



Strategic and Technical Planning Committee

Date: Monday, 19 June 2023
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum)

Robin Cook (Chairman), John Worth (Vice-Chairman), Shane Bartlett, Dave Bolwell, Alex Brenton, Kelvin Clayton, Toni Coombs, Jean Dunseith, Sherry Jespersen, Mary Penfold, Belinda Ridout and David Tooke

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224202 - elaine.tibble@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

Agenda

Item		Pages
1.	APOLOGIES To receive any apologies for absence.	
2.	MINUTES To confirm the minutes of the meeting held on 2 May 2023	3 - 6
3.	DECLARATIONS OF INTEREST To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

4. **REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee.

[GuidanceforspeakingatPlanningCommittee.doc.pdf](https://www.dorsetcouncil.gov.uk/GuidanceforspeakingatPlanningCommittee.doc.pdf)
([dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)).

The deadline for notifying a request to speak is 8.30am on Thursday 15 June 2023.

5. **PLANNING APPLICATIONS**

- a) **Application No: P/FUL/2022/04629 - Southover Farm, Tolpuddle, Dorchester DT2 7HE** 7 - 50

Retrospective application for as-built slurry lagoon.

- b) **Application No: P/FUL/2021/01018 - North Dairy Farm Access To North Dairy Farm Pulham Dorset DT2 7EA** 51 - 110

Install ground-mounted solar panel photovoltaic solar arrays, substation, inverter stations, transformer stations, security fencing, gates and CCTV; form vehicular access, internal access track, landscaping and other ancillary infrastructure.

6. **URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

7. **EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

There is no scheduled exempt business to report.



STRATEGIC AND TECHNICAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 2 MAY 2023

Present: Cllrs John Worth (Vice-Chair, in the Chair), Shane Bartlett, Kelvin Clayton, Jean Dunseith, Sherry Jespersen, Belinda Ridout and David Tooke

Apologies: Cllrs Robin Cook, Dave Bolwell, Alex Brenton and Mike Dyer

Cabinet Leads in attendance: Cllr David Walsh

Officers present (for all or part of the meeting):

Philip Crowther (Legal Business Partner - Regulatory), Mike Garrity (Head of Planning), Carol McKay (Senior Definitive Map Technical Officer), Elaine Tibble (Senior Democratic Services Officer) and John Miles (Democratic Services Officer Apprentice)

Officers present remotely (for all or part of the meeting):

75. **Appointment of Vice Chair for meeting**

Proposed by Cllr Worth, seconded by Cllr Jespersen.

Decision: that Cllr Bartlett be appointed Vice-Chair for the duration of the meeting.

76. **Minutes**

The minutes of the meeting held on 24 March 2023 were confirmed and signed.

77. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

78. **Application to divert Footpath 22, Wimborne Minster**

The report to consider an application to divert part of Footpath 22, Wimborne Minster under the Town and Country Planning Act 1990 (TCPA) as it was affected by development, was presented by the Senior Definitive Map Technical Officer. The application had come to committee as part of the affected land was registered to Dorset Council. The proposal was unopposed, and the legal tests were regarded to have been fulfilled, therefore the application was recommended for approval.

The Senior Definitive Map Technical Officer advised that the new route had been partly constructed and highlighted the various connecting points and views via a powerpoint presentation.

The recommendation was that the Order be approved and if no objections were received, be confirmed by Dorset.

.....
Oral representation was received in support of the application from Adam Ford, the agent for the applicant.

There were no member questions other than to confirm that the application had come to committee as Dorset Council owned part of the land, and that best use had been made of the development land as required by the National Planning Policy Framework (NPPF), and that it was in accordance to move footpaths in order to accommodate that. The Legal Business Partner, Regulatory advised that the application for a footpath was considered under a different statutory test than the NPPF.

Proposed by Cllr Shane Bartlett, seconded by Cllr Belinda Ridout.

Decision that:

The application to divert part of Footpath 22, Wimborne Minster be accepted and an order made;

The Order included provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and

If the Order was unopposed, and was considered to meet the legal tests it be confirmed by the Council.

If the Order was opposed, but the objections are not relevant to the legal tests, it be submitted to the Secretary of State for confirmation without further reference to Committee.

79. Urgent items

There were no urgent items.

80. Exempt Business

There was no exempt business.

Duration of meeting: 10.00 - 10.25 am

Chairman

This page is intentionally left blank

Application Number:	P/FUL/2022/04629		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Southover Farm, Tolpuddle, Dorchester DT2 7HE		
Proposal:	Retrospective application for as-built slurry lagoon.		
Applicant name:	J F Cobb & Sons		
Case Officer:	Eren Balkir		
Ward Member(s):	Emma Parker		
Publicity expiry date:	21 October 2022	Officer site visit date:	26 September 2022
Decision due date:	01 December 2022	Ext(s) of time:	19 June 2023

1. Summary of Recommendation:

1.1 GRANT, subject to conditions.

2. Reason for Recommendation

2.1 As set out in the conclusion of this report, the reasons for this recommendation can be summarised as:

- The development will provide the applicant with greater flexibility and certainty to manage slurry across their local agricultural holdings and support the applicant’s local farming business.
- The development complies with local and national planning policies.
- Slurry lagoons are encouraged and incentivised by national policies, such as by the Department for Environment, Food & Rural Affairs (DEFRA). DEFRA suggest that slurry storage can significantly reduce ammonia emissions, and to a lesser extent, reduce nitrate and phosphate pollution.
- The development will not harm the environment and will not have an adverse impact on Poole Harbour (SSSI, SPA, Ramsar) or Oakers Bog (SSSI,

and SPA, SAC, and Ramsar under the name 'Dorset Heathlands') or Oakers Wood (SSSI).

- The development will not result in any additional slurry tanker movements; the total number of tanker movements to fill the lagoon would be similar to the number of tanker movements that were needed before the lagoon was built, when slurry was immediately deposited on the fields. The provision of slurry storage will allow existing tanker movements to be spread across a longer period of time, rather than concentrated over a period of a few weeks. This is overall to the benefit of the local community. Further, the number of daily associated traffic movements will remain the same as was stipulated under a previous permission in 2019; 10 movements a day (5 in and 5 out).
- If this application were to be refused, the applicant has stated their intention to resume their earlier practice of spreading slurry directly onto the fields, at the appropriate time of year. Such activity would not be constrained by conditions attached to any grant of planning permission. It is anticipated that the same volume of slurry would be imported into Southover Farm to be spread, with or without the lagoon. Therefore, this application provides an opportunity for the regulation of slurry movements associated with Southover Farm, with due consideration for the interests and amenity of local residents.

3. **Summary of key issues:**

Issue	Conclusion
Principle of Development	<ul style="list-style-type: none"> • The principle of slurry storage at Southover Farm is acceptable and complies with local and national planning policies. • The application site is in an isolated agricultural location. • A slurry lagoon of less depth received planning permission on the same site in 2019, and the as-built lagoon has been in use since the winter of 2021-22. • Slurry storage is encouraged and incentivised by national policies, such as those by DEFRA. Slurry storage can provide environmental benefits, such as reducing ammonia emissions and nitrate pollution. • Slurry storage provides the applicant the flexibility to better manage slurry across their agricultural holdings.
Impact on the Environment	<ul style="list-style-type: none"> • The development will not result in harm to the environment, or have an adverse impact on Poole Harbour (SSSI, SPA, Ramsar), Oakers Wood (SSSI), or Oakers Bog (SSSI, and a SPA, SAC, Ramsar under the name ‘Dorset Heathlands’). • Without a cover on the lagoon, there is the possibility that ammonia emissions could result in harm to ecological sites, such as Oakers Bog (SSSI) and Dorset Heathlands (SPA, SAC, Ramsar). It is recommended that a planning condition is included to require the use of a cover when the lagoon is in use. This would reduce ammonia emissions and would prevent an adverse effect upon the integrity of these ecological sites. A planning condition requiring a cover is also a requirement of the appropriate assessment conducted by Dorset Council.

	<ul style="list-style-type: none">• The application site is within a Nutrient Vulnerable Zone (NVZ), and there are concerns over the level of nitrates entering the nearby River Piddle, and eventually into Poole Harbour (SSSI, SPA, Ramsar). The spreading of slurry is a significant source of nitrate pollution into watercourses. The rate of permitted slurry spreading is set and regulated by the Environment Agency (EA) and the Department for Environment, Food, Rural Affairs (Defra). The nutrient neutrality of the development is supported by the fact that the same volume of slurry will be imported and spread at Southover Farm as before, with no ‘intensification’. Any further slurry spreading above this level would breach the spreading limit at Southover Farm, which is 83m³ per hectare, as dictated by regulations and enforceable guidance.• Neither the Environment Agency nor Natural England object to the proposal.
--	--

<p>Impact on Amenity</p>	<ul style="list-style-type: none"> • Farm traffic, including slurry tanker movements to fill the lagoon adversely impact on the amenity of local residents, as borne out by the various representations and submissions. However, with appropriate conditions limiting the number and timing of movements, these amenity impacts can be made acceptable. • This proposal will not result in any additional slurry tanker movements; the total number of tanker movements to fill the lagoon would be similar to the number of tanker movements that were needed before the lagoon was built, when slurry was immediately deposited on the fields. The provision of slurry storage will allow existing tanker movements to be spread across a longer period of time, rather than concentrated over a period of a few weeks. This is overall to the benefit of the local community. • As the lagoon is in an isolated location, more than 1km away from the nearest residential building, and as it will be covered, there would be no adverse impact from odour emitting from the lagoon.
<p>Economic Benefits</p>	<ul style="list-style-type: none"> • The provision of slurry storage will support the applicant’s local farming business. It will provide the applicant the flexibility to better manage slurry across their agricultural holdings. It will support a circular-economy model in which slurry is used as natural fertilizer for arable crops, which are in turn are used to feed dairy cows, which in turn produce the slurry to be used as fertilizer.
<p>Access</p>	<ul style="list-style-type: none"> • The slurry lagoon needs to be filled by tractors hauling slurry tankers. At present, the only route passable to such heavy vehicles is from Southover Lane to the north, which passes through the rural villages of Affpuddle and Tolpuddle.

