



## Appeal Decision

Hearing held on 9 February 2016

Site visit made on 10 February 2016

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 08 June 2016**

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**Appeal Ref: APP/R3325/W/15/3135346**

**Aller Court, Aller, Langport TA10 0QR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Aller Court Solar Park Ltd and Andrew Maltby against the decision of South Somerset District Council.
  - The application Ref 14/04300/FUL, dated 19 September 2015, was refused by notice dated 23 July 2015.
  - The development is a proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measures.
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### Decision

1. The appeal is allowed and planning permission is granted for a proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measures at Aller Court, Aller, Langport TA10 0QR in accordance with the terms of application Ref 14/04300/FUL, dated 19 September 2015 and subject to the 17 conditions in the attached Schedule.

### Procedural Matters

2. Although a different named appellant is referred to in the Planning Support Statement to that named above, it was confirmed at the Hearing that the appeal is made by Aller Court Solar Park Ltd and Andrew Maltby.
  3. During the course of the planning application amended plans were submitted. The Council determined the application on this basis. Prior to the Hearing a revised Mitigation Plan (Ref: 2707-200-Rev H) was submitted which reflected the revised Planning Layout of the proposal. The Council was provided with the opportunity to comment on this drawing. I am satisfied that my consideration of it would not prejudice those who should have been consulted of the change, as the drawing merely seeks to include the revised layout of the scheme, as considered by the Council. No party would be prejudiced by my consideration of this drawing. I have therefore determined the appeal on the basis of this revised drawing and those considered by the Council.
  4. A Statement of Common Ground (SoCG) was submitted at the Hearing outlining matters of agreement and dispute between the main parties.
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## **Main Issue**

5. The main issue in this case is the effect of the proposal on the character and appearance of the landscape of the area. This analysis needs to take place in light of any benefits the proposal might bring forward.

## **Reasons**

### *The Policy Background*

6. An objective of Policy EQ1 of the South Somerset Local Plan (2006 – 2028) (Local Plan) is to support the delivery of renewable and low carbon energy where this is consistent with national policy. The policy recognises that in some cases there may be unacceptable impacts that could preclude renewable and low carbon energy development, including where there would be significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets and biodiversity.
7. Policy EQ2 of the Local Plan requires new development to be designed to achieve a high quality which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. In considering the suitability of new development, regard will be had to, amongst other matters, sustainable construction principles; the conservation and enhancement of the landscape character of the area; the reinforcement and respect for local context; the protection of designated wildlife and landscape sites and the protection of residential amenity of neighbouring properties.
8. These policies broadly reflect the National Planning Policy Framework's (the Framework) general approach as set out in its core planning principles. In particular, the account that should be taken of the different roles and character of different areas; the recognition of the intrinsic character and beauty of the countryside; the support given to the transition to a low carbon future; the securing of a good standard of amenity for all existing and future occupants of land and buildings; and the conservation and enhancement of the natural environment. Paragraph 109 of the Framework further advises that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes.
9. The Planning Practice Guidance (PPG) provides further guidance in respect of solar farms, advising that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, it continues that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
10. The UK Solar Strategy Part 2: Delivering a Brighter Future (April 2014) sets out advice in relation to large scale ground mounted solar PV farms and suggests that local planning authorities will need to consider, amongst other things, to focus such development on previously developed and non-agricultural land, provided it is not of high environmental value. Where the site is greenfield land, poorer quality land should be utilised in preference to higher quality land. The proposal should allow for the continued agricultural use of the land and/or encourage biodiversity improvements around arrays. The Strategy also states

that the visual effect of the proposal should be considered, and that heritage assets are conserved in an appropriate manner.

