the site in forward gear;
- Occasional maintenance visits would occur post-construction by 4x4 vehicles;
- Fencing will be erected around the construction site to segregate users of the PRow from the construction area. A banksman will be situated at PRow to hold back HGVs whilst there are users of the PRow within the vicinity of the construction site.
- There would be approx. 100no. construction staff on site each day who would be encouraged to car share via a Travel Plan reducing quantum of cars parking on site to 50no.;
- The CTMP and Travel Plan would be communicated to all construction workers as part of their induction / training process.

Somerset County Council Highways have been consulted on this application and have no objections subject to condition. They note that the element of the scheme beyond SSDC falls under the remit of Dorset County Council and their Highway Authority.

The site is located in the countryside beyond any settlement. The nearest bus stop lies one mile to the west and, by reason of the absence of pavements or street lighting, there is no safe pedestrian route from the bus stop to the site. The nearest railway station, Crewkerne, lies approx. 3 miles to the west of the site by road. As such, the site cannot be considered to be accessible in terms of sustainable transport modes.

While the submitted CTMP, which includes a Construction Travel Plan, notes that car sharing would be encouraged to reduce the approx. quantum of staff cars travelling to and from site each day, no public transport modes are included. Rather than cycling and walking to site as suggested in the CTMP, which may not be popular for the above reasons, the use of public transport for construction staff could be facilitated by the developer by means of a more proactive Travel Plan. An example would be the

provision of a construction staff minibus for transit between the nearest railway station at Crewkerne and the site. This would also significantly reduce the on-site parking demand and trip generation during the construction phase.

The Somerset County Council Parking Strategy does not stipulate parking requirements for solar farms. No information regarding the siting of the construction phase parking for 50 to 100no. cars has been submitted, nor for the operational phase, although it is acknowledged that very few car parking spaces would be required during that stage.

The 2no. proposed access routes, insofar as they are located within South Somerset District, would be considered acceptable for construction and operational phase traffic as set out in the submitted documents. This is by reason that the routes proposed would utilise existing access points off the highway for agricultural vehicles, together with the traffic management measures set out in the proposed CTMP.

As such, a condition would be imposed regarding the implementation of the proposed traffic mitigation as set out in the CTMP.

For these reasons, the proposed development is considered, subject to conditions, capable of compliance with policies TA5 and TA6 of the South Somerset Local Plan and paragraph 111 of the NPPF.

### **Biodiversity:**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

In May 2019 South Somerset District Council formally recognised a climate and ecological emergency.

Local Plan policy EQ1 encourages renewable and low carbon energy development, *providing there are no significant adverse impacts upon ... biodiversity.*

Policy EQ4 of the Local Plan also require proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

Local Plan policy EQ5 seeks the enhancement of existing green infrastructure and the character and local distinctiveness of the landscape and access to the countryside for mental and physical wellbeing, biodiversity enrichment and the creation of new habitats and wildlife connectivity, climate change mitigation and reduced disturbance of designated conservation areas.

The site encompasses a Habitat of Principal Importance (formerly known as a Priority Habitat area) comprising lowland mixed deciduous woodland in the north-western part.

The site lies considerably beyond the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar Site.

The nearest Site of Special Scientific Interest (SSSI), Whitevine Meadows, lies approx. 1.6m to the east and the nearest Special Area of Conservation (SAC), Bracket's Coppice, lies approx. 2.5km to the south-east.

The County Ecologist has been consulted and has withdrawn the previous objections following receipt of additional information and amended plans, subject to conditions.

The Council's Tree officer has been consulted on this application has no objections subject to conditions.

Natural England has been consulted on this application and originally raised objections to the potential impact on Bracket's Coppice SAC, particularly with regard to bats.

Following the submission of the amended Landscape Strategy, Natural England has withdrawn its objection subject to conditions regarding biodiversity enhancements and tree protection.

An updated Biodiversity Net Gains (BNG) Metric was received on 13/12/22. This notes that the scheme would result in a 34% gain in habitat units, a 24% gain in hedgerow units and no change to river units. As such, this would result in an overall gain of 31%, which would be well in excess of the 10% requirement due to be introduced towards the end of 2023 under the Environment Act 2021.