	<ul style="list-style-type: none">• An alternative route (sometimes referred to as “Shakes Hole”) to the south has been suggested by local residents, which would bypass both villages. This route is a public road but would require substantial upgrades and continued maintenance to enable the regular passage of tractors hauling slurry tankers, and it would be unreasonable to require the applicant to enter into a legal agreement to pay for such work, especially as access to the public highway already exists.
--	---

4. Background and the Application

4.1 A slurry lagoon on the same site was previously granted planning permission on 06/06/2019, subject to conditions. (Ref: WD/D/18/001035) Construction was completed in late 2021, although to a larger size, and the lagoon was in use during the winter of 2021-22.

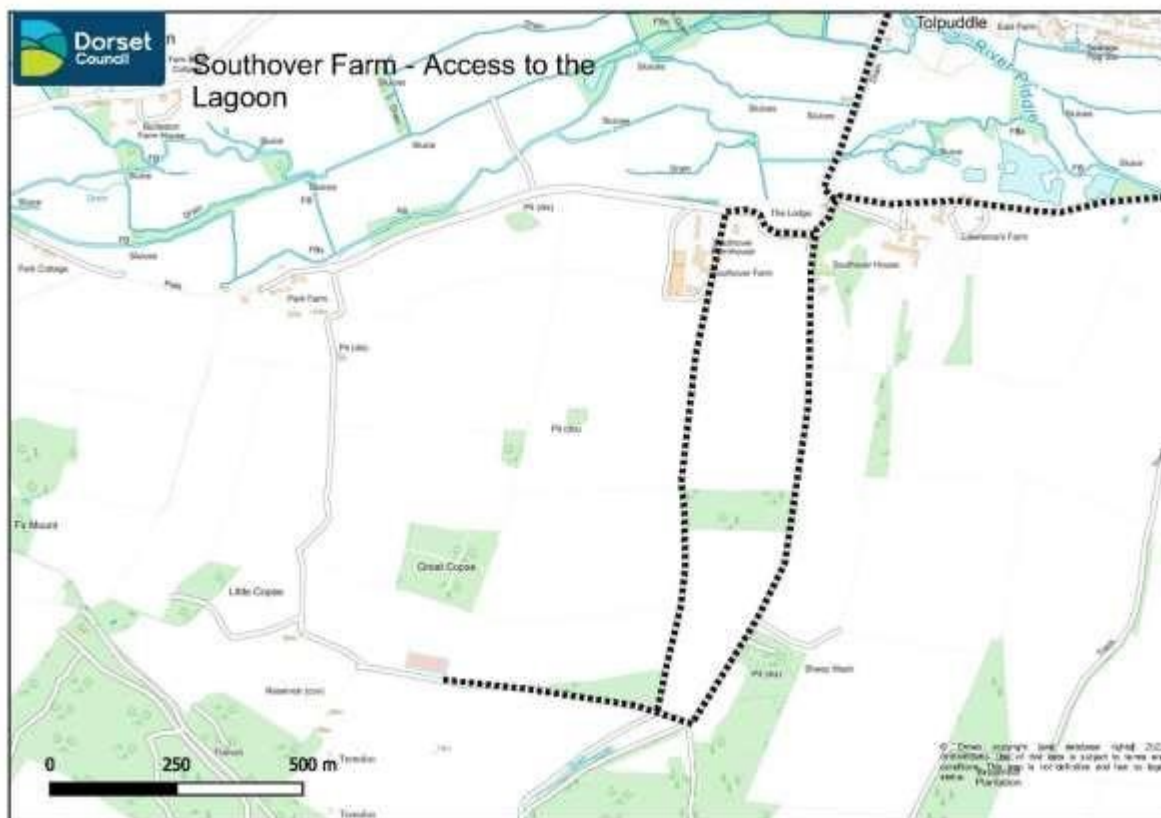
4.2 The slurry lagoon was constructed deeper than approved. The approved slurry lagoon would have been filled to a depth of 3.4m, however the slurry lagoon as constructed fills to a depth of 5.5m. The length and the width of the as-built lagoon also differs from the approved plan, being slightly less wide and slightly longer. These discrepancies were brought to the attention of Dorset Council in May 2022. The earlier grant of planning permission is no longer valid, and the applicant was advised to submit a retrospective planning application for the as-built lagoon.

4.3 In December 2021 and January 2022, it was reported that traffic movements to fill the lagoon exceeded the limits set within conditions 3 and 4 of the original permission, both in higher frequency and longer hours of operation. The applicant has resumed filling the lagoon in December 2022. There continue to be claims that the latest traffic movements exceed these limits, but this is disputed.

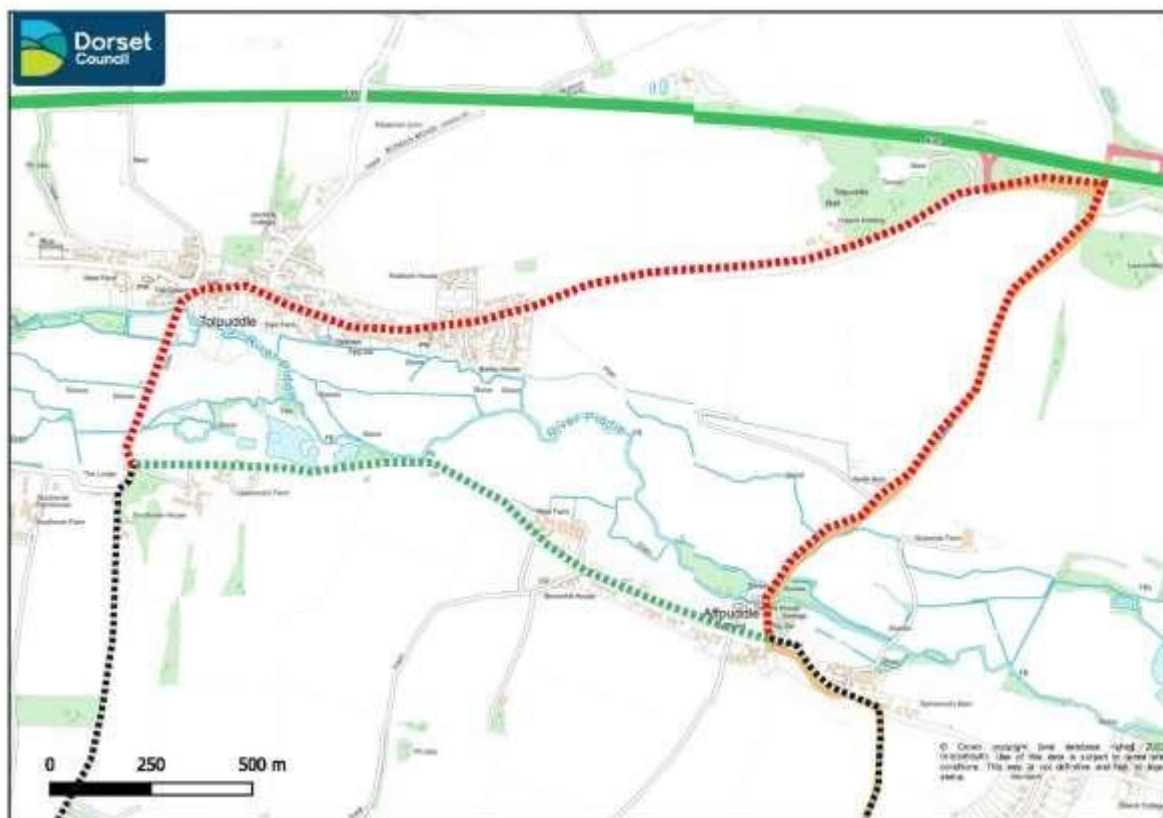
4.4 As part of the original permission, a ‘Slurry Liaison Committee’ was formed and continues to meet regularly. This is comprised of two parish councillors, two residents, and the owner/operator of Southover Farm, Mr Cobb.

5. Site Description

- 5.1 The application site is located within 175 hectares (ha) of farmland known as Southover Farm, which is owned by the applicant. The farm is to the south-west of the rural villages of Affpuddle and Tolpuddle. Both villages are linked by Southover Lane. The A35 is within a kilometre (km) to the north and provides a strategic highway route to the nearest town of Bere Regis (6 km) to the east and Dorchester (14km) to the west.
- 5.2 The slurry lagoon is sited in a hilltop position and is located on the southern edge of a large field used for arable farming. The lagoon is within an open field, but the expanse is broken by a small copse of trees to the east and another to the north. The wider farm is bounded by larger woodland areas and copses, including Southover Woods/Sares Woods to the south and southeast.
- 5.3 The application site is bounded to the south by a mature hedgerow. On the other side of the hedgerow is a farm track which runs from east to west, which is designated as a public footpath (S46/7) and is within land owned by the applicant. Access to the lagoon is along this farm track. The farm track runs east for approximately 350m.
- 5.4 The slurry is taken to the lagoon by tractors hauling slurry tankers. These heavy vehicles must leave and enter Southover Farm via Southover Lane. Southover Lane is approximately 1km north of the slurry lagoon and is accessed through two alternative parallel north-south tracks (See map below; the slurry lagoon is the pink rectangle below the Great Copse). The applicant uses both tracks; the western track is within Southover Farm and in the control of the applicant.



