

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **4th June 2025**

AGENDA
ITEM
NUMBER

RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

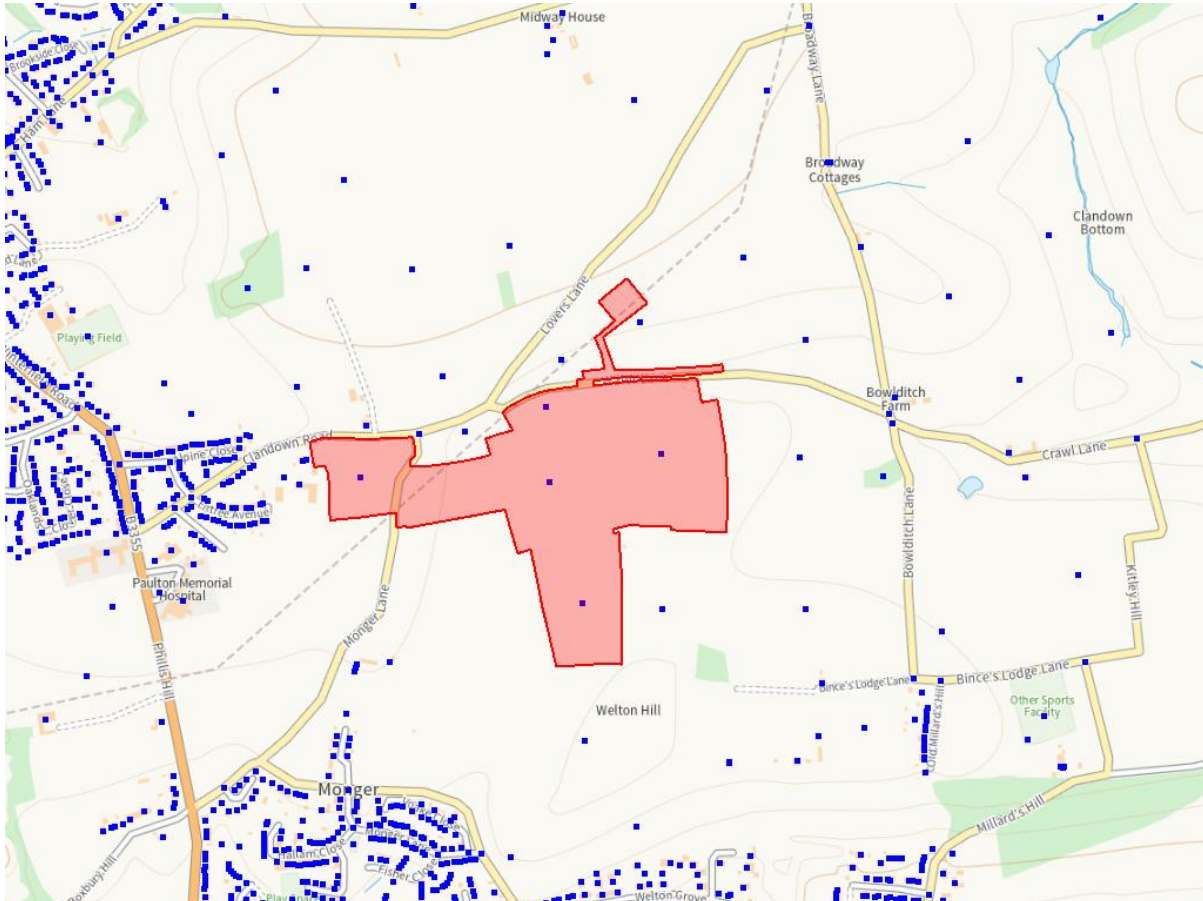
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	24/03894/FUL 9 May 2025	PACE Yeti Energy Limited Parcel 2882, Water Lane, Paulton, Bristol, Bath And North East Somerset Temporary installation of ground-mounted solar photovoltaic (PV) farm with battery storage along with continued agricultural use, ancillary infrastructure and security fencing, landscaping provision, ecological enhancements and associated works.	Midsomer Norton North	Isabel Daone	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 24/03894/FUL
Site Location: Parcel 2882 Water Lane Paulton Bristol Bath And North East Somerset



Ward: Midsomer Norton North **Parish:** Midsomer Norton **LB Grade:** N/A
Ward Members: Councillor Shaun Hughes Councillor Michael Auton
Application Type: Full Application
Proposal: Temporary installation of ground-mounted solar photovoltaic (PV) farm with battery storage along with continued agricultural use, ancillary infrastructure and security fencing, landscaping provision, ecological enhancements and associated works.
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, All Public Rights of Way Records, SSSI - Impact Risk Zones,
Applicant: PACE Yeti Energy Limited
Expiry Date: 9th May 2025

Case Officer: Isabel Daone To view the case click on the link here .
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REPORT

The application site consists of 15.64 hectares of agricultural fields located to the east of Paulton. The site is largely bound by Water Lane to the north (though the point of connection mast is sited in the fields to the north of this and to the south of Lovers Lane), Monger Lane to the west and Bowlditch Lane to the east. Two Public Rights of Way (PROW) are located alongside the southern and eastern boundaries, and there are also two further PROWs near to the western site boundaries.

There are several residential properties located within proximity of the site, the closest being in the north western corner and the north eastern corner at the junction of Water Lane and Crawl Lane. A number of listed buildings are present within the vicinity and three Conservation Areas are also located around the site. The site is not located within the Green Belt, or a National Landscape.

Planning permission is sought for the temporary installation of a ground-mounted solar photovoltaic (PV) farm with battery storage along with continued agricultural use, ancillary infrastructure and security fencing, landscaping provision, ecological enhancements and associated works.

REASON FOR COMMITTEE:

The Local Parish Council's have objected to the proposals and a Local Councillor has requested that the application come before Planning Committee. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee. Their comments are included below and both consider that the application should be debated and decided by Planning Committee.

Chair:

"The level of public interest in this application warrants consideration by the Planning Committee"

Vice Chair:

"Noting the referral by a Midsomer Norton local Councillor, the opinions of Midsomer Norton Town Council (objection) and Paulton Parish Council (generally supportive in principle) and the level of public interest, I recommend that there is an opportunity for the merits of this application to be discussed in public by the Planning Committee."

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

ARBORICULTURE:

No objection, subject to conditions.

ARCHAEOLOGY:

No objection, subject to archaeological mitigation condition.

AVON & SOMERSET POLICE:

No objection, subject to comments.

CONTAMINATED LAND:

No objection, subject to condition

COUNCILLOR SHAUN HUGHES:

This application has received significant public interest and concern, therefore should you be minded to permit this application I wish to request that it is referred to the Planning Committee for review.