### *Landscape Impact*

11. The appeal site comprises a gently sloping agricultural field of 26.7 hectares approximately 500 metres northwest of the main farm buildings at Aller Court. The proposal is for a solar park with a peak output of approximately 17 megawatts of electricity which would operate and generate electricity for 25 years. The appellants have indicated that after this time the infrastructure would be removed from the site and the land would be restored. The solar panels would be south facing, laid out in rows running east to west and would be 2.4 metres in height and mounted at a fixed angle of 22 degrees. There would also be associated equipment, including inverters and transformers, equipment housing, internal tracks, security fencing and security cameras.
12. The appeal site falls within the Somerset Levels and Moors National Character Area (142), which is described as a flat landscape of wet pasture, arable and wetland divided by ditches and rhynes, punctuated by hills, ridges and islands. The area has little built development other than small farmsteads or hamlets confined to the islands or hillocks, giving the area a tranquil character and largely open landscape. These key characteristics are evident in the local landscape upon and around the appeal site. Environmental opportunities in this area, identified within Natural England's National Character Area Profile include managing the predominant pastoral landscape (SEO 2) and protecting the open views and distinctive character of the landscape (SEO 4).
13. The Council's more detailed Landscape Character Assessment (LCA) published in 1993 identifies the appeal site as being located within the 'Fivehead and High Ham Escarpments, Valleys and Moors' local character area. This assessment notes that the open moor contrasts sharply with the hedged landscape around the fringes of the moor. Key character elements are the rectilinear network of grassy fields with droves and rhynes as wet fences lined with pollarded trees. It also notes the isolation and naturalness due to the limited number of roads and buildings resulting from the tendency for the low lying areas to flood.
14. These assessments largely reflect the observations I made on my site visit. Whilst much of the area is treeless, the appeal site has a mature native hedgerow on its northeast boundary, and a hedgerow with gaps along its northwest corner. Pollarded willows are also a feature and were evident within the vicinity of the appeal site and Aller Drove. Although no reference is made to the electricity pylons within the LCA, they are a dominant feature in the environs of the appeal site, visible over a long distance.
15. The appeal proposal would undoubtedly change the open, undeveloped character of the appeal site from a predominantly undeveloped pastoral landscape to one incorporating man made structures that are not characteristic of the area. However, the close up views of the proposal from Aller Drove would be partially obscured by the existing mature hedgerow along the boundary of the site. Even when the hedgerow was not in leaf (as was the case at the time of my site visit) it is likely that the slim line side and rear profile of the arrays close to the boundary of the site would only be visible, and as such the landscape impact would be limited.

16. From the River Parrett Trail, the proposed solar arrays would be visible from various viewpoints, as identified in the appellants' Landscape and Visual Impact Assessment (LVIA). I was unable to walk this route at the time of my site visit, as the area was flooded. However, I was not provided with evidence that the viewpoints selected and information contained within the LVIA was not representative. I was able to view the appeal site from the road between Stathe and Oath, which, whilst further away from the appeal site than the right of way along the river, is not dissimilar to the viewpoints contained within the LVIA.
17. From this road I found that the proposed development would not be unduly prominent or intrusive in the wider landscape, because of the intervening distance and landscaping that would partially screen the development. Although closer than the road, the effect from the River Parrett Trail would be likely to be similar. The solar park would be visible as a thin sliver of blue/grey between the gaps in the existing trees and would be read against the backdrop of the wooded hillside. The appellants intend to plant a line of willows along the southern boundary of the site, which over the medium term would serve to screen the development further. Whilst I note the Council's concern about new planting in the area, I observed that planting was a feature of the environs of the site and subject to the control of species would not result in harm to the character and appearance of the area.
18. Although it is the appellants' intention to pollard the existing and proposed willows in the future, this would be done on a rotation basis and as such a screen would be maintained to soften the impact of the development from these receptor points. I acknowledge that the proposal would be more visible during the year when the trees were not in leaf, but having regard to the distance from these points, I am satisfied that the landscape impact would not be significant.
19. I observed on my site visit that from the top of Burrow Mump, the appeal site is visible as a distant feature in the wider panorama. The proposed solar park would barely be perceptible in the wider landscape context because of its distance from this feature.
20. Having viewed the appeal site from the viewpoints contained within the appellants' LVIA, I found that the impact of the scheme would be greatest from the public footpath which runs along the top of the escarpment (viewpoint No 3). The solar arrays and associated equipment would be largely seen in their entirety from this viewpoint through a clearing in the trees. The solar park would be seen in the foreground of views from this footpath and would form a significant man made feature in the view of the moor below. The LVIA identifies the sensitivity of this viewpoint as high and the visual impact of the scheme from it as adverse and moderate. I agree that the sensitivity is high and find that at this point, the visual impact of the scheme would be adverse.
21. However, the development would only be visible from a short section of this footpath, because further along it the site disappears from view behind the edge of the escarpment and the woodland. As such the adverse visual impact of the solar park would be high for only a short distance when viewed from this public footpath. It is not possible to mitigate the visual impact of the scheme from this short section of footpath, given the elevated nature of this viewpoint.