5.5 From Southover Lane, the tractors make their way to the B3390, through either Tolpuddle (north) or Affpuddle (east). There is a long-standing informal one-way system in place in which tractors from Southover Farm leave via Tolpuddle and enter via Affpuddle; however, this informal agreement has not always been followed by the applicant (see map below; tractors enter the farm via the green route and exit via the red route).



5.6 There is an alternative track out of Southover Farm to the south. This route (“Shakes Hole”) enters Sares Woods and exits onto the B3390, and thereby bypassing the villages of Affpuddle and Tolpuddle. However, as explained in more detail later, this track is presently impassable by heavy vehicles, such as tractors. Therefore, all slurry tanker movements must at present access the farm from Southover Lane in the north and must pass through either Affpuddle or Tolpuddle.

5.7 Slurry is imported from Newburgh Dairy Farm, 9km to the south. The applicant owns and operates both Newburgh Dairy Farm and Southover Farm, as well as other farms in the area.

5.8 The application site is in an isolated rural location. It is not visible from the public highway and the nearest residential properties are located approximately 1.2km away, on Southover Lane.

6. Description of Development

- 6.1 The applicant seeks retrospective planning permission for a lagoon to store animal waste from cows (slurry). The lagoon has been built and is in use.
- 6.2 The applicant imports slurry from their main dairy farm in Winfrith Newburgh, which is approximately 9km south of the application site. The slurry is eventually spread onto arable fields, and acts as a natural fertilizer.
- 6.3 A slurry lagoon on the same site was previously granted planning permission on 06/06/2019, subject to conditions. (Ref: WD/D/18/001035). The main difference in design between the then proposed lagoon and the current as-built lagoon is that the as-built lagoon is significantly deeper, slightly longer, and slightly less wide.
- 6.4 The as-built lagoon is surrounded by a two-metre-high chain-link fence, with wooden stakes and strands of barbed wire on top. This fenced area is 2848m²; the length of the fenced area is 89m and the width is 32m. In contrast, the length of the fenced area of the approved lagoon was to be 61m and the width 37m.
- 6.5 The as-built lagoon itself (as opposed to the fence around it) is 83m long and 28m wide. The depth of the lagoon, from the maximum height of the banks to the floor of the lagoon, is 6.5m. The maximum depth at which the lagoon can be filled is 5.5m from the floor, due to the required 750mm freeboard. Whereas the banks of the lagoon are above the ground on its eastern end, they are level with the ground on its western end.
- 6.6 The volume of the as-built lagoon is 7687m³, but the maximum possible slurry capacity is 7300m³ due to the 750mm freeboard required by Environment Agency regulations. The 7300m³ capacity is more than three times the maximum slurry capacity on the previously approved lagoon, which was only 2200m³.

6.7 The large difference in volume between the approved lagoon and the as-built lagoon is primarily due to the greater depth of the latter. Whereas the approved lagoon was to be filled to a depth of 3.4m, the as-built lagoon is filled to 5.5m.¹

7. Constraints

7.1 Oakers Wood and Oakers Bog Site of Special Scientific Interest (SSSI) are located approximately 2.4km to the east of the application site. This latter site forms part of the European Sites: Dorset Heaths Special Area of Conservation (SAC), Dorset Heathlands Special Protection Area (SPA) and Ramsar, which are protected by the Conservation of Species and Habitats Regulations 2017. The proposed development is therefore required to be screened for potential likely significant impacts on the integrity of the European Sites.

7.2 There are Conservation Areas within the nearby villages of Affpuddle and Tolpuddle respectively. Both villages have historic listed buildings, and several of these are located along Southover Lane, where the tractors pass to fill the lagoon. Several of these listed cottages have no front porch or pavement in front of them and are not set-back from Southover Lane.

8. Relevant Policies

8.1 Applications for planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise. The term 'other material considerations' is broad in scope, encompassing all matters outside the development plan that should be considered in making a planning decision. Whether a consideration is material in any given case depends on the circumstances and should be relevant to planning and to the making of the planning decision in question. National policies, such as those contained within the NPPF, are material considerations in planning decisions.

¹ . The depth of the approved lagoon, from the maximum height of the banks to the floor of the lagoon, would have been 4.75m, and the maximum depth at which the lagoon could have been filled would have been 3.4m. The Case Officer at the time opted not to include the 2.6m bund heights, and therefore used a 2.2m depth figure.

8.2 The development plan includes:

- I. West Dorset, Weymouth, & Portland Local Plan (2015), adopted by West Dorset District Council and Weymouth & Portland Borough Council in October 2015. Policies of potential relevance to this application include:
 - Policy INT1: Presumption in Favour of Sustainable Development.
 - Policy ENV2: Wildlife and Habitats
 - Policy ENV9: Pollution and Contaminated land
 - Policy ENV16: Amenity
 - Policy COM7: Creating a Safe and Efficient Transport Network

- II. Bournemouth, Christchurch, Poole and Dorset Waste Plan, adopted by BCP Council and Dorset Council in December 2019. Policies of potential relevance to this application include:
 - Policy 18: Biodiversity and geological interest.
 - Policy 16: Natural Resources
 - Policy 13: Amenity and quality of life.
 - Policy 12: Transport and Access.
 - Policy 5: Facilities to enable the recycling of waste
 - Policy 4: Applications for waste management facilities not allocated in the Waste Plan.
 - Policy 1: Sustainable Waste Management.

8.3 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. National policies of potential relevance to this application include:

- Section 2. Achieving Sustainable Development: Para 11 – “Plans and Decisions should apply a presumption in favour of sustainable development.”
- Section 4. Decision taking: Para 38 – “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work

proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

- Section 4. Decision taking: Para 56 - “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.”
- Section 6. Building a strong, competitive economy: Para 84(b) – “Planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.”
- Section 9. Promoting sustainable transport: Para 111 – “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- Section 15. Conserving and enhancing the natural environment: Para 180(b) – “development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted.”

8.4 The National Planning Policy for Waste is a material consideration. There is one policy of relevance to this application:

- Appendix B: Para D – “Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.”

8.5 In addition to the above adopted development plans, there is also an emerging development plan: the Dorset Council Local Plan, which is not expected to be adopted until 2026. The Dorset Council Local Plan will supersede the West Dorset,

Weymouth, & Portland Local Plan when it is eventually adopted. Although it is a material consideration, little weight should be given as it has not passed examination or been adopted.

9. **Human Rights**

9.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies and material planning considerations, the application of which does not prejudice the Human Rights of the applicant or any third party.

10. **Public Sector Equalities Duty**

10.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

10.2 In considering the merits of this planning application the officers have taken into consideration the requirements of the Public Sector Equalities Duty. We do not consider that there will be any material impact on anyone with protected characteristics.

11. **Consultation**

11.1 The application was advertised in the local press and several notices were displayed by the case officer, including one along Southover Lane.

11.2 All consultee responses, and representations, can be viewed in full on the website.

Representations

11.3 18 individual representations were received from the local community. All were objections. The objections to the proposed development can be summarised as follows:

- The retrospective nature of the application, and the applicant's previous breaches of conditions. Repeated references were made to the lagoon's size being 3x greater than originally approved.
- A breakdown of trust between residents and the applicant, a general distrust of the applicant's intentions, and a fear that conditions will not be complied with, or properly enforced.
- A view that the applicant is unilaterally abandoning the carefully brokered compromise agreement from the original application.
- The alleged damage that tractors associated with Southover Farm have done to property along Southover Lane, including listed cottages.
- That tractors drive at dangerous speeds through Affpuddle and Tolpuddle.
- That tractors are not abiding by the informal one-way system.
- Potential clashes between tractors and two early-morning school buses.
- Concerns for the safety of road users, pedestrians, animals and cyclists.
- The carbon footprint of traffic movements.
- Mud from the tractors will enter the drains, clog them, and cause flooding.
- Cumulative impact of other unregulated traffic associated with Southover Farm, such as the harvest.
- An overall loss of amenity from the traffic movements associated with the slurry lagoon.
- The special status of Affpuddle and Tolpuddle as Conservation Areas, and the negative impact traffic will have on these protected areas.
- The potential for nitrates pollution to enter into the River Piddle due to the use of large quantities of slurry as fertilizer.
- Allowing this application sets a negative precedent, in allowing developers to ignore the approved details of planning permissions.

- 11.4 In addition to the 18 individual representations by local residents, a further joint representation was received from Stags Planning on behalf of residents of Affpuddle, Southover, and Tolpuddle. This representation critiques the applicant's calculations and suggested conditions, and the objections are similar to those received from Puddletown Area, and Affpuddle and Turnerspuddle, Parish Councils.

Puddletown Area Parish Council

Objection

- 11.5 Puddletown Area Parish Council submitted, as part of their objection, a statement prepared by several 'resident members' of the 'Slurry Liaison Committee' (SLC): Councillor Peter Walton, Councillor Lizzie Guinn, Philip Martin, and Sally Slocock. (Resident members are the appointed representatives of the two Parish Councils on the SLC). This statement was received on 11/10/22, and, in response to additional information provided by the applicant, a further statement from the same resident members of the Slurry Liaison Committee was received on 01/11/22.
- 11.6 The Parish notes that *"there is extreme local concern about the possible excessive application of nitrogen on land which is not only in an NVZ but also now part of the Poole Harbour Catchment area plan to achieve nitrogen neutrality."* The Parish opposes the suggestion that larger tankers could be used (22m³, rather than 16m³), due to concern over the potential increased width of the larger tankers. They oppose amending the hours of movements, due to concern over potential clashes with school buses.
- 11.7 The Parish opposes the applicant's plan to concentrate movements between November and March. It claims that this reneges on previous commitments; they argue that:

"The 'deal', offered by the Applicant's agent in his original covering letter, was that the building of the lagoon would enable tanker trips to be spread across the year, avoiding an acknowledged nuisance and harm to the communities affected . . . It is crucial that the essential basis of the previous "deal" - involving no more than 5 trips per day, between certain hours,

throughout the year, using a one-way system and with traffic speeds carefully controlled – is retained.”

