

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

18th December 2024

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE
PREPARATION OF THE MAIN AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
2.	23/04529/FUL	Parcel 6600 Fairy Hill Compton Dando Bristol Bath And North East Somerset

1. Since publication of the Committee Report, the Ministry of Housing, Communities and Local Government published revisions to the National Planning Policy Framework (NPPF) on 12th December 2024 which are effectively immediately and replace the previous version (December 2023). The revised NPPF represents up-to-date government planning policy and is a material consideration that must be considered where it is relevant to a planning application.
2. The following NPPF changes are relevant to the application for a small-scale solar farm by a community energy society:
 - Para. 161: *“The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change”.*
 - Para. 163: *“The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.”*
 - Para. 165: *“To help increase the use and supply of renewable and low carbon energy and heat, plans should ... consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development;”*
 - Para. 168: *“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:
 - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future;*

b) *recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;”*

3. The revisions to Section 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF listed above only serve to reinforce and strengthen previous policies relating to the importance of development of renewable energy infrastructure. The change from requiring local planning authorities to recognise even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions, to requiring local planning authorities to give ‘significant’ weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future, is material. This increased weight required for the benefits of renewable and low carbon energy generation apply to the proposals for the solar farm at Fairy Hill.
4. The recommendation was previously ‘Delegate to Permit’ taking account of the climate emergency and critical need for renewable energy as set out in Energy National Policy Statements and providing very special circumstances that clearly outweigh harm posed to the Green Belt. The balance in favour of the development previously assessed is increased by the revisions to the NPPF and new requirement for local planning authorities to give ‘significant’ weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.
5. Other revisions to the NPPF include:
 - Green Belt policy (Section 13 – Protecting Green Belt land) in the NPPF has been revised, but the changes only account for Green Belt release and changes to Green Belt boundaries through the plan-making process, as well as proposals for the development of homes, commercial and other development on ‘grey belt’ land and major development involving the provision of housing on Green Belt land.
 - Para. 109 in relation to ‘Promoting Sustainable Transport’: “using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:
 - a) making transport considerations an important part of early engagement with local communities;
 - b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;
 - c) understanding and addressing the potential impacts of development on transport networks;
 - d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated;
 - e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and

- f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.
 - Para. 116 in relation to when development should be prevented or refused on highways grounds, has been revised to add the inclusion of only if unacceptable impacts on highway safety or residential cumulative impacts on the road network remain severe following mitigation and taking into account all reasonable future scenarios.
 - Reasonable future scenarios is defined in the NPPF Glossary as: “a range of realistic transport scenarios tested in agreement with the local planning authority and other relevant bodies (including statutory consultees where appropriate), to assess potential impacts and determine the optimum transport infrastructure required to mitigate any adverse impacts, promote sustainable modes of travel and realise the vision for the site.”
 - There have also been changes to requirements for flood risk sequential tests.
- 6. The changes to national Green Belt policy do not materially change the assessment undertaken. Similarly, the application is not subject to a flood risk sequential test and therefore these changes are not relevant. The changes to transport and highways policy apply to the development. The requirement for highway safety or residential cumulative impacts on the road network to remain severe following mitigation are relevant. However, the assessment in this case is that following mitigation, namely the Construction Management Plan which is secured by planning condition, severe highway safety or residential cumulative impacts on the road network can be avoided. The development therefore remains compliant with Section 9 of the NPPF.
- 7. Page 77-78 of Agenda Reports Pack add – With regard to the duty required with s38(6) of the Planning and Compulsory Purchase Act 2004, despite the harm identified, when taking account of very special circumstances, benefits and mitigations, the proposed development is found to accord with the Local Plan when taken as a whole. There are no material considerations identified which would warrant the refusal of planning permission. Subject to a s106 agreement securing the offsite skylark nesting plots and necessary planning conditions, on balance, the development is found acceptable. The application is therefore recommended to be permitted subject to conditions recommended in the report.
- 8. Page 84-85 of Agenda Reports Pack add condition:

Reporting of Unexpected Contamination (Compliance)

In the event that contamination is found at any time when carrying out the approved development, work must be ceased and 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 occupation of the development. Unexpected contamination may be indicated by soils or materials with unusual colour, odour, texture or containing unexpected foreign material.

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 15 of the National Planning Policy Framework.

Item No.	Application No.	Address
3.	24/02761/FUL	Site Of Old Quarry Bath Road Peasedown St John Bath Bath And North East Somerset

Reason for refusal 4 added:

Insufficient information has been submitted in relation to the protection of reptiles and loss of hedgerow as a habitat of principle importance and therefore does not demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Bath and North East Somerset Placemaking Plan Policies NE3 and D8 in relation to nature conservation/protected species.

Item No.	Application No.	Address
7.	24/03722/FUL	22 Grange Road Saltford Bath And North East Somerset

1. An email from the agent has been uploaded to the public file clarifying that the separation distances between the two properties, both existing and proposed at 22 Grange Road will benefit from a wider separation distance than stated in the officer's report.
2. The officer report states the following:

'Overbearing: With regards to 20 Grange Road, it is noted that there is a relatively small separation distance between the two properties, given the suburban nature of the area, by approximately 5.8 metres. The proposal would see this reduced to approximately 2.2 metres.'

The agent's email confirms that the separation distance will not reduce and the extension will be built on the same building line as the existing garage and will measure just over 3m at the narrowest point and 5.8m at the widest point from the neighbour (No.20).

Members are therefore requested to take this into account in their decision making.