A Preliminary Ecological Appraisal, dated 22/12/2020, has been submitted in support of this application. This notes that:

- Existing habitats and features of higher ecological importance, including woodland, hedgerows, and streams and ditches, would be retained;
- Some grassland would be lost but this would be poor quality;
- The change of use would reduce cattle grazing and improve the grassland to the benefit of reptiles and birds
- Measures would be required to prevent contamination during the construction phase and disturbance of bats and reptiles;
- New and enhanced hedgerows would improve wildlife connectivity.

An Otter and Water-Vole Survey, Great Crested Newt EDNA Survey and Tree Assessment for Bats, all dated 22/12/2020, have been submitted in support of this application. These note that:

- Construction activities should avoid particularly disturbing activities close to trees with potential for supporting bat roosts;
- The proposed development site lies some 479m from the pond, there are abundant areas of similarly suitable habitat closer to the pond (in all directions), therefore, the proposed development is very unlikely to have any significant effect on great crested newts;
- As the proposed development retains all existing water-courses and their bankside vegetation, there are unlikely to be any direct impacts on otters and water-voles provided reasonable care in construction activity is undertaken.

As noted in the submitted Ecological Addendum dated 07/02/22, new hedging and woodland comprising native species such as hawthorn, blackthorn, hazel and spindle, interspersed with standards such as oak and willow would be planted. As confirmed by email dated 09/11/22, the proposal would now involve approx. 820m of new hedgerow, rather than the 1.5km previously proposed, since several sections have been upgraded to strips of woodland in the latest version of the Landscape Strategy.

The submitted DAS Update, dated 4/1/22, notes:

*The fencing would enclose the solar panels and allow sheep to graze securely amongst the arrays. Gates will be installed to allow for movement from the access points into the Site for ongoing maintenance. Provision of mammal gaps at ground level in the fencing will allow continued access for foraging across the Site.*

An Arboricultural Impact Assessment (AIA) dated 18/02/21 has been submitted in support of this application that includes Tree Constraints Plans - JSL3555\_700-708 and Tree Protection Plans - JSL3555\_710-718. This notes that no existing trees would be removed but that three sections of hedgerow S1, S6 and S44 would be partially removed. The existing trees would be protected by either deer or Heras fencing.

The submitted LVIA Addendum notes that a Construction Environmental Management Plan (CEMP), Tree and Hedge Protection Plan, Landscape Planting Plan and Landscape and Environmental Management Plan (LEMP) should be secured via pre-commencement or pre-operation conditions.

Landscape Strategy and Typical Planting Schedules V2, Landscape Strategy 1 of 3, LS03\_1, Landscape Strategy 2 of 3, LS03\_2, Landscape Strategy 3 of 3, LS03\_3, and Landscape Strategy LS02, Rev.C, all dated November 2022, were submitted during the course of this application in response to officer and consultee concerns.

As summarised earlier in this report, the amended Landscape Strategy involves the retention of all existing trees and the majority of the existing hedgerows, together with substantial compensatory planting of native trees, woodland and hedgerows, green corridors of 5-10m wide, protective fencing, 51no. bat boxes and 15no. log/stone piles.

The proposed solar farm would involve a deer fence along all boundaries, except that along the railway embankment, and including those aligning the Y19/13 public footpath. The mesh would be raised approx. 0.15m above ground level to allow small mammals to pass underneath and there would be a number of badger/fox gates.

Depending on the final technical details that would be addressed via condition, the proposed solar arrays would either be installed above ground level on piles (as detailed in the submitted Planning Statement although the submitted drawing Typical Panel Planning Details, JPW1607-PIPPLEPEN-005), or using concrete foundations. The former would allow for greater retention of the existing grass cover. The submitted Planning Statement notes that sheep would be kept within the solar park to graze.

With regard to bats, an email from the agent dated 07/11/22 in response to concerns raised by Natural England notes that:

- A precautionary approach to mitigation would be the best approach in regard to Bechstein's Bats rather than further surveys to identify the specific species as this would involve intrusive methods such as netting.

An email from the agent dated 10/11/22 confirms that no external lighting is proposed within the scheme. It is considered reasonable to impose a standard condition to prevent harm to protected species with regard to external lighting.