11.8 The Parish Council also emphasises the applicant’s breaches of the existing planning permission and its conditions.

11.9 The Parish concludes that *“farm traffic on the industrial scale now proposed will seriously damage that quality of life and very probably the infrastructure itself . . . for those living along the route through Affpuddle and Southover, the nuisance though incessant noise, vibration and dust would be simply unacceptable.”*

11.10 In the resident members of the SLC’s further statement of 01/11/22, they propose the following alternative conditions:

- No more than 2 outward deliveries per day (4 two-way movements) Monday to Friday and excluding Bank Holidays
- Operating times of 9am – 3pm each day (to avoid the busiest traffic movements on Southover Lane, through Tolpuddle, and on the B3390)
- Speed limits of 15mph
- Continued use of the one-way system
- Use of slurry tankers with a maximum capacity of 17 cubic metres

Affpuddle and Turnerspuddle Parish Council

Objection

11.11 Affpuddle and Turnerspuddle Parish Council submitted their objection on 17/11/22. The Parish shares many of the objections made from Puddletown Area Parish Council and by residents in their representations. The Parish lists their main objections as:

- Traffic: *“The small country lanes cannot sustain the proposed intensification of operation included in the plan for a significant increase in traffic movements.”*
- Highway safety concerns: *“Between Affpuddle and Southover Farm the narrow lane has no passing places which makes it difficult for even two small*

cars to pass each other. Vehicles of the size and frequency proposed would render the lane dangerous for other road users, including horse riders, cyclists and walkers. There are no pavements, and the large hedges on either side of the lane mean there is no escape from the large vehicles in transit.”

- *Amenity: “amenity impacts from the proposed vehicular movements will be severe, rendering the route through the hamlet of Affpuddle and the small country lane from Affpuddle to Southover Farm a no-go area.”*
- *Structural damage: “Cottages (many of which are listed buildings) were built on the edge of the country lane, which is now used as a route for large heavy goods vehicles to haul the slurry through the hamlet. The proposed intensification of transportation (vehicle size and number of movements) is likely to have a detrimental effect on the structure of these homes due to the vibration created by vehicular movements.”*

11.12 The Parish has concerns about the environmental impact of the development. They state that:

“The Parish Council believe that the environmental issues require more scrutiny in order to determine whether safety levels are being compromised by the release of gases into the atmosphere and the potential runoff of nitrates and phosphates into the waterways of the Piddle Valley.”

11.13 The Parish opposes any changes to the conditions imposed on the previous permission. They state their view that:

“The Parish Council cannot see any justification for the requested changes to the conditions set down in the original planning consent, which represented a compromise between the previously intrusive nature of the slurry transport on this narrow lane in a Conservation area and the needs of the business. The conditions, therefore, should remain as is . . .”

11.14 The Parish argue that an alternative route is possible through Sares Woods to the south, or what they term the “Shakes Hole alternative route.” Although conceding

that the track was not suitable for heavy vehicles at the time of the previous permission in 2019, the Parish argue that *“the vegetation has been cleared back and the road surface has been substantially improved. So much so that normal saloon cars use it to access the Southover Woods campsite, Max Events, and the Forest School.”* They ask that this route *“be given serious consideration as it would remove most of the objections and potential problems.”*

11.15 The Parish expresses their *“grave concern that the increase in the size of the slurry lagoon is proposed for the purpose of creating a distribution hub for the sale or use of slurry for other sites.”*

11.16 The Parish Council have made the following requests of Dorset Council:

- *“The Parish Council requests that an independent report is commissioned by Dorset Council to consider how much slurry is needed to apply to the arable land making up Southover . . .” This request for an ‘independent report’ is understood to be in addition to this Officer Report.*
- *“A further assessment of environmental concerns must be obtained.”*
- *“Consideration to be given to the alternative remedy concerning the routing of vehicles.”*

11.17 On 27/03/23, a further letter was received from Affpuddle and Turnerspuddle Parish Council. This letter expresses concern over the *“apparent lack of transparency resulting in the withdrawal of Natural England’s objection to this application,”* and request that all relevant documents be published. The Parish further expresses their concern over the *“overuse of slurry and other nutrients on land that is so close to the River Piddle,”* and question the need for a slurry lagoon of 7000m³ when the agent had stated in the original application that 2200m³ was the ‘perfect amount.’

11.18 In the same letter, the Parish detail recent traffic movements associated with Southover Farm, and reiterate the negative impact these have on local amenity:

Experience over the last four months – lagoon filling started at the end of November – with 5 loads a day spaced out between 9am and 4pm – has demonstrated that this puts Southover Lane virtually out of bounds for residents wanting to walk, cycle, ride or just stand chatting to neighbours

during weekdays. To grant this would be to disregard the amenity of three settlements in favour of one farmer, when the originally offered compromise would make life immeasurably more agreeable for the communities affected.

In addition to the effect of the significant number of slurry movements detailed above there have been additional imports of farmyard manure and sand bedding that have already been transported to Southover through Affpuddle this winter. This has brought additional amenity loss and has also heightened concern over the quantity of imported materials being delivered to site.

11.19 On 01/06/23, a further third letter was received from Affpuddle and Turnerspudde Parish Council. This letter expresses concern that “that the balance between the needs of the applicants and the negative impacts on local residents has moved too far in favour of the applicant.” The letter expresses particular concern about Condition 3 (number of movements) and Condition 7 (slurry liaison committee), which are proposed to be imposed on this permission.

11.20 On Condition 3, the Parish reiterate their wish to see a reduction in the maximum daily traffic movements down to two, from five, and argue that the Slurry Liaison Committee should be the one to agree changes to the number of daily movements in exceptional circumstances.

11.21 On Condition 7, the Parish oppose the proposed changes to the terms of reference of the Slurry Liaison Committee. They explain that:

“There is also every reason for the SLLC to continue meeting face to face twice a year for the community to better understand the challenges of the applicant and for the applicant to better understand the impacts of traffic movements on local residents.”

Environment Agency (EA)

No Objection

- 11.22 “The lagoon will need to comply with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. This requirement has not changed, and the amended design does not materially change the constraints involved. We therefore expect these requirements to have been followed for as built lagoon, and we have no objection to the proposal.”

DC Environmental Health

- 11.23 No Objection

DC’s Natural Environment Team (NET)

- 11.24 The NET recommends that a cover is necessary if the condition on vehicle movements on the previous permission is to be maintained:

“NET note that planning consent to create a slurry lagoon (application ref. WD/D/18/001035) was granted in 2018. Following an air quality assessment NET and Natural England concluded that provided a cover was used in relation to the lagoon, no adverse effects on the European sites was likely. In relation to this application, NET continue to recommend that a cover will be needed to reduce emissions and therefore impacts on the European sites, if the condition on vehicle movements for the previous permission (WD/D/18/001035) will be maintained for this application, if granted.”

DC Highways

No Objection

- 11.25 An initial response was received from DC Highways on 12/10/22, which stated:

“The alterations sought do not change the opinion provided by the Highway Authority on the original application WD/D/18/001035 . . . As before the Highway

Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION.”

11.26 In response to a request for further comment from the case officer, DC Highways provided a more detailed response:

“Farm traffic has the same rights as any other member of the public to use the public highway, they also like any other member of the public must adhere to the law, driving with due care and attention. Under planning law, you cannot refuse an application for a reason that is enforced by other legislation e.g. the Highways Act and the Road Traffic Act. Inappropriate or unsafe operation of a motor vehicle is prosecutable under the Road Traffic Act.”

“The objectors indicate that “very frequent” traffic movement will occur, whereas the submitted information indicates a maximum of 10 two-way trips per day. Whilst it is understood that is double what was originally approved it equates very roughly to 2 two-way trips per hour during the working day (0830 – 1500 as conditioned). Under the terms of paragraph 111 of the NPPF it is the Highway Authority’s opinion that the proposed trip rate (2 two-way trips per hour) could not be considered to have a severe or unacceptable impact on the safety of the public highway.”

DC’s Landscape Officer

No Objection

11.27 “I do not object to the principle of this development on landscape grounds. Its impacts will be similar to the scheme that was granted permission in the 2018 application . . . However, the previous proposals included a scheme for landscaping . . . suitable landscaping details should also be provided and successfully implemented as part of these proposals. They should be amended in relation to the previous 2018 landscaping scheme to account for the change in location of the slurry pit.”

11.28 A landscaping scheme, as referred to above, was approved by the Landscape Officer, and a condition included requiring implementation.

Natural England

No Objection.

11.29 Natural England requested more time to respond to the application on 19/10/22. Natural England issued a holding objection on 19/12/22, requesting more information on nutrient neutrality and a commentary on the submitted SCAIL air quality assessment. The requested information was submitted by the applicant on 19/01/23.

11.30 In light of the further information supplied by the applicant, Natural England withdrew their objection, stating “Natural England hold no further objection to this proposal.”

12. Planning Assessment

12.1 Having regard to the provisions of the development plan, and the information submitted in support of the application and representations received, the main issues raised by this application are:

- Whether the development is acceptable in principle.
- Whether the development has implications for the environment, such as impacts on ecology and on the River Piddle.
- Whether the development has an impact on highway traffic and safety.
- Whether the development has an impact on local amenity.