DRAINAGE AND FLOODING:

18th November 2024 - Scope for revision

20th December 2024 - No objection

ENVIRONMENT AGENCY:

10th December 2024 - Objection

24th February 2025 - Objection

4th March 2025 - No objection, subject to conditions

HIGHWAYS:

14th November 2024 - Scope for revision

20th December 2024 - Scope for revision

30th January 2025 - No objection, subject to conditions.

LANDSCAPE:

5th November 2024 - Scope for revision

20th January 2025 - Scope for revision

26th February 2025 - No objection, subject to conditions

MIDSOMMER NORTON TOWN COUNCIL:

Object for the following reasons:

1. Temporary nature of the lease (long-term viability, technology becoming obsolete and site's return to agricultural);
2. Insufficient detail and impact assessment (noise concerns, acoustic barrier and visual impact);
3. Conflict with Local Plans (site not included in the B&NES Local Plan; appropriateness of this site for development);
4. Impact on neighbouring properties and sensitive locations;
5. Battery storage risks (battery fires and their uncontrollability);
6. Incomplete context and technical details (impact of construction activity, detailed specifications for pylons and location of substations).

NATURAL ENGLAND:

Agree with conclusions of the Habitat Regulations Assessment (HRA).

PAULTON PARISH COUNCIL:

- Supportive in principle
- Noise concerns (proposed noise levels, but assessment shows acceptable levels)
- Poor agricultural land quality
- Ecological impact is low
- More scaled drawings of substation required
- Location of POC mask could be revised
- Site access - will not be able to cope with increase traffic especially during construction phase
- Landscape concerns, particularly viewpoint 9
- £62,000 to be provided by the solar company but how will this be split between parishes?

PUBLIC RIGHTS OF WAY:

31st October 2024 - Scope for revision

11th November 2024 - No objection

THIRD PARTY REPRESENTATIONS:

Transition Bath:

We are generally supportive on increasing renewable energy capacity without B&NES in line with B&NES's declaration of a Climate Emergency but can't comment on the aesthetics of this application. The latest NPPF proposals to support renewable energy should strengthen this submission.

One comment of support has been received and is summarised as follows:

- Well-designed and carefully thought scheme
- Positive impacts to local environment and economy
- Onsite biodiversity net gain is impressive
- Valuable contribution to B&NES Council local clean and secure energy strategy

Ten comments of objection have been received and are summarised as follows:

- Glint and glare concerns
- Loss of scenic value and rural character
- Loss of agricultural land
- Urban infrastructure in a rural setting
- Set a precedent for housing in this location
- Effect on property values
- Increase traffic and noise pollution, particularly during the construction phase
- EMF may affect sensitive individuals
- Crime concerns
- Solar infrastructure sustainability credentials - difficult to recycle
- Site has "least potential" for solar development in the B&NES Landscape Sensitivity

Assessment (LUC 2021)

- Ecological information is lacking
- Impact to wildlife
- Landscape assessment is not acceptable
- Not energy for local people
- Solar development should take place on brownfield sites
- Battery station, connection masts and clutter are inappropriate
- 45 years is not temporary
- Increase in flooding
- Scale of battery storage and substation
- Significant amount of concrete needed for construction
- Fire risks
- What tree species will be used to provide proper screening?
- Acoustic fence insufficient
- Attenuation basin inadequate in scale and location

One general comment has been received which requests an OS map showing the fields impacted as it is not clear. The application clearly shows the fields which are subject to the application and further maps have not be requested by officers.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

CORE STRATEGY:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP5: Flood Risk Management

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

HE1: Historic environment

NE2A: Landscape setting of settlements

PCS1: Pollution and nuisance

PCS2: Noise and vibration

RE5: Agricultural land

SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

CP3: Renewable Energy

D5: Building design

D8: Lighting

NE1: Development and green infrastructure

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NE5: Ecological networks

NE6: Trees and woodland conservation

PCS5: Contamination

ST2A: Recreational routes

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LISTED BUILDINGS:

In addition, there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which 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.'

LOW CARBON AND SUSTAINABLE CREDENTIALS:

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The Energy National Policy Statements (NPS) are a material consideration for planning applications and the designation of NPS EN-1 and EN-3 in January 2024 confirms the presumption for granting renewable energy projects due to the critical national priority to deliver low carbon and renewable electricity generation to meet the legally binding targets of delivering electricity from renewable sources by 2035. The Energy NPS' establish the urgent and critical need for renewable energy schemes.

Renewable and decarbonised energy will play an important role in both ensuring we are able to meet present and future needs, without compromising the environment for future generations.

Section 14 of the NPPF relates to national policy in respect of 'Meeting the challenge of climate change' and focusses on the transition to a low carbon future. Specifically, paragraph 161 sets out that the "planning system should support the transition to net zero by 2050...and support renewable and low carbon energy and associated infrastructure".

This is echoed in local policy. Local Plan Partial Update (LPPU) policy CP3 relates to renewable energy and makes clear that proposals for renewable and low carbon energy-generating and distribution networks will be supported in the context of sustainable development where a number of criteria are met. The policy sets a minimum requirement for 110MWe (Megawatt Electricity) to be generated within the District from renewable sources by 2029.

The proposed development is for a 15.64 hectare solar development which will consist of solar photovoltaic panels, a Battery Energy Storage System (BESS), a point of connection (POC) mast and other associated infrastructure. The solar farm will have a capacity of 9.2 MW using solar panels. The proposed BESS will have an export capacity of 49.5MW. The Planning Statement sets out that the scheme will enable the generation of approximately 10 gigawatt hours of renewable energy, which is the equivalent of enough power for 3,210 homes per annum.

The Policies Map illustrates the geographically assessed landscape potential for renewable energy development within the district. A landscape led approach, based on the Landscape Sensitivity Assessment (LSA) for Renewable Energy Development (LUC, 2021), is set out by the Council. The proposed development is a Band D solar development (which covers 15-30 hectares). The application site is located within area 3B (Wellow Brook Valley), which has low-moderate potential for Band C solar development (10-15 hectares) and low potential for Band D solar development. However, each application must be assessed on its own merits and there is no reason why applications cannot come forward in areas set out in the LSA which have low potential for solar development of different scales. Impacts to landscape are further assessed within this report.

Overall, therefore, solar development is supported in principle by policy CP3 so long as other material considerations can be met, which is assessed in the report below.

LOSS OF AGRICULTURAL LAND:

A number of third parties have raised concern in respect of the loss of existing agricultural land.

