

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date: 9th March 2022

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	21/00419/EFUL	Resourceful Earth Ltd Charlton Field Lane Queen Charlton Bristol Bath And North East Somerset BS31 2TN

Revised information was submitted by the agent on the 11th February as follows:

- Policy Response Note;
- Highways Response Note;
- Response to landscape queries;
- Vertical Lighting Level Modeling; and
- Updated Lighting Spill Plan.

As a result the following consultees were reconsulted on the scheme:

- Policy
- Highways
- Landscape
- Ecology

The Planning Policy Officer states in their response that ‘The second Policy responses (Jan 2022) follow the first responses (March 2021) and clarify the policy position in terms of Policy 2 of the Joint Waste Core Strategy. The Planning Policy Response Note submitted by the applicant was concerned that the Council has not taken into account its stated significant benefits in our policy assessment. The sustainability benefits were discussed in the first responses. Comments by the Policy Officers and Climate Policy Officer along with other officers and stakeholders would allow the case officer to assess whether the harm to the Green Belt and other harm represented by the proposal are considered to be outweighed by the opportunity and benefits presented in terms of waste management and renewable energy production.’

The Highways officer had no further comments on additional submitted information stating that ‘The [transport] note does not provide any new proposals or information on the application’.

The highways officer did make the following comments of clarification on the committee report:

The applicants Transport Assessment used baseline traffic surveys undertaken between 10th -16th November 2020. Due to the Covid- 19 pandemic traffic levels were significantly lower than normal and Highways raised an objection. The Transport Assessment Addendum contains new baseline traffic data using surveys carried out between 22nd June and 28th June 2021 during which Step 3 of the Roadmap out of Lockdown was in place and most businesses in all but the highest risk sectors were open. Following advice from our traffic data officer it was agreed for an uplift of 10% to be applied to the data to reflect that some restrictions were still in place which may have the effect of reducing travel. Highways are now satisfied with the baseline traffic data.

The TA has validated the HGV loads for some feedstocks and assumed an average load of 26tn for imported agricultural waste, food waste and vegetable waste. This is based on sample data rather than maximum payloads.

The applicant has provided some sample data from two AD plants in the north of England which are included in Appendix G of the TAA. The data is not supported by the site names and location which is usually provided with trip information from the industry standard TRICS database. Additionally, the data 7th June 2021 to 31st July 2021 does not have any time stamps. The data from 7th June to 3rd August 2021 is difficult to follow due to being out of date order. As such the data is not transparent and verifiable.

At junction 3 Sleep Lane arm, the *additional* delay as a result of the proposed development in the future year of 2028 equates to approximately 49 and 56 seconds respectively in the AM and PM peak. In terms of queues, circa two and three vehicles are predicted to be respectively added on Sleep Lane in the AM and PM peaks. Highways consider the additional delay at this junction to be a severe impact, especially when considering the total delay of 166 sec delay and 305 sec delay respectively in the AM and PM peaks.

As the modelled impact is already severe, it will only be worse in harvest time when trips are predicted to be significantly higher.

HDC's experience of industry applications identifies that trips are unlikely to be evenly distributed throughout the day. If more than two HGVs arrived within a short time period this would result in HGV's waiting outside of the site due to the site layout which in turn would impact on other road users and their safety

The Landscape officer comments were received before the committee report was published and therefore have already been captured in the committee report.

The Ecology officer has continued to object to the scheme, stating, 'Revised lighting proposals and revised and additional light spill modelling have been submitted which now include modelling on the vertical plane for the NW, northern and NE boundaries, which were identified as habitats used by bats (including light-sensitive horseshoe bats).

Light spill levels onto boundary features are reduced, and the number of lamps is reduced, which is welcome, and the modelling shows that predicted light spill falls within acceptable thresholds for the majority of the modelled areas.

Locations do remain however where modelling shows the required threshold for avoiding harm to light-sensitive bat activity will still be exceeded.

The position of the modelled plane also appears to be at the far side of the northern boundary vegetation/ hedgerow rather than the near side, which suggests that the light spill levels onto the vegetation on the edge nearer to the light sources will be higher. The central stretch of the northern boundary hedgerow is affected such that predicted lux levels exceed 5lux over a number of metres. It is not clear whether modelling to a height of 8m provides data for the maximum lux levels that will be reached.

The maximum modelled light spill level is 2.7 lux at the western boundary, the affected area is limited in extent.

The additional ecological assessment of the lighting design is welcome however reliance on reduced likelihood of bat activity coinciding with hours of lighting during autumn, winter and spring cannot be relied upon in the way suggested. Bats can be more vulnerable when active during these periods and the darkness of this area and habitats here during late afternoon / early evening may be particularly important to movement of bats during spring and autumn.