22. In light of my findings, the proposal would have an adverse effect on the landscape character of the area. This would be most apparent from the public footpath on top of the escarpment. However, the scheme would only be visible from a small stretch of this footpath. Whilst the scheme's impact would be high at this point, further along the path, its impact would be limited. From other public vantage points, the impact of the scheme would not be significant. Accordingly, taken as a whole, I find that the scheme would have a moderate impact on the landscape character of the area.
23. In that Policy EQ1 of the Local Plan recognises that there will be some adverse impact associated with renewable and low carbon energy generation, and given that I have found that the landscape impact of the scheme would be moderate, there would be no conflict with this Policy. However, there would be limited conflict with Policy EQ2 of the Local Plan in that the proposal would not conserve or enhance the landscape of the area.
24. The Council accepts that solar parks are generally quiet developments, and other than during the construction period it is likely that the scheme would not adversely impact upon the peace and tranquillity that is a characteristic of the area.

### **Other Matters**

#### *Heritage Assets*

25. There are a number of heritage assets within the locality of the appeal site, including St Andrew's Church, a grade II\* listed building and Aller Court Farm a grade II listed building. There are also scheduled monuments including Duck Decoy on Middle Moor approximately 850 metres to the southeast of the appeal site and Burrow Mump.
26. The starting point for consideration of the impact of the proposal on the setting of listed buildings is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) requires the decision-maker, in considering whether to grant planning permission for development that affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
27. Local Plan Policy EQ3 supports proposals that conserve and where appropriate enhance the historic significance of heritage assets, including their setting. It also requires alterations, including those for energy efficiency and renewable energy, to be balanced alongside the need to retain the integrity of the historic environment. This policy broadly reflects the Framework and its core planning principle to conserve heritage assets in a manner appropriate to their significance.
28. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Amongst others features, the Framework identifies listed buildings and scheduled monuments as heritage assets.

29. Aller Court Farm is a working farm and has origins in agriculture. As a consequence it derives a degree of significance from its setting in the surrounding pastoral landscape. The adjoining St Andrew's Church elevated above the surrounding fields also derives a degree of its significance from the surrounding landscape. Although not forming a reason for refusal within the Council's Decision Notice, it is suggested that the presence of a solar park would detract from the setting of these listed buildings.
30. I observed on my site visit that having regard to the distance between the proposed solar park and these listed buildings, and the presence of modern farm buildings in-between, the proposal and listed buildings would not be viewed in the same context. The solar park would not be visible from the listed buildings as it would be at a lower level than them. Although the scheme would be visible in longer views towards the Church, given my findings above, it would barely be perceptible in the wider panorama given the distance these views would be taken from, and the intervening vegetation.
31. In light of the foregoing, I am satisfied that the presence of the solar park would not alter the sense of these listed buildings sitting in a pastoral landscape to any degree. On that basis, I concur with the Council and Historic England that the proposal would not adversely affect the setting or significance of these heritage assets.
32. As outlined earlier in my Decision, the proposal would appear small in scale in the wider panorama of the pastoral landscape from Burrow Mump. Given the distance of this heritage asset from the appeal site, I concur with the views of Historic England that the proposed scheme would not have a significant impact on the setting of Burrow Mump. I also share its view that the proposal would not impact on the setting of Duck Decoy, given the relationship of the scheme to this site and the lack of intervisibility.
33. There are a number of historic cropmarks upon the appeal site which are designated as sites of archaeological interest. At the Hearing, the Council confirmed that the archaeological significance of the site could be controlled by way of a suitably worded planning condition. I have no reason to disagree with the Council in this respect.
34. I therefore conclude on this matter that the proposal would not lead to any harmful change to the settings of these heritage assets, and neither would the proposal degrade their respective significance in any way. On that basis, the proposal does not conflict with the requirements of the Act, Local Plan Policy EQ3 or the Framework.