Subject to the mitigation proposed in the submitted documents, no harm to protected species would ensue from the proposal.

The Habitat of Principal Importance comprising lowland mixed deciduous woodland in the north-western part of the site would be retained and protected from the development by green corridors of a min. 15m width.

By reason of the nature of the proposed development and the separation distance to the nearest SSSI and SPA, the scheme is not considered to give rise to harm to the designated areas in terms of ecological harm.

Should the Council be minded to approve this application then it would be reasonable to impose conditions regarding the retention and protection of existing trees and hedges as per the AIA, biodiversity mitigation and enhancements as recommended by the submitted documents.

It would also be reasonable to impose a removal and remediation condition to protect and enhance biodiversity at the end of the operational phase.

For the above reasons, the scheme is considered capable of policy compliance, subject to conditions,



with regard to protected species and biodiversity net gains, in accordance with Local Plan policies EQ1, EQ4 and EQ5, the NPPF, and The Conservation of Habitats and Species Regulations 2017.

### **Phosphates:**

The application site is within the fluvial catchment (Parrett Catchment Area) of the Somerset Levels & Moors Ramsar Site. The Somerset Levels & Moors is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). The designated sites are considered to be in unfavourable condition or at risk due to high levels of phosphorus.

However, the form of development is not identified by the Natural England informative guidance that could be considered one that may require a Habitats Regulations Assessment (HRA). The development would not result in an increase in user numbers and as such is considered to be nutrient neutral.

As such, it is considered the proposal would not be to the detriment of the Ramsar Site, and the approval of a scheme would accord with Policy EQ4 of the South Somerset Local Plan as the proposal would not affect the biodiversity value of the protected site in this regard.

### **Flood Risk, Drainage, Contamination:**

Local Plan policy EQ1 states, among other criteria:

- *Development will be directed away from medium and high flood risk areas through using South Somerset's Strategic Flood Risk Assessment as the basis for applying the Sequential Test. The area of search to which the Sequential Test will apply will be South Somerset wide, unless adequately justified otherwise in relation to the circumstances of the proposal;*
- *Where appropriate, the Exception Test can be applied if this is consistent with wider sustainability objectives;*
- *Development should reduce and manage the impact of flood risk by incorporating Sustainable Drainage Systems, and through appropriate layout, design, and choice of materials...*
- *Susceptibility to climate change should be taken into account on all proposals to develop sites with biodiversity interest.*

Local Plan policy EQ7 controls air, light, noise, water quality or other environmental pollution or harm to amenity, health or safety arising from new development.

The site lies within Flood Zone 1 and beyond any source protection zones. However, much of the site is at risk from surface water flooding.

The Environment Agency has been consulted on this application and has commented that Land Drainage Consent is required for any construction in, or within, 9m of a watercourse, and that a drainage strategy would be required if any concrete bases are used in the northwest corner of the site due to surface water flooding.

The LLFA has been consulted on this application and raises no objections subject to conditions and informatives.

The proposed development primarily involves the installation of solar arrays with some landscaping elements and infrastructure. The solar panels would be supported 0.8-3m above ground level by a metal frame set on piles or concrete foundations. As such, only the concrete element would be considered to significantly increase flood risk within or beyond the site.

The associated infrastructure would introduce some non-permeable built form into a greenfield area, although the quantum has not been confirmed at the time of writing, while the proposed tracks would be of permeable construction.

A Flood Risk Assessment, (FRA), dated 23/02/22, has been submitted in support of this application. This notes that:

- The solar panels to be sited in the area prone to flooding should be waterproofed and raised min. 1m above ground level;
- The proposed development will result in a small increase in hardstanding associated with substations and inverters. It is recommended that gravel trenches are installed around the perimeter of proposed substations and inverters to capture and store surface water run-off for all events up to and including the 1 in 100 year plus climate change event over the lifetime of the development

The requirement to consider susceptibility to climate change is considered to be satisfactorily addressed via the retention of the existing watercourses within the site, the sustainable drainage system proposed within the FRA, and the 10% net biodiversity gain as detailed above.

It is considered that a pre-commencement drainage condition would be reasonable to address this aspect of the scheme to include the recommended mitigation of the new impermeable development.