Therefore, in conclusion, the revisions made so far and the additional light spill modelling details are welcome, but there remain some areas where light spill levels exceed the required thresholds. Further revisions or additional mitigation measures combined with the existing commitments to use of lighting controls should be incorporated into the scheme to address these points. If this can be achieved it should be possible to withdraw the ecological objection however at this stage the ecological objection must remain due to the risk of ecological harm from the proposed lighting scheme and anticipated lighting requirements of the site.'

The ecologist notes the concerns raised by the landscape officer including concerns about "skyglow", which suggest that the overall assessed / predicted impact on existing darkness and the wider landscape continues to be unacceptable – and the ecologist states that there is a reasonable risk that this will also have wider ecological impacts.

Overall, none of the consultee comments on the additional information alter the recommendation within the officer report.

Members were sent additional information from the applicants in the form of a Briefing cover letter and pamphlet, no of the information contained within this alters the recommendation. It is unclear where some of the figures have come from within the letter as these don't appear to align with the figures in the submission. Additionally, the document suggests the proposal will reduce the UK's reliance on imported gas and spikes in energy cost, siting, amongst other things the impact of the war in Ukraine. This reduction on dependence of imported gas nationally could be addressed in many alternative ways, including through a less harmful more appropriate scheme for renewable energy, as such this is not considered to be a very special circumstance which outweighs the harm arising from the scheme. Finally, an additional objection comments has been received on behalf of the group POKE (Protect our Keynsham Environment) raising concerns that the quarry restoration results in harm to the openness of the Green Belt. This is a matter of planning judgement. The committee report sets out that the quarry restoration is acceptable in the Green Belt.

Item No.	Application No.	Address
04	21/03682/FUL	Church Farm Church Lane Priston Bath Bath And North East Somerset BA2 9EF

In the Heritage section of the report it refers to section 72 regarding conservation areas. The site is not within the conservation area. The site is however in close proximity to some listed buildings, therefore the follow section should have been referred to:

There is a duty under Section 66 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.

To confirm, here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the nearby grade II listed farmhouse, nor the grade I listed Church of St Luke and Andrew, or their setting and would preserve the significance of the designated Heritage assets.

The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Item No.	Application No.	Address
05 & 06	21/03965/FUL & 21/03966/LBA	Manor House Watery Lane Burnett Keynsham Bath And North East Somerset

GREEN BELT POLICY:

With regard to the impact of the proposal upon the Green Belt, members are reminded that substantial weight is given to *any* harm to the Green Belt, as stated under paragraph 148 of the NPPF.

This was explicitly referred to under the 'Principle of Development' section of the report in outlining relevant Green Belt policy but is not reiterated under the section considering the impact on the openness of the Green Belt. This is a matter of clarification for members and does not affect the officer's recommendation.

FURTHER COMMENTS:

Following the drafting of the Committee Report for this meeting, two further representations were received from a neighbour in objection to the application, dated 22 February 2022 and 4 March 2022. Both objections have been published on the online case file and circulated to members of the Planning Committee. The comments made are summarised as follows:

- Burnett is a primary example of an unspoilt traditional British village. Its priceless value should not be sacrificed for renewable energy.
- The benefits of the development are for the owners of Manor House and the development will serve no community benefit.
- Burnett already has a solar farm which is hidden behind farm buildings and has no visual impact.
- The submitted documents are biased in favour of climate change goals.
- The solar panel array and security fencing will be an eyesore, visible for one quarter of a kilometre of the main road.
- A fully formed, full height mature hedge should be planted before any metal work is installed above ground.
- An instant hedging planting of 2.4m hornbeam is not possible. The growth rates of 400mm per year for a Hornbeam hedge is optimistic and will take decades to exceed the height of the hedge.
- The Conservation Officer's comments focus on alterations to Manor House and do not indicate consideration of the setting of listed buildings or the setting of the village.
- The majority of comments object to the proposed location of the panels.

- The supporting comment from the ward councillor is biased in favour of green agenda aims and the claim that the project is sympathetic to the local environment is questioned.
- A request from the Parish Council for an appropriate level of supporting information has been seemingly ignored.

The comments mostly reiterate objections previously raised and, in considering all points raised, do not affect the recommendation outlined in the Committee Report.

Regarding the request for appropriate supporting information, it should be noted that this Parish Council comment predates the submission of further documentation, including the Heritage Statement, Bat Survey and Assessment, and the letter from GeoEnergy Design Ltd, all dated and received November 2021.