#### *Effect on Wildlife Sites*

35. The appeal site is in close proximity to the Somerset Levels and Moors Special Protection Area and Ramsar site. It is also close to West Sedgemoor Site of Special Scientific Interest (SSSI), Southlake Moor SSSI and King's Sedgemoor SSSI. The Somerset Levels National Nature Reserve is approximately 1.2 kilometres to the north and northwest of appeal site; and the County Wildlife Sites of Aller Drove Rhynes and Aller Moor are located to the northeast and west respectively.
36. Although not forming a reason for refusal within the Council's decision notice, local residents suggest that the proposal would have an adverse effect upon

these designated sites. The area is clearly rich in wildlife and this was evident on my site visit. However, whilst I note the concerns that pesticides from the site may affect biodiversity in the area and that birds may collide with the solar panels, I have not been provided with substantive evidence to demonstrate these concerns. Furthermore, whilst I accept that birds of prey may perch on the top of the camera poles, I am satisfied that measures could be taken to prevent this from occurring. As such the scheme would be unlikely to have an adverse effect upon the ground nesting bird population of the area as a result. The mitigation measures proposed for Lapwings would serve to enhance the biodiversity of the area.

37. I therefore find that the proposal would not be harmful to the biodiversity value of locally, nationally or internationally protected sites and that the scheme would incorporate appropriate beneficial conservation features. In the absence of substantive evidence, I am not convinced that the scheme would result in pollution of the surrounding water environment. In reaching this conclusion, I note that no objections were received to the scheme from the Council's Ecologist or the RSPB. There would therefore be no conflict with the biodiversity objectives of Policy EQ4 of the Local Plan or the pollution control objectives of Policy EQ7. Furthermore, the scheme would accord with the core planning principle of the Framework relating to the conservation and enhancement of the natural environment and reducing pollution.

#### *Highway Safety*

38. The appeal site would be accessed along Church Path, a narrow road serving a number of residential properties, children's playground, public footpaths, church and graveyard and Aller Court Farm. This road has no pavement. Local residents and the Parish Council have expressed concern about the safety of this access to serve the development. The appellants have indicated that during the construction phase a number of large vehicles would visit the site to deliver materials. However, once the site is constructed there would be minimal vehicle movements to it. Mention was made at the Hearing of one vehicle visiting the site monthly on average.
39. The appellants submitted a Construction Traffic Management Plan (CTMP) with the planning application which indicated that the construction period for the development would be in the region of 18 weeks and would be likely to generate an average of 13 heavy goods vehicle movements per week, averaging 2-3 trips daily. The CTMP also provided detail on delivery times and following discussion at the Hearing it was agreed between the parties that the delivery times should avoid the times when children were going to and coming home from school to avoid any conflict with pedestrians and construction vehicles. This could be secured by way of a suitably worded planning condition.
40. I note that the Highway Authority (HA) raised no objection to the proposal considering that the construction phase was relatively short-term and would not result in harm to highway safety. The submitted swept path analysis shows that a HGV can navigate Church Path without encroaching on the verges. In the absence of substantive evidence to demonstrate otherwise, I have no reason to reach a different conclusion to the HA, that the scheme would not result in harm to highway safety. There would be no conflict with the safety and convenience objectives of Local Plan Policy TA5.