Local Plan policy EQ7 seeks to control water, land and air pollution.

The Council's Environmental Health Team has been consulted on this application and no comments have been received.

The site has not been identified as having potential for land contamination. In terms of contamination risk from the site, the form of development is not considered to be of a contaminating nature during the operational phase. However, there is potential for land, air and water contamination during the construction and decommissioning phases. As such, it is considered reasonable to impose a pre-commencement condition to control this aspect via a Construction Environment Management Plan (CEMP).

Wessex Water has been consulted on this application and originally raised concerns regarding proposed development over potential private pipework.

The amended Draft Solar PV Layout, JPW1607-PIPPLEPEN-001 Rev.O, shows the easement as requested by Wessex Water. As such, the latest comments from Wessex Water, confirm their original objection has been withdrawn.

A condition is recommended to this effect.

For the above reasons, the proposal is considered, subject to conditions, capable of compliance with Local Plan policies EQ1 and EQ7 and the NPPF in this regard.

### **Sustainable Construction:**

Local Plan policy EQ1 states, among other criteria:

- *New development will ensure that carbon dioxide emissions are minimised through energy efficiency measures, renewable and low carbon energy*
- *Climate change should be considered in the design of new development, incorporating measures such as solar orientation, maximising natural shade and cooling, water efficiency and flood resilience*

Paragraph 158a) of the NPPF notes that that even small-scale renewable energy projects provide a valuable contribution to cutting greenhouse gas emissions.

The submitted Design and Access Statement, dated February 2021, notes that:

- *The site will have a total generating capacity of approximately 32MW. This is the equivalent to the average annual UK electricity demand of approximately 10,000 homes. Over its lifetime, the Solar PV Farm will offset more than 500,000 tonnes of CO2.*
- In order to achieve 'Net Zero' the National Grid has confirmed that the UK's electricity system will need to operate using only zero carbon generation (together with carbon capture) and estimates there will be 35 million electric vehicles in the UK by 2050 ('Future Energy Scenarios' July 2019).
- Solar energy generation combined with 'smart charging' electric vehicles will be a key component of achieving the 2050 target.
- National Grid anticipates annual demand for electricity is anticipated to increase from 285 TWh in 2018 to up to 422 TWh (48% increase) in 2050 while peak electricity demand will increase from 60 GW in 2018 to up to 82.5 (21% increase) in 2050.
- Where possible, all of the components will be removed and reused or recycled. Where this is not possible, any waste generated during the decommissioning will be removed and transported by a certified and licensed contractor.

The proposed scheme would not involve the erection of any buildings for residential, employment, education, leisure, retail or other use. Therefore, sustainable construction design regarding future occupiers/users' amenity, such as heating and cooling, is not a material consideration in this case.

The scheme involves the installation of renewable energy generating equipment and associated infrastructure for a temporary period of approximately 30 years, after which the site would be fully remediated.

Flood and Climate Change resilience are discussed in the previous section. No information has been submitted regarding the use of recycled materials during the construction phase. However, waste reduction and recycling is proposed during the decommissioning phase and it is acknowledged that the scheme comprises a renewable energy project that would, in itself, provide a valuable contribution to cutting greenhouse gas emissions.

For the above reasons, the scheme is considered acceptable in terms of Local Plan policy EQ1 and the NPPF in this regard.

### **Economic Impact:**

Local Plan policy SS6 supports infrastructure delivery through planning gain. However, in accordance with the SSDC CIL Charging Schedule, the proposed scheme is not CIL liable by reason that it falls under category, All Other Uses, under Table 3.1.

NPPF paragraph 84 b) supports the diversification of agricultural and other land-based rural businesses.

As noted earlier, the documents submitted in support of this application put forward agricultural diversification as an economic benefit of the scheme. However, no evidence has been provided to justify this assertion. As such, this cannot be considered to weigh in favour of the proposal.

NPPF paragraph 174 states that decisions should recognise the economic and other benefits of the best and most versatile agricultural land (BMV), which is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.

The submitted Agricultural Land Classification Report, dated May 2020, notes that none of the site is graded BMV at 3a or above, although a very small percentage was not surveyed.