Principle of Development

12.2 This planning application is for a slurry lagoon to store imported slurry at Southover Farm. The slurry will then be used as natural fertiliser on arable fields. The question of acceptability in principle relates to the storage of imported slurry in a slurry lagoon, prior to it being spread.

- 12.3 When considering the acceptability of the principle of the development, it is relevant to note that planning permission was previously granted for a slurry lagoon at this location in 2019 (Ref: WD/D/18/001035). Construction of the as-built lagoon was completed in late 2021, and the lagoon was in use for the first time during the winter of 2021/22. The filling of the lagoon has resumed in December 2022.
- 12.4 Southover Farm has an arable area of 130ha used to grow maize. The applicant intends to spread an annual total of 10,209m³ of slurry, and estimates that Southover Farm produces 3000m³ of slurry itself. This leaves an estimated shortfall of 7,209m³ of slurry, which is imported from another farm in the control of the applicant; namely Newburgh Dairy Farm, located approximately 5.5 miles to the south.
- 12.5 As explained in greater detail below, the Environment Agency regulations for Nitrate Vulnerable Zones (NVZ) limit the amount of slurry that can be spread at Southover Farm, which the applicant states is an upper limit of 10,814m³.
- 12.6 Newburgh Dairy Farm produces a very significant amount of slurry each year from the manure of its hundreds of dairy cows. Newburgh farm has been in operation for less than a decade; it was granted planning permission in January 2013 (Ref: 6/2012/0545). Importation of slurry from Newburgh Farm to Southover Farm began shortly after. The maize produced at Southover Farm is exported, and then used as feedstock for the applicant's dairy herds, in a circular-economy model.
- 12.7 Slurry was imported into Southover Farm for several years before the lagoon was in use; the slurry was immediately deposited onto the field rather than stored. It is anticipated that without a lagoon, the applicant would resume their earlier practice of spreading slurry directly onto the fields, and therefore the same volume of slurry would be imported into Southover Farm to be spread.
- 12.8 As the case officer said in the Officer Report on the original application (Ref: WD/D/18/001035):

“The provision of slurry storage capacity at Southover Farm would reduce the overall impact of this permitted agricultural activity. Instead of hundreds of

tractor and trailer loads travelling through local villages over a concentrated period of weeks, these movements would be spread throughout the year. This significant reduction in intensity is considered a more sustainable approach that would balance the business needs of the applicant but also ensure that permitted slurry importation is more sensitive to its impact on the surrounding area.”

This argument continues to be sound, and there is no significant difference between the original application and the present application which would undermine or alter the above conclusion.

- 12.9 The addition of a slurry lagoon would ensure the availability of enough slurry for fertilising the land at the optimum time and provide the applicant with greater flexibility and certainty to manage slurry across their portfolio of local agricultural holdings.
- 12.10 The use of slurry lagoons is encouraged by the Department for Environment, Food, & Rural Affairs (DEFRA), which has set up a grant to incentivise farmers to build greater slurry capacity.² DEFRA has three objectives in promoting slurry capacity: ensuring that “nutrients from slurry aren’t lost,”; that “any damage to our environment is reduced,”; and that “farmers aren’t dependent on expensive artificial fertilisers.” DEFRA state that, “Enlarging and covering slurry stores will help reduce the 60% of nitrate pollution, 25% of phosphate pollution and 87% of ammonia emissions that come from agriculture.”³ Therefore, it is likely that this development will result in notable environmental benefits.
- 12.11 More generally, the storing of slurry is regulated by DEFRA and the Environment Agency, which has issued guidance entitled “Storing Silage, Slurry, and Agricultural Fuel Oil.”⁴ Farmers are expected to have a minimum of 4 months slurry storage but are encouraged to go beyond these minimum requirements.

²[Farming Investment Fund – new slurry infrastructure grants coming in autumn 2022 - Future Farming \(blog.gov.uk\)](#). Accessed: November 2022

³ [Farmers given support to tackle water and air pollution from slurry - GOV.UK \(www.gov.uk\)](#) Accessed: November 2022

⁴ [Storing silage, slurry and agricultural fuel oil - GOV.UK \(www.gov.uk\)](#) Accessed: November 2022

- 12.12 The principle of the development is supported by several local planning policies. Policy 1: Sustainable Waste Management, of the Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019), supports the circular-economy benefits of the slurry lagoon: it calls for the Waste Planning Authority (WPA) to “work proactively with applicants to promote the circular economy and find solutions which mean that proposals can be approved where appropriate to secure development that improves the economic, social, and environmental conditions in the area.”
- 12.13 Due to the environmental and economic benefits of the development, the development complies with Policy INT1: Presumption in Favour of Sustainable Development, of the West Dorset, Weymouth, & Portland Local Plan (2015), which states that “there will be a presumption in favour of sustainable development that will improve the economic, social, and environmental conditions in the area.”
- 12.14 The development also finds support from Section 6: Building a strong, competitive economy, of the NPPF, which states that “Planning policies and decisions should enable the development and diversification of agricultural and other land-based businesses.” It also finds support from the wider presumption in favour of sustainable development in Section 2, Paragraph 11.
- 12.15 Given the above, and the convincing need for slurry storage at Southover Farm, the principle of a slurry lagoon on the site is acceptable and complies with local and national planning policies.
- 12.16 In order to ensure that the slurry lagoon is not used as a base for exporting slurry, and that the slurry imported to the lagoon is used for its stated purpose as natural fertilizer for the arable fields of Southover Farm, a condition which limits the re-export of slurry from the lagoon is proposed.

Environmental Issues

- 12.17 The application site is within 2.4km of two Sites of Special Scientific Interest (SSSI); Oakers Wood and Oakers Bog. Oakers Bog forms part of the European Sites: Dorset Heaths Special Area of Conservation (SAC), Dorset Heathlands Special Protection

Area (SPA) and Ramsar site, which are protected by the Conservation of Species and Habitats Regulations 2017.

- 12.18 An Appropriate Assessment was undertaken by Dorset Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 to the purpose of conserving biodiversity.
- 12.19 The Appropriate Assessment concluded that in light of the mitigation provided, namely a cover of light clay aggregate balls which would significantly reduce emissions from the lagoon, there will be no adverse effect on the integrity of the designated sites.
- 12.20 There are several national planning policies which require the protection of SSSIs, SACs, SPAs, and Ramsar sites. Section 15, paragraph 180(b) of the NPPF states that “development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted.” Similarly, the National Planning Policy for Waste notes in Appendix B: paragraph D that material considerations “will include any adverse effect on a site of international importance for nature conservation (SPA, SAC, and Ramsar), a site with a nationally recognised designation (SSSI). . .” etc.
- 12.21 There are also several local planning policies which place similar protections, including Policy ENV2: Wildlife and Habitats, of the Local Plan (2015) and Policy 18: Biodiversity and Geological Interest, of the Waste Plan (2019). The latter states that “proposals for waste management facilities must not adversely affect the integrity of European or Ramsar or other internationally designated sites. . .” and that proposals “will only be permitted where adverse impacts on biodiversity will be” avoided, adequately mitigated; or compensated for.

Air Quality and Ecology

- 12.22 As part of the original grant of planning permission for the slurry lagoon, Condition 8 required the lagoon to be covered:

“The slurry lagoon shall be covered in ‘light expanded clay aggregate balls’ within three months from the date of this permission unless otherwise agreed in writing by the Waste Planning Authority.”

12.23 This condition was imposed due to the risk of ammonia emissions and nitrogen deposition from an uncovered slurry lagoon adversely impacting the Site of Special Scientific Interest (SSSI) at Oakers Wood, located 2.4km away. This conclusion was reached using SCAIL (Simple Calculation of Atmospheric Limits) modelling. Natural England explained in July 2018 that:

“The proposed slurry lagoon emissions exceed the 4% Process Contribution (PC) threshold for Nitrogen deposition levels for Oakers Wood SSSI. These thresholds are based on national guidance agreed with the Environment Agency. While SCAIL models a worst-case scenario, without a full emissions appraisal we cannot be certain that this proposal will not have an adverse impact on the integrity of Oakers Wood SSSI, protected under the Wildlife and Countryside Act 1981 . . . therefore we advise that the applicant consider progressing with an altered design, which includes either a crust or a cover.”

12.24 The current application is supported by a new ‘SCAIL’ air quality assessment, commissioned by the applicant. This assessment concludes that emissions from the lagoon will not pose a risk to either Oakers Bog and Oakers Wood SSSI, or Dorset Heathlands SPA and Ramsar, provided that the lagoon is only filled for 180 days a year and that a natural crust forms. Nevertheless, the applicant has agreed that there is the need for a cover if the lagoon were filled year-round, rather than merely 180 days.

12.25 Dorset Council’s Environmental Assessment Officer conducted an Appropriate Assessment in May 2023, which stated in part that:

“The applicant has submitted an air quality assessment using the ‘SCAIL’ (Simple Calculation of Atmospheric Limits) agricultural model, which assess the potential deposition of ammonia and nitrates from the proposed slurry lagoon.

The outputs of the SCAIL model indicate that there will be exceedances for ammonia, nitrogen and acid deposition. As a result, mitigation is required in order to prevent an adverse effect upon the integrity of the Dorset Heathlands European site.

The applicant will be required to use a cover, consisting of clay aggregate pellets, to greatly reduce emissions to air. This mitigation will be secured through a planning condition.

Natural England have reviewed the air quality assessment and have commented that they have no objection to the proposal.”