### *Flood Risk*

41. Within the SoCG both parties agreed that the proposal would not cause any impact on the drainage of land or the surrounding area. Whilst local residents have raised concern about the impact of the scheme on the surrounding watercourses, I have not been provided with convincing evidence to substantiate this concern. Indeed I note that the solar panels would comprise horizontal slots across the surface area of each panel which would allow intercepted rainfall to drip through to the ground at a regular interval. The design of the panels would not therefore concentrate runoff beneath each structure. I note that the Council and Environment Agency did not raise this as a concern, and I am satisfied that the proposal would be unlikely to result in localised flooding as a result.

### *Agricultural Land Value*

42. The Framework makes it clear at paragraph 112 that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Natural England's Agricultural Land Classification (ALC) system classifies land into 5 grades. The best and most versatile (BMV) agricultural land is identified within Annex 2 of the Framework as land in grades 1, 2 and 3a of the ALC. The Planning Practice Guidance (PPG) advises that these grades of land are the most flexible, productive and efficient in response to inputs and can best deliver food and non-food crops for future generations.
43. Whilst there was some dispute at the planning application stage as to the agricultural land value of the site (the site was shown as part Grade 2 and part Grade 3 on the ALC maps), it was confirmed at the Hearing that following detailed investigation that there is no grade 2 land upon the site. However, approximately 20% of the site is classed as grade 3a; the remainder is classed as grade 3b. The Written Ministerial Statement – Solar energy: protecting the local and global environment (25 March 2015) (WMS) states that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence.
44. The appellants have indicated that they have secured a grid connection with Western Power Distribution. The scheme would connect to the existing electricity line to the east of the site boundary. Given this, and having regard to the WMS and costs and viability, the appellants looked at alternative sites within a 2.5 kilometre radius of the connection point. No suitable buildings, previously developed land or potential rooftop opportunities on large commercial or industrial buildings were identified within the search area, and no agricultural land within grades 4 or 5 was identified. Having regard to the character of the area, I have no reason to doubt the appellants' findings and I note that the Council did not dispute them either.
45. Whilst noting that the proposal would be constructed on approximately 5.3 hectares of grade 3a land, this represents a small portion of the overall site. The appellants have indicated that is their intention for sheep to graze the land. The land would remain in agricultural use for food production. Although crops would not be grown on the land whilst the solar park was operational, they could be grown on it in the future when the development was removed

from the site. This extended fallow period would be likely to be of benefit to soil quality in any event.

46. I therefore find that although there would be a temporary limit on the use of this BMV agricultural land, the site would remain in agricultural use for food production and would not be lost to agricultural use. Furthermore, there would be biodiversity enhancements associated with the proposal. There would be no conflict with the WMS in this respect. In reaching this conclusion I have had regard to 2 appeal decisions<sup>1</sup> that were drawn to my attention at the Hearing where the effect of the development on BMV agricultural land was an issue. However, in both cases the whole of the site was BMV agricultural land and I find that the schemes referred to are not directly comparable to that before me. I have therefore attached limited weight to them in my overall Decision. In any event, I am obliged to determine the scheme before me on its individual merits and this is the approach that I have taken.

#### *Living Conditions*

47. Local residents have expressed concern that the proposal would be visually intrusive and noisy. However the effect upon living conditions was not a concern raised by the Council. Indeed the Council's Environmental Protection Officer confirmed both in writing and at the Hearing that solar farms are by their nature quiet developments and that it would be unlikely that neighbouring occupiers would be adversely affected by the proposal.
48. Whilst glimpses of the rear of the scheme would be visible from the properties in Aller Drove, the site would be partially screened by a hedgerow which is proposed to be supplemented to reduce its visual impact from this location. There is also a field between the appeal site and nearby residential properties. From my observations, I find that the scheme would not be overbearing or intrusive from these properties. Properties in Stathe and Oath are located some distance from the appeal site, such that the scheme would not be intrusive or harmful. I reach a similar conclusion in respect of properties on Aller Hill, where although the scheme would be visible from parts of the affected properties, it would not be visually intrusive to a degree that would be harmful to living conditions.