Somerset CPRE has raised concerns regarding the use of land classified as grade 3b for solar farms

on the basis that *...the Government is currently considering whether to extend BMV land to include 3b, the middling-low category, which accounts for around 29% of all agricultural land.* However, it is the Officer's view that there is no current local or national policy basis on which to refuse the current application given that none of the site has been identified as what is, in policy terms, classified as 'BMV' as set out within the NPPF.

In addition, the recent Appeal Decision, ref. APP/J3720/W/22/3292579, dated 01/12/22, for an 82.5 ha solar farm in Warwickshire, notes that:

*...the majority of the land is grade 3b quality, with the remainder being grade 4. Therefore, none of the appeal site is recognised as best and most versatile agricultural land as set out in the National Planning Policy Framework (NPPF).*

This is considered to support the Officer's planning judgement regarding the agricultural land classification of the application site.

In this case, the change of use is proposed for a temporary duration of 30 years, after which the land would be fully remediated. During the operational phase, the grassland beneath and around the installations would be capable of grazing by sheep. As set out above, the submitted documents note that this would result in an overall improvement in the grassland over the longer term through the reduction in over-intensive cattle grazing. Therefore, the agricultural land use would be reduced temporarily, albeit for a relatively long period of time, rather than irrevocably lost.

As such, it is the Officer's view that the economic impact in agricultural terms would be neutral overall.

The site is identified as having high landscape value and contributing positively to the tourist economy particularly through the nationally designated Parrett Trail. Representations have been received concerning the negative impact on tourism resulting from the harm to visual amenity arising from the large-scale solar farm proposed.

It is the Officer's view that some degree of harm would arise with regard to the attractiveness of the area in which the scheme would be visible. However, given that this impact would be difficult to measure, it would not be considered to weigh heavily against the proposal and could be viewed as a moderate disbenefit overall.

In terms of employment opportunities, the scheme would give rise to approximately 100no. jobs during the 4-6 month construction and decommissioning phases, with a negligible quantum of posts during the operational phase. This is considered a benefit.

#### **Other:**

##### Public Information Boards

The LVIA Addendum notes that:

*The solar farm scheme would also include informative interpretation boards as educational resources to promote a better understanding of the solar farm and the benefits of renewable energy, and the landscape and ecological enhancements which are proposed across the site.*

The proposed information boards may need advertising consent, depending on size, and they may be of public benefit, depending on visibility and content. Insufficient information has been submitted at this stage to assess policy compliance or any positive impact of this element of the proposal.

Any boards requiring consent would be subject to independent and separate applications.

##### Public Rights of Way (PROWs)

Local Plan policy HW1 states that PROWs form aspects of Green Infrastructure that need to be given full consideration.

NPPF paragraph 100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

As noted above, 3no. public footpaths would be affected by the proposed development, namely Y19/14, Y19/13 and Y19/25. Footpath Y19/14 forms part of the River Parrett Trail national route which passes to the west of the site and crosses over the proposed site access route off Pipplepen Lane.

The County Public Rights of Way Officer has been consulted on this application and has no objections subject to conditions/informatives.

Additional details have been submitted during the course of this planning application, namely Drawing JPW1607-015, PROW Y19/25 Crossing Site, Sheets 1 & 2, that show the footpath to lie beyond the site boundary and that existing hedgerows (detailed in the AIA) S41 (6m high) and S32 (2m high) aligning the western side of the footpath would be retained.

The amended Landscape Strategy V2, dated November 2022, notes that:

*The public right of way network will not require reconfiguration to maintain access through the solar park and a viable network of footpath routes for the local community. Additional parallel hedgerow planting will be incorporated into the scheme to create a 'green lane' through the site for walkers.*

No information has been submitted regarding the impact of construction traffic on users of footpath Y19/13. As such, this consideration should be addressed via a CEMP condition.

As shown in plan, PROW Y19/14 Crossing Site, ref. JPW1607-014, the proposed access track leading off School Hill/Pipplepen Lane to the west would not be enclosed by fencing. Instead, the security fencing would align the perimeter of the main site and there would be a gate at the end (east) of the access track. As such, the footpath Y19/14 would still cross over the open track and no change would result regarding the existing arrangement.

In response to the PROW Officer's query, the applicant has confirmed by email dated 08/11/22 that they have an all-purpose vehicular right to the property along the paths Y19/13 and Y19/14.