12.26 Therefore, a condition requiring the use of a cover is a specific requirement of the Appropriate Assessment. Without a cover, there is the possibility of harm to the integrity of the Dorset Heathlands European site. Natural England reviewed the Appropriate Assessment and have concurred in its conclusions.

12.27 Dorset Council’s Natural Environment Team (NET) reaffirmed their earlier advice that a cover is required for the current application, in their consultation response of 20/12/22, stating that:

“In relation to this application, NET continue to recommend that a cover will be needed to reduce emissions and therefore impacts on the European sites, if the condition on vehicle movements for the previous permission (WD/D/18/001035) will be maintained for this application, if granted.”

12.28 Overall, therefore, a condition requiring a cover on the lagoon while in use remains justified and necessary. This would reduce ammonia emissions and thereby prevent an adverse effect upon the integrity of nearby ecological sites, including the Dorset Heathlands SPA and Ramsar, and thereby comply with local and national policies. The applicant has accepted a condition to that effect.

Pollution of the River Piddle

- 12.29 There were several concerns raised in received representations about the potential impact of the spreading of large volumes of slurry at Southover Farm on the nearby River Piddle, specifically the volume of nitrates entering the river.
- 12.30 There are local planning policies which protect water resources; Policy 16: Natural Resources of the Waste Plan (2019) and Policy ENV9: Pollution and Contaminated Land of the Local Plan (2015). The former states that: “Proposals for waste management facilities will be permitted where . . . it can be demonstrated that the quality and quantity of water resources (including ground surface, transitional and coastal waters) would not be adversely impacted and/or would be adequately mitigated.”
- 12.31 As a result of recent guidance issued to Dorset Council on 16th March 2022 by Natural England, several types of developments in vulnerable catchment areas are required to demonstrate nutrient neutrality, and this includes applications for expanded slurry storage. Nutrient neutrality means that developments within catchment areas of vulnerable watercourses do not result in an increase in phosphate and nitrate levels in those watercourses beyond current levels.
- 12.32 The wider area around Southover Farm is part of the Poole Harbour Catchment Area, and the River Piddle and River Frome flow into Poole Harbour, which is designated as a SSSI, SPA, and Ramsar site. The increase in nitrates in Poole Harbour could have an adverse ecological impact, by encouraging the growth of algal mats, and restricting the growth of other species. Therefore, any increase in nitrates entering the River Piddle, and by extension, Poole Harbour, is of concern.
- 12.33 Southover Farm is within a Nitrate Vulnerable Zone (NVZ), and efforts have been made to reduce the level of nitrate pollution in the area. Agricultural activities are the origin of the majority of nitrate pollution in the area. The applicant is a member of the Poole Harbour Nutrient Management Scheme.
- 12.34 The use of nitrogen fertilisers, including slurry, for agricultural activity is controlled by the Environment Agency and the Department for Environment, Food, and Rural

Affairs (Defra), which set limits on the amount of fertiliser, including manure, that can be spread within NVZs.

- 12.35 The rate of permitted slurry spreading is dependent on how diluted or concentrated the slurry is. At 3% nitrogen, the maximum rate of slurry spreading is 83 cu/m/ha. Slurry is regularly tested to ascertain the percentage of nitrogen present, and according to the applicants last analysis, the percentage of nitrogen present was 2.3%. Nonetheless, the applicant assumes 3% nitrogen, and therefore a limit of 83 cu/m/ha, as the nitrogen concentration percentage fluctuates throughout the year.
- 12.36 The arable area of Southover Farm is 130.3ha. Using the 83 cu/m/ha maximum spreading rate, then an annual total of 10,814m³ of slurry can be spread at Southover Farm. The applicant intends to spread slightly less (10,200m³ of slurry), which would equate to a spreading rate of 78 cu/m/ha. This rate of spreading is within the limits set by the Environment Agency for NVZs.
- 12.37 This development can be considered to have demonstrated nutrient neutrality as the amount of slurry that will be imported and spread at Southover Farm will remain at the same level as before the slurry lagoon was in use. Without the slurry storage, the applicant would simply apply the same volume of slurry onto the fields at the appropriate time, as they did in earlier years. If the applicant were to spread substantially more slurry than proposed here, they would breach the limits set by the Environment Agency.
- 12.38 It should be noted that, as paragraph 188 of the NPPF states, planning decisions should assume that separate control regimes will operate effectively. The control and regulation of slurry spreading is governed by national regulations, including The Nitrate Pollution Prevention Regulations 2015, and The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018.⁵ Farmers in NVZs are required to follow enforceable Guidance, titled “Using nitrogen fertilisers in nitrate

⁵ [The Nitrate Pollution Prevention Regulations 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2015/1004/contents/part/1) - Accessed: June 2023
[The Reduction and Prevention of Agricultural Diffuse Pollution \(England\) Regulations 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2018/1004/contents/part/1) - Accessed: June 2023

vulnerable zones,” dated 15 August 2022, issued jointly by the Environment Agency and Defra.⁶

12.39 In conclusion, there would be no adverse impact from the proposal on water quality, and the development complies with local planning policies in this regard.

Amenity Impacts

Quality of Life

12.40 Policy 13: ‘Amenity and Quality of Life’ of the Waste Plan (2019) requires that potential adverse impacts on amenity arising from waste management facilities must be “satisfactorily avoided, or mitigated to an acceptable level, having regard to sensitive receptors.” In this case, the relevant criteria are: a) noise and vibration; c) odour; h) visual impact and i) site related traffic impacts.

12.41 In addition, Policy ENV16 of the Local Plan (2015) is relevant. It states, in part, that, “Development proposals will only be permitted provided they do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties.”

12.42 It is clear from the submissions of the Parish Councils and of individual residents, that they consider their amenity to be adversely impacted from the regular passage of tractors associated with Southover Farm, as well as specifically tractors hauling slurry tankers. Residents complain of the noise and vibration of the vehicles, the danger they pose to pedestrians, cyclists, and other road-users, the damage they allegedly cause to properties, and the harm to the character of Conservation Areas in Tolpuddle and Affpuddle. The impact of the passage of tractors is amplified by how close many properties are to the road; along Southover Lane, for example, several cottages have no front porch or pavement in front of them and are not set back from the road, and their foundations are potentially vulnerable to the vibrations caused by tractors travelling at speed.

⁶ [Using nitrogen fertilisers in nitrate vulnerable zones - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108442/Using_nitrogen_fertilisers_in_nitrate_vulnerable_zones.pdf) - Accessed: June 2023

12.43 However, it should be recognised that both Affpuddle and Tolpuddle are rural villages, and farm traffic, such as tractors, is to be expected in such a rural location. Indeed, the anticipated maximum of five daily one-way tanker movements is not an excessively high figure, and it is anticipated that such movements would only take place over approximately ninety working days of the year.

12.44 It is worth noting that most of the complaints over vehicle movements at Southover Farm pre-date the proposal for a slurry lagoon, and begin around 2015. As Puddletown Area Parish Council explain in their response,

“After Cobbs intensive dairy at Winfrith was given permission by Purbeck District Council, there was a dramatic increase in large agricultural vehicles travelling at speed to and from Southover Farm through the narrow lanes of Affpuddle, harvesting maize and transporting slurry.”

Most of these agricultural movements are, at present, unregulated. This application provides an opportunity for the regulation of slurry tanker movements associated with Southover Farm, with due consideration for the interests and amenity of local residents.

12.45 It is considered that the development will not have a material adverse effect on local amenity, subject to reasonable limitations upon the number and time of vehicle movements. Two planning conditions are therefore proposed. One limits the number of vehicles importing slurry to 10 movements a day (5 in and 5 out). The other condition limits the hours in which slurry can be imported to between the hours of 9:00 and 16:00, Monday to Friday, and excludes weekends and public holidays. This latter condition minimises the potential for conflict with local school buses.

12.46 The applicant had initially proposed 20 movements a day (10 in and 10 out), as well as an earlier 8:30 start time. However, following negotiations with the Case Officer, the applicant has accepted the above conditions.

12.47 The applicant owns and uses 16m³ slurry tankers, although there is the possibility of acquiring 22m³ tankers in the future. Assuming all tankers are full (16m³), and the

maximum number of permitted daily trips is completed (5 trips a day), then it would take 90 working days to fill the lagoon. This therefore allows ample time over the rest of the working days of the year to make-up for inevitable missed trips.

12.48 It is not anticipated that the development would result in any increase in the number of tractors hauling slurry tankers passing through Affpuddle and Tolpuddle. This is for two reasons:

- First, the condition of 10 movements per day (5 in and 5 out) will be the same as the condition imposed on the previous approved slurry lagoon, and therefore the maximum number of daily slurry tankers remains the same as agreed then.
- Second, the annual volume of slurry imported to Southover Farm, and therefore the total number of slurry tankers passing through Affpuddle and Tolpuddle, will remain the same as before the lagoon was in use. Whether there is slurry storage on the farm or not, the same volume of slurry will continue to be imported into Southover for use as fertilizer, up to the regulatory and enforceable limits set by the Environment Agency.

12.49 The provision of larger slurry storage at Southover Farm will reduce the intensity of slurry tanker movements; rather than movements taking place over a concentrated period of a few weeks, the slurry lagoon allows for movements to be spread throughout the year. It is clear from the representations received, and from discussions with the Parish Council, that local residents overwhelmingly prefer that slurry tanker movements take place over a longer period of time at the lowest possible daily rate. Approval of the new slurry lagoon at Southover Farm will enable this.

12.50 The status quo, without the use of a slurry lagoon, was described in the response of Puddletown Area Parish Council as a “three-week onslaught of 30-40 tractors and slurry tankers daily in the early Spring.” If this application were approved, this “onslaught” can hopefully be avoided in future.