#### *Other Issues Raised*

49. A number of other matters have been raised during the course of the consideration of this case. These relate to matters such as the effect on tourism, stability of property and the effect on broadband and the cumulative impact of the scheme. However, I have no substantive evidence that the proposal would cause harm in these respects. The letter submitted in response to the planning application which provided a calculation of the likely financial impact on the tourism industry of the area was based on assumptions rather than providing an objective analysis. I therefore attach limited weight to it in my overall Decision.
50. The matter of glint and glare has been raised more generally, but there is no evidence that this would cause distraction or harm to living conditions. At the Hearing the Council provided me with details of other sites for solar development in the locality. I share its view that given the lack of intervisibility

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<sup>1</sup> Refs: APP/V2635/W/14/3001281 and APP/N2535/W/15/3004150

between the respective sites that there would not be a harmful impact of solar development in the area.

### **Benefits of the Scheme**

51. The proposed development would have a capacity of 17 megawatts and would power approximately 4,300 homes. The scheme would be likely to result in a reduction of carbon dioxide emissions in the region of 7,420 tonnes per annum<sup>2</sup>. Reflective of wider Government policy designed to address the potential impacts of climate change and to ensure energy security, one of the core planning principles of the Framework is to encourage the use of renewable resources, for example by the development of renewable energy. Paragraph 97 of the Framework states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.
52. The proposal would result in some enhancement to biodiversity through the introduction of species rich grassland and other planting and maintenance, alongside Lapwing mitigation measures. Jobs would be created during the construction phase, although the longer term employment opportunities would be limited. This however amounts to a limited economic benefit. The proposal can be regarded as a farm diversification scheme; the production of willow for cricket bats would be extended on the site. This would accord with the support given to a prosperous rural economy as set out in paragraph 28 of the Framework.

### **The Balancing Exercise**

53. The proposed scheme would be a large man-made development in this largely undeveloped rural area. It would result in a form of development that is not characteristic of the area. The landscape character of the area would not be conserved or enhanced and as such there would be conflict with Local Plan Policy EQ2. However, this harm would be for a temporary period and the scheme would be reversible.
54. Within the surrounding landscape, the proposed solar farm would not be readily perceived as such, other than from a small section of footpath on the top of the escarpment. Whilst the proposal would be visible in the foreground, it would not obscure views of the wider area of the Somerset Levels and Moors. In respect of renewable or low carbon energy schemes, Paragraph 98 of the Framework advises that applications should be approved if its impacts are (or can be made) acceptable.
55. Policy EQ1 of the Local Plan acknowledges that there may be adverse impacts of renewable and low carbon energy generation developments, and states that development will be permitted where there are no significant adverse impacts, on amongst other matters landscape character. That is the case with the scheme before me. Although the impact of the scheme cannot be made acceptable from the footpath on top of the escarpment, its impact from the other receptor points are, or can be made acceptable. I have found that the impact of the scheme on the wider landscape would be moderate.

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<sup>2</sup> Figures taken from the Appellants' Statement

56. Part of the scheme would be constructed on BMV agricultural land. However, for the reasons given above, the agricultural use of the land would remain in food production, as sheep would graze the site. Its long term agricultural use would not be lost. I therefore attach limited weight to this matter.
57. Against these matters, the proposal would bring forward benefits of a significant scale in terms of the production of renewable energy, as well as biodiversity enhancements. This is in accordance with the Framework and the general thrust of Policy EQ1 of the Local Plan which seeks to support the delivery of renewable and low carbon energy where this is consistent with national policy. The scheme would also assist in the ongoing stability of a rural business.
58. It is my conclusion that the benefits of the scheme clearly outweigh the temporary harm that would be caused to the landscape character of the area, and the temporary limit on the type of food that could be grown on the site.