For the reasons above, the scheme is considered capable of policy compliance in this regard, subject to conditions.

#### Airfield safeguarding

The site lies within the Wardon Hill Safeguarding Zone and the Nats Safeguarding Zone. Given that the highest element within the proposal would be the POC Mast at a height of 23.5m and the scheme would not involve wind turbines, no consultation is required with the relevant agencies and the application is acceptable in this regard.

#### **Planning Balance:**

The submitted Planning Statement dated February 2021 notes:

- *The harm caused to the character and appearance of the area, and the visual impacts experienced, would be localised and very limited.*
- *The proposal will assist in increasing the United Kingdom's energy security and would further diversify and strengthen the local rural economy.*
- *When combined with the significant benefits of producing renewable energy, these benefits carry a great deal of weight in favour of the proposed development.*

Objections were received from technical consultees regarding landscape harm, particularly in relation to the Dorset AONB; lack of information on habitat and protected species protection, mitigation and enhancement, especially bats and Bracket's Coppice SAC; and lack of information on the public water main.

Following amendments and additional information submitted during the course of this application, the initial concerns have now been overcome, subject to conditions.

9no. objections were received during the public consultations raising concerns regarding the principal of the scheme and its impact on neighbouring amenity, ecology, landscape, highways, contamination and the local economy.

It is acknowledged that the development would result in a change to the application site and the surrounding area. This would predominantly relate to the visual impact of the solar arrays which would be distributed across a relatively large area of existing grassland.

The application site is characterised by its pastoral appearance comprising rolling green fields bounded by hedgerows and streams. The scheme would alter the appearance of parcels within the site from rural grassland to more industrial-looking rows of dark glass panels from the southern elevation and open metal frameworks from the other elevations, together with some infrastructure that would be generally contained within metal sheeting.

As noted above, the proposed retention of all existing trees and the majority of the hedgerows, together with the proposed planting would be considered to substantially mitigate the visual impact of the scheme. The landscaping strategy would also be considered to represent substantial betterment over the existing situation and result in long-term landscape enhancements.

Following amendments and the submission of additional information, the scheme would be considered acceptable with regard to protected species and to deliver 31% biodiversity net gains overall.

As such, the residual impact on the landscape and protected species during the lifetime of the scheme would be considered neutral overall following mitigation. Following the removal and remediation of the solar panels and infrastructure, the landscape enhancements and significant biodiversity net gains would be considered benefits, which are afforded considerable weight.

The scheme would result in economic benefits predominantly during the construction and decommissioning phases that are afforded moderate weight.

The development would also result in benefits relating to carbon reduction and renewable energy production, generating the annual electricity needs of approximately 10,000 homes. Given the Climate emergency declared by the council and the government, together with the local and national support for renewable energy schemes, this benefit is afforded substantial weight.

The recent Appeal Decision, ref. APP/J3720/W/22/3292579, dated 01/12/22, for a similar scheme, for an 82.5 ha solar farm in Warwickshire, supports the Officer's view in this case, noting that:

- *...the provision of clean renewable energy which contributes to security of supply attracts substantial positive weight.*
- ...high, level of biodiversity net gain resulting from this scheme, and some enhancement to the land around the solar panels ...attracts significant weight in favour of the proposal.
- ... the recent Energy White Paper - Powering our Net Zero Future of December 2020 and the Net Zero Strategy: Build Back Greener of 2021 [states as] one of the key policies.. [being] to enable the UK to be powered entirely by clean electricity by 2035. Included in this key policy is the provision of more solar renewable energy.

Given the above, it is the Officer's view in this case that the impacts of the application have been made acceptable following amendments and subject to conditions. As such, it is recommended that the scheme be approved in accordance with paragraph 158 of the NPPF and Local Plan policy EQ1.

Overall, the scheme is not considered to give rise to any adverse impacts that would outweigh the benefits, when assessed against the policies in the Development Plan and the NPPF when taken as a whole.

For the reasons above, the proposal is considered, on balance, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Local Plan policy SD1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and conditional approval is recommended in line with NPPF paragraph 11 c).

### **Recommendation**

Approve 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 occupation 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 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.