12.51 Alongside local concerns around amenity, there is a related concern by residents over the perceived lack of enforcement of existing breaches of traffic conditions in relation to the lagoon. It has been claimed by Affpuddle and Turnerspuddle Parish Council that the applicant has breached traffic conditions as recently as December 2022. Any breaches of planning conditions are of concern and will be investigated and pursued by Dorset Council's Enforcement Officers.

Landscape and Visual Impact

12.52 As part of the original application, a Landscape and Visual Impact Assessment (LVIA) was submitted which argued that the location and size of the lagoon would not be unduly prominent or obtrusive in views from the surrounding countryside. A slurry lagoon is not an unusual landform within an agricultural landscape. Nonetheless, the slurry lagoon introduces a new landform to an undeveloped agricultural field and is partially visible from a nearby footpath. The revised landscaping scheme will reduce these impacts to an acceptable level.

12.53 As part of this application, the applicant has submitted a revised landscaping scheme (Drawing: 2591/2124320/AJM/06). This minimises the visual impact of the lagoon, particularly from the public footpath on the other side of the hedgerow. The scheme includes provision for the planting of trees and hedges immediately to the west of the lagoon. As the previous landscaping scheme has not been implemented, it is appropriate to impose a condition requiring compliance with the revised landscaping scheme, and the completion of planting by November 30th 2023.

12.54 The soil (mainly topsoil) that was excavated from the ground in order to construct the slurry lagoon is currently stored on site in the same area that the proposed landscaping will be located. The applicant intends to move this topsoil before commencing planting, by spreading the topsoil very thinly across several large fields across Southover Farm.

Odour

12.55 Slurry lagoons contain manure and can emit an odour. However, odour from slurry spreading is not unusual at certain times of the year in the countryside. Slurry stored

in a lagoon naturally forms a crust, containing any odour. Furthermore, this slurry lagoon will have a cover; 'light expanded clay aggregate balls', further containing any odour. The slurry lagoon is in an isolated rural location, approximately 1.2km from the nearest residential buildings on Southover Lane. No objection has been received from either the Environment Agency or from environmental health officers. Overall, it can be concluded that potential odours from the slurry lagoon will not generate adverse impacts on amenity or health.

Highway Traffic and Safety

- 12.56 It is the view of both local Parish Councils, and many local residents, that Southover Lane is inappropriate as a regular route for the passage of tractors hauling slurry tankers. This was a view put forward by residents at the time of the previous application. However, it was the view of Dorset Council Highways at the time that the road network was suitable. As the Case Officer then summarised:

The Council's highways liaison officer has no objections to the proposal, but in light of the objections and concerns raised by the Parish Council and local residents, a follow-up site visit was made and further comments submitted. The additional comments from the highways liaison officer reiterated that the local road network was of sufficient design and capacity for the number and size of agricultural vehicles importing slurry to the site."

- 12.57 Dorset Council Highways consider that the road network is suitable and has no objection to the development. They argue that:

"Under the terms of paragraph 111 of the NPPF it is the Highway Authorities '[SIC]' opinion that the proposed trip rate (2 two-way trips per hour) could not be considered to have a severe or unacceptable impact on the safety of the public highway."

- 12.58 The development will involve the same size and type of vehicles on the road network as currently serve the site during the traffic intensive several-weeks-long period of slurry spreading, as well as the traffic intensive period of maize harvesting.

12.59 However, as stated in paragraphs 12.32 and 12.33 of this report, local residents have expressed strong concerns about the use of Southover Lane for farm traffic. Therefore, a route into Southover Farm which bypasses Affpuddle and Tolpuddle would be welcomed by residents. This possibility was explored by the Case Officer at the time of the previous application:

“The applicant did obtain and provide evidence of a quote for the highway improvements and maintenance necessary to enable the use of the alternative traffic route, Shakes Hole, proposed by the Parish Council. The quote cited costs exceeding £100,000 which was supported as a reasonable figure by the Council’s highways team for the works needed. It is considered that there is no material planning reason to refuse the application on highways or amenity grounds and to require the applicant to enter into a legal agreement to fund an alternative access route would be unreasonable.”

12.60 This route runs south for almost 3km, through Sares Woods, and eventually onto the B3390. It is an unclassified road (D21305). Dorset Council’s Highways team produced an assessment in July/August 2018, following a site visit, which concluded that upgrading the road would be “a very expensive scheme,” but declined to give a more specific cost estimate.

12.61 In their response to this application, Affpuddle and Turnerspuddle Parish Council have once again raised the possibility of the applicant using this alternative access route into Southover Farm. They argue that the route has been improved since 2019: “the vegetation has been cleared back and the road surface has been substantially improved. So much so that normal saloon cars use it to access the Southover Woods campsite, Max Events, and the Forest School.” Indeed, this route is now passable by light vehicles. However, it remains impassable to tractors hauling slurry tankers.

12.62 In order to facilitate the regular passage of heavy vehicles, the Shakes Hole route would need to be upgraded further. At a minimum, trees and bushes would need to be regularly cut back, the road would need regular grading, and potholes filled in. It would be unreasonable to require the applicant to enter into a legal agreement to

fund upgrades to this alternative access route, especially as there already exists a route on a suitable public highway.

- 12.63 There is an informal agreement between the applicant and local residents that tractors enter Southover Farm via Affpuddle and leave via Tolpuddle. Nonetheless, this one-way system is not always adhered to; the route through Affpuddle is slightly shorter than the route through Tolpuddle and is therefore more attractive to farm traffic. It is not possible to include this one-way system as a condition on a planning permission; the applicant would need to enter into a legal agreement with Dorset Council (ie. a Section 106 Agreement). However, such an agreement is judged to be unnecessary to make the development acceptable in planning terms.
- 12.64 It has been claimed by at least two residents that tractors associated with Southover Farm, over the course of several years, had caused minor damage to their residential properties. This is, of course, very concerning. Such actions would constitute criminal damage under the Criminal Damage Act 1971, and residents are encouraged to pursue their claims through legal avenues. However, such allegations of property damage do not provide grounds for the refusal of this application.
- 12.65 Similarly, there are claims that tractors are driving at fast speed and endangering other road-users. This is a matter that should properly be dealt with through other legal routes, rather than within a planning application for slurry storage. As Dorset Council's Highways consultation response notes:

“Farm traffic has the same rights as any other member of the public to use the public highway, they also like any other member of the public must adhere to the law, driving with due care and attention. Under planning law, you cannot refuse an application for a reason that is enforced by other legislation e.g. the Highways Act and the Road Traffic Act. Inappropriate or unsafe operation of a motor vehicle is prosecutable under the Road Traffic Act.”

- 12.66 Overall, there are no highways grounds to refuse this application. Paragraph 111 of the NPPF makes it clear that “Development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Other Matters

Slurry Liaison Committee

12.67 As part of the original permission, Condition 6 required that:

“Within one month of the date that this permission is implemented, the applicant will have submitted a proposal for the establishment of a Community Liaison Group, to meet twice a year, for approval in writing by the Local Planning Authority. The applicant will conform with the approved proposal for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.”

12.68 The applicant submitted this proposal and they, or their representative, attended the resulting Slurry Liaison Committee meetings. Under the original terms of reference, the meetings were held twice a year, with further meetings held at the behest of the Chairman (stipulated to be a Dorset Council Member from one of the two local parishes).

12.69 The applicant has submitted a new proposal for a slurry liaison committee, containing the same membership. It would reduce the frequency of meeting to once per year, with any further meetings either on a voluntary basis, or with the approval of Dorset Council Officers.

12.70 Considering the nature and small size of the development, it is considered that the new proposal is acceptable.

12.71 The slurry liaison committee serves to bring the applicant and the local community together in a forum to discuss the impacts of the farm’s operations on the local community. The committee’s retention, albeit in a modified form, is strongly supported by the local community, and is important in minimising amenity impacts from slurry tanker traffic. Therefore, a condition is proposed for the applicant to conform with their new proposal for the slurry liaison committee.

13. Conclusion

- 13.1 In conclusion, this retrospective application for slurry storage at Southover Farm is recommended for approval, subject to conditions.
- 13.2 The development will provide the applicant with greater flexibility and certainty to manage slurry across their local agricultural holdings and support the applicant's local farming business.
- 13.3 The development will not harm the environment and subject to the proposed mitigation will not have an adverse impact on Poole Harbour (SSSI, SPA, and Ramsar) or Oakers Bog (SSSI, part of 'Dorset Heathlands' SPA, SAC, Ramsar) or Oakers Wood (SSSI). Ammonia emissions, which have a small potential to cause harm to the SSSIs, will be successfully contained through the use of a cover. The level of nitrates entering the River Piddle, and by extension Poole Harbour, will not be increased by this development, as the same volume of slurry will be spread at Southover Farm as before. Furthermore, the rate of slurry spreading is set and regulated by the Environment Agency, and the applicant's rate of slurry spreading is within those legal limits.
- 13.4 The development will not create any additional tanker movements through the villages of Affpuddle and Tolpuddle, and the annual volume of slurry imported to Southover Farm, and therefore the total number of slurry tankers passing through Affpuddle and Tolpuddle, will remain the same as before the lagoon was in use. Adverse impacts on the amenity of local residents can be adequately mitigated by the imposition of conditions limiting the number and time of tanker movements. The number of permitted daily tanker traffic movements will remain the same as was stipulated under a previous permission in 2019; 10 movements a day (5 in and 5 out).
- 13.5 If this application were to be refused, the applicant has stated their intention to resume their earlier practice of spreading slurry directly onto the fields. Such activity would not be constrained by any conditions attached to the earlier grant of planning permission. It is anticipated that the same volume of slurry would be imported into

Southover Farm to be spread, with or without the lagoon. Therefore, this application provides an opportunity for the regulation of slurry movements associated with Southover Farm, with due consideration for the interests and amenity of local residents, while also providing the applicant with the flexibility to manage their agricultural holdings.