Policy RE5 of the Placemaking Plans has regard to Agricultural land and states:

1. Development which would result in the loss of the best and most versatile agricultural land particularly Grade 1 and 2 will not be permitted unless significant sustainability benefits are demonstrated to outweigh any loss.

2. Where it can be demonstrated that there is an overriding need for a proposal which will result in the loss of agricultural land, development should be steered towards the use of lower quality agricultural land in preference to higher quality agricultural land.

Additionally, guidance from Government has stressed the need to develop solar farms on brownfield and degraded land over greenfield sites. Agricultural land is classified from Grade 1 to 4 with grades 1, 2, 3a being considered the best and most versatile agricultural land.

The application site is made up of several field parcels, all of which fall into Grade 3 agricultural land according to Council mapping. An Agricultural Land Classification Report (Bateman Rural Associates Limited) accompanies the submission. This demonstrates that much of the site is graded 3a, with grades 3b and 4 making up a smaller proportion of the site.

Policy RE5 directs development away from Grades 1 and 2, and in this respect the scheme is therefore compliant with this policy. At the previous committee meeting, it was raised that the NPPF defines the "best and most versatile agricultural land" as Grades 1, 2, and 3a and concern was raised that the development did not comply with the NPPF in this respect. The NPPF states, in this context that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;" - paragraph 187b.

Planning policy RE5 has been through examination and was considered to be sound in the context of the NPPF. Notwithstanding policy RE5, officers have considered whether there are significant sustainability benefits which would outweigh the loss of agricultural land in this location. Whilst brownfield sites would clearly be preferable for the delivery of solar development, B&NES is an overwhelmingly rural district. Brownfield sites in the district need to work hard to deliver on competing priorities, such as housing, employment land and renewable energy developments such as this. The solar energy targets within the development are high, and B&NES are falling significant short of achieving this target within the plan period. Common sense would dictate that greenfield sites will need to make up a fairly substantial proportion of renewable energy development projects in order for the development plan targets to be achieved. The development would provide a significant contribution toward these targets, providing clean, renewable energy that would power over 3000 homes. The provision of battery storage will ensure a more consistent supply of power. The development is also temporary, though will be in place for a long time period. There is also the potential that animal grazing can take place under the panels (such as sheep).

There are clearly significant sustainability benefits which would outweigh the loss of agricultural land in this location and the scheme complies with policy RE5.

SITE SELECTION:

At the previous Committee meeting Members queried whether other sites had been considered, particularly ones of poorer agricultural land quality. The applicant has submitted a document which considers site selection. There is no policy requirement for an application to undertake a "sequential test" for locating solar development and site selection does not need to be justified to comply with planning policy. Nevertheless, the report does helpfully explain the reasonings behind site selection.

Part 2 (page 12) of this document sets out that the minimum site required by the applicant is around 15 hectares, due to ensuring the viability of a scheme with the available grid connection. Avoiding key designations was also deemed necessary, such as National Landscapes, Historic Battlefields and Environmental designations. Figure 3 shows potential sites. Those within 1km of the grid connection were considered, those outside discounted for viability reasons as the cost of providing a point of connection would be too great.

Whilst several sites were identified within the search area, the applicant has contacted the landowners of the potentially suitable and viable sites to assess whether they would be available for solar development. They state that this confirms that the proposed site is the only one that is currently deliverable and avoided key constraints; it has a willing landowner and is available for development currently. The Local Planning Authority has no evidence to the contrary.

The document demonstrates that the majority of the land within the search area (within 1km of a point of connection to the grid) is classified as Grade 3 agricultural land, with some Grade 1 land. At the previous meeting, members raised that the use of Grade 3 agricultural land was not preferred; however, this demonstrates that there is limited option within the search area. Again, Members are reminded of policy RE5 above, which protects the "best and most versatile land". Grade 3 land is not afforded the same level of protection as Grades 1 and 2 under this policy.

IMPACT TO LANDSCAPE CHARACTER:

Policy CP3 sets out that proposals for renewable energy will only be permitted where they do not result in significant adverse landscape and visual impacts, which cannot be satisfactorily mitigated.

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The submitted Landscape and Visual Appraisal (LVA) (Briarwood Landscape Architecture) has been professionally produced, and the Council's Landscape Officer considers that the

likely visual effects and effects on character have been appropriately assessed and consider seasonal effects (such as greater visibility during winter conditions). The selection of viewpoints is also appropriate.

The principal conclusions of the LVA are that:

- The proposed solar farm would not be unduly prominent or dominant in relation to the character of the local landscape;
- The key characteristic of the local landscape which differentiate the local landscape from other areas would not be fundamentally changed and would contribute to prevail;
- Whilst there would be some adverse effects on character, the level of harm would not be unacceptable, and although effects would be long term, they would ultimately be temporary and reversible;
- In terms of visual impact, of the nine representative viewpoints assessed, only viewpoint 9 (from public footpath CL16/21) would experience major adverse effects and subject to appropriate mitigation the level of effect could be reduced to moderate by year 10;
- There would be other adverse effects on the visual amenity of the local area, but these would generally only be minor to moderate and would in most cases be capable of reduction over time, with mitigation;
- There would be only a limited effect on and harm to the visual amenity of the wider landscape beyond the site boundary and its immediate environs.

Generally, the conclusions can be taken as reliable, but there were some areas of concern which have been addressed during the course of the application.

The proposed point of connection (POC) mast will be of a broadly similar height to the existing pylon to which it will connect and will be visually very prominent. It is explicitly mentioned in the LVA in the assessments for viewpoints 2 and 5, although not for viewpoint 9 and other viewpoints along PROW CL16/21 where its impact would be greater. However, the visual impact at viewpoint 9 is already acknowledged to be major adverse and this assessment is accepted.

Whilst the POC mast will be a prominent new feature within the landscape, its immediate context adjacent to an existing pylon must be taken into considered. The POC mast plan shows additional structures at the base, which appear 5-6m in height. Whilst, clearly, the new mast cannot be screened in its entirety, mitigation screen planting has now been introduced around the base of the mast. This will not reduce the visual impact from the medium and longer-range views, it will be of benefit of reducing impact to the close-range views, particularly from the PROW.

Another important aspect of mitigation is the external appearance of the structures and cabins. The solar inverter cabin, batter inverter cabin and battery storage stations are proposed to be steel structures, but no colour has been specified. A suitable recessive colour will need to be selected and can be secured by way of planning condition. Similarly, the 4m high acoustic fence will be 4m in height and therefore, its visual impact will also need to be minimised through appropriate specification and colour/finish. Details of any bracing will also need to be secured, and a condition can ensure this is agreed prior to installation.