### **Conditions**

59. The Council put forward a list of suggested conditions in the event that the appeal was allowed. These were discussed at the Hearing and I have taken into consideration that discussion in my Decision. I have considered the conditions in light of the guidance on conditions within the PPG and the Framework.
60. For the avoidance of doubt a condition is necessary specifying the approved plans. Having regard to the temporary nature of the development and to safeguard the character and appearance of the area and BMV agricultural land, a condition is necessary limiting the duration of the permission and ensuring that the site is restored in due course. To safeguard the character and appearance of the area it is necessary to control external lighting; the type of fencing and materials used on the exterior of the housing and the security camera equipment; and the details of the proposed new planting.
61. To prevent flood risk, conditions are necessary restricting the location of development in relation to watercourses, controlling the raising of ground levels and the details of flood storage compensation. In the interests of enhancing biodiversity on the site, it is necessary to impose conditions in respect of mitigation and enhancement, and requiring further details in respect of the impact of the scheme on birds.
62. In the interests of highway safety and living conditions, a condition is necessary requiring the development to be undertaken in accordance with a Construction Traffic Management Plan. In the interests of pollution and living conditions, conditions are necessary requiring the submission and implementation of a Construction Environmental Management Plan, controlling audible alarms on the site and controlling noise emitted from the scheme. In the interests of archaeology, a condition is necessary requiring a scheme of investigation to take place. In the interests of sustainability, a condition is necessary preventing the solar arrays from being concreted into the ground.
63. A condition is not necessary requiring the development to be carried out at a certain height as the approved plans condition would cover this matter.

**Conclusion**

64. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

*R C Kirby*

INSPECTOR

**APPEARANCES:**

**FOR THE APPELLANTS**

Mr A Maltby	Appellant
Mr A Hunter	Dlp Consultants
Miss R Bird	The Landmark Practice
Mr C McDermott	Sightline
Mr A Fido	Savills
Mr M Harding Rolls	British Renewables
Miss C Spearman	British Renewables

**FOR THE COUNCIL**

Mr A Noon	Planning Officer
Mr R Archer	Landscape Officer
Mr P Huntington	Environmental Protection Officer
Cllr S Pledger	Chairman of North SSDC

**INTERESTED PARTIES**

Mr D Mayor	Aller Parish Council
Mr R Bates	Aller Parish Council
Mr A Crutchfield	Local Resident
Mrs D Dean	Local Resident
Mr D Kennedy	Local Resident
Mrs A Kennedy	Local Resident
Mr C Hitchings	Local Resident
Mrs C Hitchings	Local Resident
Mr J Bailey	Local Resident
Mrs J Bailey	Local Resident
Mr L White	Local Resident
Mrs J White	Local Resident
Mr R Birchby	Local Resident
Mrs C Birchby	Local Resident

Miss K Pollock	Local Resident
Mr N Whitson-Jones	CPRE Somerset
Mrs M Chittenden	Local Resident
Mr J Stamp	Local Resident
Mrs P Stamp	Local Resident

### **DOCUMENTS SUBMITTED AT THE HEARING**

1. Signed Statement of Common Ground
2. Copy of Natural England 'Agricultural Land Classification: protecting the best and most versatile agricultural land' document
3. Copy of report by Soundguard Acoustics dated 4 February 2016
4. Copy of Local Plan Policy EQ7
5. Copy of Local Plan Policy EQ4
6. Copy of Local Plan Policy EQ3
7. Copy of Local Plan Policy TA5
8. Copy of Local Plan Policy TA6
9. Copy of Local Plan Policy SD1
10. Copies of Ordnance Survey Location Plans showing the sites of solar installations in the locality
11. Copy of suggested wording relating to noise emissions from the site