Hedgerow translocation is proposed to allow for the necessary visibility splays can be provided at the access points. Concerns were raised by officers that the translocated hedgerow was hard up against the visibility splay and would not have sufficient space to regrow over time. This has now been revised. Concern was also raised with regard to the Monger Lane Access and the amount of hedgerow proposed to be translocated. A detailed access plan has now been provided which shows an acceptable level of translocation.

A Landscape and Ecological Management Plan (LEMP) will be required to ensure the long-term success of the landscape mitigation and enhancement measures, and this can be secured by condition.

Third parties have highlighted that the proposed solar development is within an area of low potential for a solar development of this scale, within the Landscape Sensitivity Assessment Renewable Energy Development (LUC 2021 Report). This report indicates that much of the B&NES district has, from a landscape sensitivity perspective, low potential for solar development of 15-30 hectares. The report, does not, prevent solar development from coming forward in these areas and if such impacts of solar projects of this scale can be mitigated and the level of adverse impacts are not unacceptable, then there is no reason that development should be refused on this basis.

Further, it has been raised that brownfield sites should be used for solar development, as well as existing roofs of buildings and not green fields. B&NES is an overwhelmingly rural district. Ideally, solar would be directed toward brownfield sites; however, the district has a finite number of such sites and not all will be suitable for solar development. Indeed, there are also other priorities such as housing and employment development which need to be balanced with the need for renewable energy. Sites also need to be able to deliver a point of connection to the grid so that electricity can be exported. There is therefore acceptance from officers that rural sites will need to come forward.

The proposed development will have an impact upon the existing landscape and will introduce urban infrastructure into this rural location on the edge of Paulton. However, the LVA has robustly demonstrated that the level of adverse impact can be mitigated to at least "moderate" after a ten-year period. It is also important to note that the development will be removed at the end of its life and a decommissioning strategy can be secured by condition. There is no objection to the proposals from the Council's Landscape Officer, who, alongside the case officer, has rigorously assessed the scheme from a landscape perspective.

It is therefore considered that the development meets policy CP3 in respect of landscape, and policies NE2 and NE2A.

HERITAGE ASSETS:

Policy HE1 of the Placemaking Plan, alongside Policy CP6 of the Core Strategy, seeks to safeguard the district's heritage assets. Development should preserve or enhance those elements which contribute to the special character and appearance of Conservation Areas. Any harm must be justified and weighed against the public benefits of the proposal; great weight must be given to the preservation of the heritage asset in question.

There are duties placed on the Council under; Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall 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; and, Section 72 (1) of the same Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

The setting of a heritage asset (as set out in the NPPF Annexe 2: Glossary) is 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.' PPG advises that 'when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.'

Conservation Areas:

Paulton is the closets Conservation Area, however the submission has identified that the ZTV demonstrates limited visibility of the site. There are glimpsed views out to countryside from the centre of Paulton. The map provided indicates small areas of theoretical visibility. Following assessment of the information provided and a review of the site, the development is not considered to impact the Paulton Conservation Area.

Midsomer Norton Conservation Area is shown on the ZTV not to be impacted by the development and there is no objection to this conclusion.

Following officer advice, further assessment of Radstock Conservation Area was undertaken with specific assessment of Combe End and Clandown and the Fosse Way Ridge where there would be some intervisibility. The Conservation Area is currently being reviewed, and initial assessments have indicated the potential expansion of the designation to include Clandown Farm. This asset has been separately assessed as it is also listed.

Whilst the application site would be visible to the west of the designation, the impact is not considered to cause harm to the Conservation Area, including the new potential additions to the designation. This is due to the scale of development and the change in nature to the rural landscape when viewed from within the conservation area towards to the application site. Given this distance between the asset and the application site, combined with existing vegetation and historic use of the land, the introduction of the solar panels would cause less than substantial harm to the setting of the designation. The Council's Conservation Officer has advised that this would be a low level of less than substantial harm.

Listed Buildings:

The heritage assessment has included four listed buildings which are within the middle study area: Clandown Farmhouse, Church of The Holy Trinity and Holy Trinity Vicarage.

Whilst there is established landscaping on the boundary of the Church of the Holy Trinity and Vicarage, it is agreed with the conclusion of the Heritage Assessment that there would be a low level of less than substantial harm to these listed buildings. This is due to views towards the application site being possible and the resulting change in character. No further listed building settings are considered to be harmed.

The application seeks consent to improve landscaping, and this is identified in the statement as potential mitigation. Whilst it is not considered that the landscaping will fully address the level of harm, its implementation is supported to enable some additional screening.

Undesignated Heritage Assets:

Following pre-application advice, the heritage statement has included non-designated heritage assets. The authors state there are no non-designated heritage assets in the vicinity as these have not been included in the HER.

The NPPF states that 'non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.'

There are a number of buildings which are identified on the 1840s tithe map within close proximity of the site and visits to these identify that they have a degree of heritage significance in their construction and style. This includes a group of buildings at Monger, adjacent to the site and isolated buildings dotted in the vicinity of the application site. These examples were highlighted to the applicant, and it is therefore disappointing that they were not assessed further before being discounted within the heritage statement. Notwithstanding the above, the buildings identified have been assessed by the Conservation Team and it is considered that Broadway Cottages and properties on Craw Lane would not be impacted.

There would be a clear level of intervisibility between properties at Monger Lane and Clandown Road. These buildings have modern alterations and would not be worthy of listing.

Heritage balance:

The NPPF sets out at paragraph 112 that 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.

In respect of non-designated heritage asset, paragraph 216 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Less than substantial harm has been identified to the Church of the Holy Trinity and Vicarage and the Radstock Conservation Area. Paragraph 215 sets out that 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 including, where appropriate, securing its optimum viable use.

There will be a number of public benefits to the scheme which have been set out in the principle of development section of this report but are summarised again below.

The proposed development will result in a significant contribution to the Council's renewable energy targets. The NPPF also sets out (paragraph 161) that the NPPF should support renewable and low carbon energy and associated infrastructure. Additionally, the proposal will result in jobs being created during construction and through the ongoing operation of the development; this should be afforded moderate weight. The scheme is also providing a significant biodiversity gain, which is also of public benefit with regard to biodiversity.

Attributing great weight to the significance of the heritage assets (Church of the Holy Trinity and Vicarage and the Radstock Conservation Area), it is considered that there are public benefits associated with the development which outweigh the harm identified and the scheme therefore complies with policy HE1.

In respect of the non-designated heritage assets, it is considered that the harm is not significant and taking a balanced judgement, as per the provisions of the NPPF, it is not considered that the level of harm would be sufficient reason to refuse the application.

ARCHAEOLOGY:

Policy HE1 of the Placemaking Plan sets out that Scheduled monuments and other non-designated archaeological sites of equivalent significance should be preserved in situ. In those cases where this is not justifiable, or feasible provision should be made for their excavation and recording. The appropriate publication and curation of the finds/archive will be required.

The submitted geophysical survey and Cultural Heritage Impact Assessment (CHIA) indicate that the area proposed for the solar farm contains potential archaeology of local significance relating to possibly Roman and Industrial periods and proposes that trial trench investigation take place post-determination. The CHIA also states that if remains of higher significance than predicted are encountered during trial trenching, alternative design options to limit harm to below ground archaeological remains will be implemented.

As such, pre-commencement conditions are recommended securing the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation and an archaeological field investigation with subsequent programme of archaeological work.

Subject to these conditions, the scheme complies with policy HE1 with regard to archaeology.

RESIDENTIAL AMENITY:

The key consideration with regard to residential amenity is the potential for noise and disturbance. Whilst this will not occur from the panels themselves, the development includes a large Battery Energy Storage System (BESS) which will generate noise pollution. An Acoustic Assessment (ion Acoustics) accompanies the submission. The Assessment positions are set out on page 2 of the assessment and are as follows:

AP1 - Springfield Farm
AP2 - Bowlditch Farm
AP3 - Salisbury Cottage
AP4 - Broadway Cottage
AP5 - Monger Cottages
AP6 - Bences Lodge

These are the nearest residential receptors and are thus considered appropriate assessment points.

The noise generating equipment can be summarised as follows:

- 36no. BYD MC Cube ESS Battery Units
- 16no. SMA 4600 UP Central Inverters: 13 servicing the BESS site and 3 servicing the solar farm
- 1no. HV Transformer

The noise assessment confirms that "the nature of solar farms is such that electricity is only generated during daylight hours. Electricity generation may extend in times considered part of the night during the summer, i.e. early mornings before 0700hrs, and also during the evening period after 1900hrs. Note that the early morning periods during spring and summer often coincide with the dawn chorus. The solar farm would not be operational at the quietest times of the night, nor during the late evening when most people would be trying to sleep."

However, the BESS can operate at any time of the day or night. They are typically expected to operate at peak times, such as early winter evenings.

The World Health Organisation (WHO) set out external noise criteria to protect residents. Outside bedroom windows, noise levels should not exceed 45dBL so that residents can sleep with their windows open. The WHO limit is a level taken 1m from the façade of a building, and so the equivalent free field level will be approximately 3dBL lower at 42dBL. In amenity spaces such as gardens, noise levels of 50dBL will cause moderate annoyance, and noise levels of 55dBL will cause serious annoyance.

A 48-hour baseline noise assessment was carried out in April 2023, with monitoring points being set up at Springfield (MP1) and Bowlditch (MP2) Farms. The typical background noise levels were as follows:

MP1 - 39dBL (7am-11pm) and 25dB: (11pm - 7am)
MP2 - 35dBL (7am-11pm) and 25dB: (11pm - 7am)

The noise assessment clarifies that at "night, the background noise levels are very low and in such circumstances BS 4142 states that absolute noise limits can be more relevant as discussed in Section 3.3. In this case, an appropriate can be derived from the WHO Community Noise 1999 guidance as discussed in Section 3.4 above. To prevent sleep disturbance, a limit of LAeq 42dB (free-field) is advised. To ensure that the new development cannot be a factor in the LAeq 42dB limit being exceeded, plant noise levels would need to be 10dB below this i.e. LAeq 32dB."

A 4m acoustic barriers is proposed to surround the BESS, which can be secured by condition, and is taken into account in the proposed noise levels. Page 18 of the noise assessment sets out the results of the noise impact assessment.

During the daytime (7am-11pm) the noise levels range from 32dBL to 37 dBL, including a +2dBL correction for audible tones. The noise levels at AP1 and AP2 are most impacted by the development, but the noise levels will still be at or below the background noise levels.

For the night time, the scenario in the noise assessment includes all plant running simultaneously. It is noted that this is unlikely to occur in practice because the predictions are based on an external temperature of 25 degrees centigrade which is a fairly rare occurrence in the UK, except in peak Summer. The approach to using the worst case scenario is appropriate and welcomed.

The results of the night time assessment (11pm - 7am) also include a +2dBL correction for tonality. The noise limit is set at 32dBL for the reasons set out above. The noise limits range from 24dBL to 32dBL at Springfield Farm. This indicates that there will be a low noise impact.

It is imperative that the acoustic fencing is installed prior to the first use of the BESS and a condition is thus recommended to this end. The Council's Environmental Projection Team have assessed the noise assessment and have no objection to the proposals.

Whilst the scheme is located such that it will not result in overbearing or overshadowing; it will result in a change in outlook for residents. An important aspect to consider is glint and glare - a Glint and Glare Study accompanies the submission (PagerPower).

There is no formal guidance which sets out the distance at which glint and glare should be assessed. The submitted report deals with road, aviation and dwelling receptors, which is considered appropriate. 88 dwellings were identified for assessment.

The study demonstrates that a number of dwellings will be experience from impact from the panels. For most dwellings, the solar reflections are predicted for less than 60 minutes per day, and for less than 3 months of the year. A number will experience the same, but for more than 3 months of the year. However, for these properties there is identified screening like existing vegetation, which will result in no impact. Table 3 in the submitted report sets out these results in detail. As screening matures, the impacts will decrease. Impact levels range from none to moderate. Although the outlook from a number of dwellings will change, the impacts are not considered to be significant as demonstrated by the results of the glint and glare assessment.

Although not related to residential amenity, it can also be reported that the proposals are acceptable in terms of glint and glare effects for aviation and the highway network.

The scheme is considered to comply with policy D6 of the Placemaking Plan.

ARBORICULTURE:

An Arboricultural Impact Assessment (AIA) and tree survey have been submitted with the application. The AIA states that no trees will require removal for any of the associated activities however, a number of small hedgerow sections have been identified as requiring removal for the construction of new access tracks.

The report identifies four A category trees; two are within hedging towards the north of the site and two are isolated within the fields and are more vulnerable to damage. These could be future veteran trees if appropriately managed within a Landscape Ecological Management Plan, which will be secured by way of condition. The Council's Arboricultural Officer has raised that T15 could be linked to the eastern hedge via a section of new hedge to improve biodiversity. Additional new planting is being provided across the site, which is further explored in the ecology section below, and hedgerow planting this location would not complement the existing panel layout, which are deliberately pushed away from hedgerows to provide an ecological buffer. This has therefore not been requested by the case officer.