## **SCHEDULE**

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1074-0200-05 Issue 03; 1074-0204-00 Issue 01; 1074-0205-01 Issue 01; 1074-0206-09 Issue 01; 1074-0208-70 Issue 01; Figure 1 Site Location Plan; 1074-0208-50 Issue 01; 1074-0207-13 Issue 02; 1074-0201-01 Issue 09; 1074-0208-76 Issue 01; 2707-200-Rev H; 00005-02.
3. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within six months of the cessation of the use of the solar park for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event.
4. There shall be no permanent raising of ground levels in Flood Zone 3. Prior to the commencement of any works on site details of a scheme of flood storage compensation, including a timetable for the works, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.
5. No development shall take place within 8 metres of the top of bank of any river or ditch at any time during the development.
6. No development shall take place unless a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. 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:
  - Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - 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 and 18.00 Mondays to Fridays and 08.00 and 13.00 on

Saturdays and; at no time on Sundays and Bank Holidays.

- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
  - Procedures for emergency deviation of the agreed working hours.
  - 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.
  - Control measures for dust and other air-borne pollutants.
  - Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - Measures for surface water management during the construction phase;
  - Measures for the protection of boundary ditches and hedges, ensuring any site lighting is not detrimental to wildlife, the protection of badger setts, and minimising harm to any other potential wildlife interests.
- The Plan shall be implemented in accordance with the approved details.

7. Prior to the commencement of development, a Construction Traffic Management Plan providing details on the delivery of the material for the solar park to the site and details for the removal of plant and equipment from the site, including times and supervision (the times shall avoid the morning and afternoon school bus pick up and drop off times); details of the parking and storage area; means to ensure that there shall be emission of dust or deposit of mud, slurry or other debris on the highway; and any alterations to the vehicular access shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
8. Prior to the commencement of development details of measures for the enhancement of biodiversity, including Lapwing mitigation, and a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details.
9. No development shall take place unless there has been submitted to and approved in writing by the local planning authority details of a scheme for post-construction monitoring of impacts on birds, and measures that will be implemented to avoid and mitigate any significant impacts. In particular the details shall include:
  - Species to be subject to monitoring;
  - Frequency, seasons and duration of monitoring (minimum of 3 years);
  - Methods to be used for monitoring;
  - Persons responsible for undertaking the monitoring;
  - Reporting of results;
  - Details of a steering group to oversee and evaluate the results of the monitoring programme;
  - Mechanisms for identifying threshold impact levels and for implementing mitigation measures in the event of thresholds being exceeded.The monitoring and mitigation scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
10. No works shall commence on site unless details of measures to minimise

the risk of harm of collision by birds with overhead lines have been submitted to and agreed in writing by the local planning authority. The agreed details shall be fully implemented as part of the development and shall thereafter be permanently maintained unless otherwise agreed in writing by the local planning authority.

11. No development hereby approved shall take place unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
12. Prior to the first use of the site for the generation of electricity, a landscaping scheme and Landscape Management Plan for the duration of the operation of the site, shall be submitted to and approved by the local planning authority. The scheme of landscaping shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first generation of electricity. If within a period of five years from the completion of the development the approved planting dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with others of similar size and species. Development shall be carried out in accordance with the approved details.
13. No development shall commence unless details of the design and finished colour of the security fencing and the finished colour and position of the security camera equipment has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
14. No means of audible alarm shall be installed on the site without the prior written consent of the local planning authority.
15. Other than on the switch gear building, no means of external illumination or external lighting shall be installed without the prior written consent of the local planning authority.
16. The supporting posts to the solar array shall not be concreted into the ground.
17. The rating level of the noise emitted from the development hereby approved from fixed plant and equipment shall not exceed a level of 30dB(A) outside any dwelling at a distance of not less than 3.5 metres from any façade of that dwelling containing a window to a habitable room. The measurements and assessment shall be made in accordance with BS 4142: 1997.