Fencing is proposed for tree protection and the intention to erect the permanent security fencing first where this is feasible to provide tree protection and avoid unnecessary temporary fencing is noted. This is a reasonable proposal, but a watching brief should be employed to prevent accidental damage and ensure that the security fencing is correctly positioned. The Tree Protection plan also needs to be updated so that the security fencing is highlighted for easy identification and included in the key on the Tree Protection Plan. An updated plan can be secured by condition, as well as further details of the new tree planting, which is welcomed.

ECOLOGY:

An Ecological Impact Assessment (EclA) has been submitted with the application (Tyler Grange, 15th August 2024), and a further EclA Addendum (Tyler Grange, 18th February 2025). The addendum report provides details of additional surveys for birds and bats further to the 2024 report.

The EclA states that "the site is comprised of agricultural pastoral (modified grassland, negligible ecological importance) land, bisected by native species-rich hedgerows (local ecological importance) with some scattered trees (local ecological importance). The site contains habitats that support common and widespread nesting and foraging birds, foraging and commuting bats, badgers, brown hare, and possible hedgehogs, amphibians and reptiles".

The level of survey effort undertaken and the assessment of the ecological baseline are considered acceptable for the site.

The EclA identifies the site as being of local importance for bats, and a relatively diverse assemblage of species was recorded on site including lesser horseshoe and greater horseshoe bats which are annex II species. The EclA considers it unlikely that the greater horseshoe bats recorded on site are likely to be associated with Mells Valley SAC which is accepted.

The EclA does identify that the hedgerows on site 'aid commuting and foraging' of bats and that these are to be retained. Clarity was sought by officers in regard to the buffer zones between the arrays and hedgerows and an Ecological Parameters Plan was subsequently submitted. This shows a 5m buffer surrounding retained hedgerow which is considered to be acceptable and will allow for bat/bird foraging and commuting, as well as management and maintenance.

A shadow Habitats Regulations Assessment was submitted and concludes that the proposed development would not give rise to likely significant effects on the Mells Valley SAC, the Chew Valley Lake SPA or the Mendip Wodland SAC. This conclusion is accepted by the Council and the shadow Habitat Regulations Assessment position is, for the avoidance of doubt, adopted by the Council.

Natural England have been consulted in respect of the HRA and conclude the following:

"A Habitats Regulations Assessment Statement has been provided which has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view."

A revised biodiversity net gain metric has been submitted which accounts for the fact that some newly seeded grassland will be beneath solar panels, making future management challenging. The revised metric demonstrates a 63% net gain in habitat units and a 33% uplift in hedgerow units, far in excess of the 10% mandatory requirement. This can be secured by condition.

Overall, the scheme is considered to be ecologically acceptable.

TRANSPORT AND HIGHWAYS:

The scheme is shown to provide four access points into the site, two existing agricultural access points from Monger Lane, one further existing access point located on Water Lane and one proposed new access point to be provided along Ongar Lane as shown on the Layout Plan.

The Transport and Access Statement (TAS) states that during the construction period the access along Water Lane will not accommodate any construction traffic; the existing access points would be utilised from Monger Lane, with the eastern access accommodating movements to and from the site. This access point leads into a permeable access track and temporary site compound with suitable turning and parking facilities for construction vehicles. A plan was provided during the course of the application which details the access arrangements and visibility splays, which are considered suitable given the data collected by the Automatic Traffic Count (ATC) in the area.

The ATC provided details of the traffic flow and vehicle speeds along the site. The surveys recorded two-way vehicle data along Monger Lane, Clandown Road and Water Lane over a seven-day period. A 12-hour survey was undertaken on Monger Lane to record vehicular and pedestrian volumes to the south of the proposed access point. Figure 2.5 within the TAS indicates the location of each survey location.

The results within point 2.3 details that a maximum average of 48 two-way movements during the weekday AM peak (8am-9am), and 59 two-way movements in the weekday PM peak (5pm-6pm). Details of HGV movements were also recorded with a maximum daily movement of 7 vehicle with 2 other goods vehicles over a 24-hour period.

The vehicle speeds were recorded along the access roads which gave a maximum 85th percentile vehicular speed of 31mph along Clandown Road, 26mph along Monger Lane and a maximum of 24mph along Water Lane. The survey concluded that the vehicles speeds along the surrounding highways were lower than the posted speed limit.

The survey recorded 22 pedestrian movements along the site within the 12-hour period. As a PRow (CL24/26) is located along Monger Lane, south of the proposed construction accesses, the scheme will need to provide suitable signage for both pedestrians and construction workers information.

The sites anticipated trip generation is 876 vehicle movements during the stated 32-week construction period, which equates to around 27-28 movements per week. This is the equivalent of around 4-5 trips a day for construction related traffic, which is not considered to be significant. However, point 5.4.8 of the TAS states that approximately 30 staff members will require access to the site per day during peak construction period. The staff requirement may, as a maximum, provide 60 two-way movements a day on top of the construction vehicle movements. A revised layout plan has been submitted which provides an area for dedicated onsite parking which would be temporary for the construction period. The car park shows 23 spaces, but there is capacity to accommodate further space within the site if required and this is accepted.

Information regarding how car sharing opportunities will be promoted was required by the Highway Authority to ensure that suitable measures were able to be provided. The submitted information sets out that this will be promoted via the site manager and contractors. The Highway Authority consider this acceptable, give the provision of car parking space through the amended plans.

It is therefore considered that the development can be constructed without significant impact to the local highway network and subsequently operated safely and without impact. A construction management plan can be secured by condition, as well as the highway works to the access to provide the suitable visibility splays. A decommissioning plan will also need to be secured so that any potential impacts during this phase can be mitigated.

FLOOD RISK AND DRAINAGE:

The Lead Local Flood Authority (B&NES) and the Environment Agency were consulted in respect of the application. It is noted that several third parties have raised flood risk concerns in their comments.

The Lead Local Flood Authority (B&NES) reviewed the scheme in terms of flooding and surface water management. This land currently contributes to recurring flooding of Bowlditch Lane, and this development could exacerbate this issue. There is therefore a reasonable expectation for attenuation to be provided across the highlighted surface water flood flow paths within the submitted Flood Risk Assessment.

As originally submitted, there was some discrepancy between the Surface Water Management Plan and layout plans in terms of surface water infrastructure being provided on the site (attenuation basin, pond and underground water tanks). The Management Plan also did not detail where the attenuation basin and ponds would flow to.

A Drainage Technical Note dated 6th December 2024 was submitted. This clarified that the cessation of farming activities (such as ploughing, traversing the field with heavy machinery and allowing it to become trodden by livestock) will likely reduce the run-off rates from the site. Indeed, the Environment Agency have shown that farming activity can considerably increase the rate of run off from a site. The change will reduce soil compacts which will allow them to become aerated and should improve their water acceptance potential. The proposed grass and meadow planting for biodiversity purposes will also serve to limit flows across the site as they will have high levels of attenuation.

The underground water tanks proposed are not for surface water management. A number of third parties have raised concern with regard to fire risk and the battery storage. The National Fire Chiefs Council provide guidance for battery systems and states that:

'Any static water storage tanks designed to be used for firefighting must be located at least 10 metres away from any BESS container/cabinet. They must be clearly marked with appropriate signage. They must be easily accessible to FRS vehicles and their siting should be considered as part of a risk assessed approach that considers potential fire development/impacts. Outlets and connections should be agreed with the local FRS. Any outlets and hard suction points should be protected from mechanical damage (e.g. through use of bollards).'

The Fire Service has been consulted and has not raised comment. A condition can secure confirmation that outlets and connection have been agreed with the local fire service in accordance with the guidance above, prior to the first use export of electricity to the grid.

It has also been clarified that the proposed pond and attenuation basin is provided for biodiversity net gain and for habitat for fauna and wildlife and does not form part of the Surface Water Management Plan.

The Lead Local Flood Authority, upon receipt of the Technical Note, have confirmed that the submitted Management Plan is acceptable and do not object to the proposals.

The Environment Agency originally objected to the proposals on the basis that insufficient information had been supplied to demonstrate that the risk of pollution posed to groundwater quality could be safely managed.

Revised information has been submitted, and the Environment Agency have removed their objection to the proposals. The BESS will be served by a sealed surface water

drainage system and is situated upon a High Vulnerability Secondary A aquifer which is designated for the protection of potable water used for human drinking water supplies.

The proposed development will be acceptable if the measures detailed in the "Report on Drainage and Contaminated Water Management for Co-located Solar and Battery Energy Storage System (BESS) Sit, Version 2, Dated 16/02/2025" are implemented. This can be secured by way of condition.

The LLFA and Environment Agency now have no objection to the proposals, and it is acceptable in flooding and drainage terms.

PUBLIC RIGHTS OF WAY:

The B&NES Public Rights of Way team has no objection to the application. If any construction works or the siting of fencing will impinge upon the definitive line of any of the public footpaths, then a pre-construction site visit with the PROW team must be arranged. A number of informatives can be added to the decision notice to remind the applicant of PROW processes.

SECURITY AND DESIGNING OUT CRIME:

Paragraph 135 of the NPPF requires that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Designing Out Crime Officer (Avon and Somerset Police) has made comment on the application. They note that the proposed deer fencing may not be a suitable deterrent for theft and advises that means of intrusion detection and physical security needs to be robust. CCTV should also be employed. A CCTV plan can be secured by way of condition.

There is no overall objection from the police, and the applicant is advised to note their advice in respect of security.

OTHER MATTERS:

Third parties have raised concerns that the development will decrease property prices. This is not a material planning consideration.

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

The proposed development will represent a change in the existing landscape within this area. However, overtime it is considered that landscape harms can be successfully mitigated in line with planning policy. Less than substantial harm to heritage assets has been identified, but it has been demonstrated that these are clearly outweighed by the public benefits of the scheme. Additional information has been provided to alleviate concerns with regard to hedgerow buffers in ecological terms and the scheme is considered to be policy compliant in this regard.

There are a number of benefits associated with the proposals which must be given weight in the planning assessment.

The scheme will provide a significant contribution to the Council's renewable energy requirements. There is a critical and identified need for clean, renewable energy and the NPPF provides a strong policy narrative for supporting such developments. The BESS will store energy so that it can be distributed more evenly throughout the year, at times where there is less sunlight and/or demand for electricity is particularly high.

The NPPF clearly dictates at paragraph 168 that when determining planning applications for all forms of renewable energy developments, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and give significant weight to the benefits associated with renewable energy generation and the proposal's contribution to a net zero future. The provision of renewable energy should therefore be given significant weight in the decision making for this application.

Further, the proposed BNG uplift is in excess of the required 10% net gain, which is also considered to be of benefit.

The scheme will provide jobs during the construction and operational phases which should also be attributed weight as a benefit.

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "any other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

In this case, it is considered that the proposals comply with the development plan as a whole and officers recommended that the application is permitted in line with the conditions set out below.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Biodiversity Net Gain Plan (Pre-commencement)

Unless confirmed as exempt, no development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.

9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
 10. Proposed costs and resourcing, and legal responsibilities.
- The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

3 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

4 Construction Environmental Management Plan for Ecology (Pre-commencement)

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

- 1) Risk assessment of potentially damaging activities
- 2) Boundaries of mapped exclusion zones for the protection of ecologically sensitive species or retained habitats and features, with boundaries shown to scale on a plan, and details and specifications for proposed fencing, barriers, and warning signs, as applicable
- 3) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person, and proposed pre-commencement checks and survey, including proposed reporting of findings to the Local Planning Authority Ecologist

- 4) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works
- 5) Responsible persons and lines of communication
- 6) 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), to include the location, timing and methodologies of specified works to avoid harm to wildlife and sensitive features, and to include measures for pollution control and covering runoff, dust, litter, chemical spillages, materials storage, vehicle movements, noise and lighting impacts

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: To avoid harm to existing and retained habitats and species during site preparation and construction works. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

5 Archaeological Evaluation (Pre-commencement)

No development shall commence until 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains. This condition is a pre-commencement condition because any construction works have the potential to harm archaeology.

6 Archaeological Mitigation (Pre-commencement)

No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work, or preservation in situ methodology in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to record and protect any archaeological remains. This condition is a pre-commencement condition because any construction works have the potential to harm archaeology.

7 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No construction or decommissioning shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall include details of the following:

1. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;
2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

Details of the above for the decommissioning phase shall be submitted to the Council no later than six months prior to the 45th anniversary of the first export date.

No development or other operations shall thereafter take place except in accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

8 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the buildings (including the solar inverter cabin, batter inverter cabin and BESS) shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

9 Landscape Design Proposals (Pre-commencement)

No development shall commence until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report and shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

10 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 30 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

11 Landscape and Ecological Management Plan (Pre-occupation)

No occupation of the development hereby approved shall take place until full details of a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. These details shall be fully in accordance with all approved ecological mitigation, compensation, enhancement and biodiversity net gain requirements and shall include:

1. A list of long-term wildlife conservation and landscape design aims and objectives, which, where applicable, shall be specific to named habitats, species and ecological issues of importance. They shall include (but not be limited to): delivery and long term maintenance of landscaping and habitats to achieve Biodiversity Net Gain.
2. Creation of habitats to a specified condition and / or that achieve specified levels of structural, botanical, and/or invertebrate diversity; provision of habitats suitable for specified species (for example linnet and other bird species); habitats with suitable conditions, connectivity and quality for use by bats as part of connected flight routes;
3. Proposed management prescriptions and operations; locations, timing, frequency, durations; methods; equipment and personnel as required to meet the stated aims and objectives
4. A plan showing the boundary or boundaries of land to which the LEMP applies. This shall include the existing and translocated hedgerows. All details, locations, boundaries of habitats and management areas shall also be shown on a plan.
5. A list of activities and operations that shall not take place and shall not be permitted within the LEMP Plan area (for example use of herbicides; waste disposal and disposal of arisings; inappropriate maintenance methods; storage of materials; machine or vehicle access)
6. Proposed habitats shall correspond to and meet the minimum standards set out in the approved Ecological Mitigation, Compensation and Enhancement Plan
7. Proposed monitoring and reporting scheme, to include a 5 year rolling programme for ongoing review and future remediation strategies
8. Proposed resourcing; funding sources and legal responsibility.

All required measures shall be incorporated into and compatible with the wider scheme and shown to scale on all relevant plans and drawings including landscape design and planting plans. All works within the scheme shall be carried out and the land managed and maintained and utilised thereafter, in accordance with the approved details and timings.

Reason: To ensure the long term maintenance and management of landscape and ecological features in the interests of providing net gain of biodiversity and mitigating the landscape impacts of the development in accordance with policies NE2, NE2A and NE3 of the Bath and North East Somerset Local Plan Partial Update.

12 Ecological Compliance Statement (Pre-occupation)

Prior to the first exportation of electricity to the grid a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completion of the CEMP in accordance with approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the CEMP to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan Partial Update.

13 Fire Safety Compliance Confirmation (Pre-occupation)

Prior to the first exportation of electricity to the grid, or use of the Battery Energy Storage System, evidence shall be submitted to and approved in writing by the Local Planning Authority that the outlets and connections to the underground water tanks have been agreed with the local fire service. The site shall then be operated in accordance with the agreed details.

Reason: To ensure that the development is safely operated in accordance with part 8 of the NPPF.

14 Highway Works (Pre-occupation)

No use of the development shall commence until the highway works shown on drawing number BLA214-04 has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by a safe and suitable means of access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

15 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Predicted lux levels and light spill on both the horizontal and vertical planes;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

16 Acoustic Fencing (Bespoke trigger)

Prior to the first use of the Battery Energy Storage System, the 4m high Acoustic Fencing, as detailed within section 6.2 of the Noise Assessment for Planning Acoustic Report A2007 R01 (June 2024), shall be installed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. This will include elevation drawings, a manufacturer's specification, its colour and finish. The fencing shall be installed in accordance with the approved details and prior to the first use of the BESS.

Reason: To ensure that landscape character is protected, as well as the residential amenity of nearby residents, in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policy D6 of the Bath and North East Somerset Placemaking Plan and policies NE2A and NE2 of the Bath and North East Somerset Local Plan Partial Update.

17 Arboriculture - Signed Certificate of Compliance (Bespoke Trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed Arboriculturalist to the local planning authority within 28 days of completion of each phase (construction and decommissioning).

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update and to ensure that the approved method statement is complied with for the duration of the development.

18 De-commissioning Strategy (Bespoke Trigger)

No less than six months before the final export date, or before the 45th anniversary of the first export date (whichever is soonest), a decommissioning strategy and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning strategy shall include details of how plant and equipment's within the site will be removed, including any boundary treatments such as fences, an updated Construction Management Plan (De-commissioning) and timescales for the work. The strategy shall include copies of pre-decommissioning ecological surveys, and which will inform any mitigation requirements. The site shall be decommissioned and restored in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

The site will revert to Greenfield Land following decommissioning and will not be identified as previously development land.

Reason: To protect the landscape character in accordance with policy NE2 of the Bath and North East Somerset Local Plan Partial Update, the safe operation of the highway in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update and to ensure sufficient ecological mitigation in accordance with policies NE3 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

19 Drainage Strategy (Compliance)

The development hereby permitted shall be carried out in strict accordance with the approved 'Report on Drainage and Contaminated Water Management for Co-located Solar and Battery Energy Storage System (BESS) Site, Version 2, Dated 16/02/2025' including the specific mitigation measures detailed therein.

Reason: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and "Position Statement G10 - Developments posing an unacceptable risk of pollution".

20 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following

completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

21 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

1 This decision relates to the following plans:

Ecological Parameters Plan (ref. 16134/P09A - dated March 2025)
Mitigation and Enhancements Plan V5 (ref. UKS579_10 - dated 21.02.2025)
Layout Plan (ref. UKS579_09 - dated 20.02.2025)
Hedgerow Translocation - Water Lane Access (BLA214-04 REV B - dated 31.01.2025)
Hedgerow Translocation - Monger Access (ref. BLA214-05 - dated 13.02.2025)
Drainage Layout Plan (ref. UKS579 - dated 24.01.2025)
POC- Mast Elevation (ref. UKS579_07 V0 - dated 08.07.2024)
Battery Inverter Cabin (ref. UKS579_04A V0 - dated 24.05.2024)
Location Plan (ref. UKS579_08 0 - dated 07.08.2024)
Acoustic Fence (ref. UKS579_12 V0 - dated 24.05.2024)
Double Gate (ref. UKS579_05 V0 - dated 24.05.2024)
Battery Elevation (ref. UKS579_02 V1 - dated 24.05.2024)
Access Track Elevation (ref. UKS579_11 V0 - dated 24.05.2024)
Deer Fence Typical Arrangement (ref. UKS579_06 V1 - dated 24.05.2024)
PV Panel Elevation (ref. UKS579_03 V0 - dated 24.05.2024)
Substation Plan & Elevation Drawing (ref. UKS579_07 V0 - dated 08.07.2024)
Solar Inverter Cabin (ref. UKS579_04 V0 - dated 24.05.2024)
CCTV (ref UKS579_01 V0 - dated 24.05.2024)
Appendix D Tree Protection Plan (dated 26.07.2024)

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Biodiversity Net Gain - Standard Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are

circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.