14. **Recommendation**

Grant, subject to the following conditions:

1. Development in Accordance with Approved Plans

The development hereby permitted shall be carried out strictly in accordance with the following approved plans:

- Title: Location Plan
- Title: Site Block Plan
- Drawing Number: 2591/2124320/AJM/05. Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan.
- Drawing Number: 2591/2124320/AJM/06. Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan, with Landscaping Detail.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Restriction of Vehicle Movement Hours

No slurry tanker shall enter the site outside the hours of 09:00 – 16:00, Monday to Friday. No slurry tanker shall enter the site during Saturdays, Sundays, or Public Holidays.

Reason: To regulate the movement of heavy traffic associated with the lagoon in the interests of the amenity of local residents.

3. Restriction of Vehicle Movement Numbers

The total number of daily slurry tanker movements shall be limited to 10 (5 in and 5 out). Records of these movements are to be maintained, and on receipt of four-days' notice, copies of these records are to be made available to the Waste Planning Authority for inspection.

Reason: To regulate the movement of heavy traffic associated with the lagoon in the interests of the amenity of local residents.

4. Export of Waste

No slurry from the slurry lagoon shall be exported outside the area known as Southover Farm. Southover Farm is defined for the purposes of this condition as the area edged blue on the approved 'Southover Slurry Lagoon - Location Plan.'

Reason: To control the form of the development in the interests of amenity.

5. Covering

When in use, the slurry lagoon must be fully covered in light expanded clay aggregate balls, unless the lagoon is empty or undergoing maintenance.

Reason: To satisfactory reduce the potential impact of ammonia emissions arising from the development on nearby Oakers Bog and Oakers Wood SSSIs, and on European Sites.

6. Landscaping

The approved landscaping scheme shall be implemented in accordance with Drawing 2591/2124320/AJM/06 (Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan, with Landscaping Detail). The planting phase of the approved landscaping scheme must be completed by 30th November 2023. Any trees or plants that, within a period of five years after planting,

are removed, die, or become, in the opinion of the Waste Planning Authority, seriously damaged or defective, shall be replaced during the next planting season with others of species, size, and number as originally approved.

Reason: To ensure the satisfactory landscaping of the site, in the interest of safeguarding the visual amenity and landscape qualities of the area.

7. Slurry Liaison Committee

The operator of the slurry lagoon will comply with the proposal for a Slurry Liaison Committee (SLC), titled 'Amended Proposal for Slurry liaison Committee Terms of Reference', until such time as the Waste Planning Authority is notified in writing that the slurry lagoon ceases to be in use.

Reason: To conform the form of the development in the interests of amenity and the environment.

Informatives

The Applicant is encouraged to maintain their long-standing agreement with local residents to adhere to a one-way system for heavy traffic entering and exiting Southover Farm, in which tractors enter via Affpuddle and leave via Tolpuddle.

The Applicant should manage the routing and scheduling of vehicle movements to minimise the risk of wide vehicles passing one another on narrow lanes, particularly along Southover Lane.

Drivers of heavy vehicles should be informed of these routing arrangements, reminded to drive at slower speeds through the villages, and be made aware that any damage to residential properties is prosecutable under the Criminal Damage Act 1971.

The Applicant is encouraged to continue to meet regularly with representatives of the local community, and to keep them informed of any changes in future traffic movements.

Officer Report

Reference No: P/FUL/2021/01018
Proposal: Install ground-mounted solar panel photovoltaic solar arrays, substation, inverter stations, transformer stations, security fencing, gates and CCTV; form vehicular access, internal access track, landscaping and other ancillary infrastructure
Address: North Dairy Farm Access To North Dairy Farm Pulham Dorset DT2 7EA
Recommendation: GRANT
Case Officer: Rob McDonald
Ward Members: Cllr Batstone, Cllr Haynes
CIL Liable: N

1.0 The application is being considered by the Strategic and Technical Planning Committee at the request of the Service Manager due to the scale of the proposed development and the judgement required in considering whether the public benefits of the scheme outweigh the harm to the setting of the Dorset Area of Outstanding Natural Beauty (AONB).

2.0 Summary of recommendation

Recommendation A:

Grant permission, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

£28,029.00 as a Conservation Payment to pay for the creation/restoration and management of sufficient new habitat for great crested newts and to compensate for the impacts of the applicant's proposal for 25 years.

and the following conditions (see section 17 for full wording and reasons):

- Time Limit
- Temporary permission
- Plans
- Arboricultural Method Statement
- Soft and hard landscaping
- Surface water management and drainage designs
- External appearance of ancillary structures/equipment
- Construction Environmental Management Plan
- FRA and Drainage Strategy
- Flood Warning and Evacuation Plan
- Landscape and Ecological Management Plan
- Unexpected contamination

Officer Report

- Hedgerow minimum height
- CCTV pole height
- Construction hours
- Decommissioning details

Recommendation B:

Refuse permission for failing to secure the financial obligations detailed above if the agreement is not completed by 22 December 2023 or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation

- Proposed solar farm would deliver very substantial public benefits: producing enough renewable energy to power some 11,745 homes for 35 years. It would make a valuable contribution towards the Council's Climate and Ecological Emergency Strategy. It would also generate a significant number of jobs.
- The public benefits would outweigh the adverse impact upon the local landscape character areas and the setting of the Dorset AONB.
- The proposed development would be made safe for its lifetime without increasing flood risk elsewhere.
- No harm would amount to heritage assets in and around the site.
- The 'best and most versatile' agricultural land would be avoided for the 35 year duration of the development.
- The scheme would deliver a measurable gain in biodiversity and a compensation payment towards mitigating the habitat of great crested newts. Protected trees on site will be retained and, in the case of veteran oaks, enhanced.
- Impacts upon neighbouring amenity and highway safety would be acceptable.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable location in principle. Adverse effects need to be weighed against very substantial public benefits from solar farm.
Visual and landscape impact, including upon the setting of the AONB	Despite reduction in solar arrays and further screening proposed, extent of scheme cannot be fully mitigated and successfully assimilated into the receiving landscape. Harm would be caused as a result.
Flood risks	Development would satisfy Sequential Test and Exception Test and otherwise be made safe for its lifetime without increasing flood risk elsewhere.

Officer Report

Agricultural land	The 'best and most versatile' agricultural land would be avoided.
Heritage	No harm to heritage assets.
Habitats and biodiversity	Measurable gain in biodiversity and a compensation payment towards mitigating GCN.
Residential amenity	Acceptable impact in compliance with Policy 25.
Impact on protected trees	All trees on site will be retained. The development has the opportunity to enhance conditions around veteran English Oaks.
Highway safety	No Highway Authority objections, subject to conditions.
Decommissioning and restoration	A condition can be imposed to ensure it is appropriate at that time in the future.

5.0 Description of Site

The application site forms several agricultural fields in the open countryside, forming part of the North Dairy Farm unit, situated in an area known as East Pulham, located west of Hazelbury Bryan, east of Pulham and north of Mappowder. The site comprises some 77ha of land. The site is relatively level towards the north half of the site, with the southern half featuring some gentle slopes. A report submitted as part of the application indicates the land is classified as a mix of subgrade 3b (moderate) and grade 4 (poor) agricultural land.

The site is accessed via an existing farm track, leading from the main farmstead. This track crosses the ordinary watercourse River Lydden and consequently passes through high-risk flood zones 2 and 3. The submitted Flood Risk Assessment (FRA) also confirms that edges of the main part of the site towards the north west boundary and parts of the north east of the site also lie within flood zones 2 and 3. Two unnamed watercourses flow through the site: one through the centre (referred to by the applicants as 'Short Wood Brook') and the other along part of the north eastern boundary (referred to by the applicants as 'Parsonage Farm Brook'). Associated with these watercourse are low, medium and high surface water flood risks. The parts of the site within the high risk flood zones are also shown to have medium and high surface water risks. Parts of the site are also shown to have high groundwater flood risks, with groundwater levels either at or very near the surface.

The site straddles two landscape character types: the Clay Vale in the northern half and Rolling Vales in the southern half. It is not within an Area of Outstanding Natural Beauty (AONB) but the Blackmore Vale and North Dorset Escarpment character areas of the Dorset AONB distantly wrap around the site to the south, with the boundary to this designated area some 1.25km at the closest point (to the south east). One public footpath (N49/20) passes directly through the site, following a relatively straight line just to the south of Boywood Farm, becoming N49/4 once it exits the western boundary of the site. Footpath N46/19 clips the south east corner of the site, heading in a south westerly direction up the rising land. Public bridleway N46/21 passes close to the eastern side of the site, before clipping the corner of the

Officer Report

northern-most parcel of the site and splitting to form footpath N46/28 which skirts around the boundary of this parcel.

There are no designated heritage assets on the site, although a number in proximity to the site whereby settings could be affected. Grade II listed building Old Boywood Farm is the closest of these, lying some 475m to the north east of the site, with grade II listed Cannings Court Farmhouse some 750m to the west. Hazelbury Bryan Conservation Area lies some 800m east of the site. The Scheduled Monument at Dungeon Hill is some 3.4km to the west. There is a record of a non-designated heritage asset, in the form of cultivation remains, in the northern-most parcel.

The whole site is covered by a Tree Preservation Order (ref: TPO/2021/0003), protecting all trees on the land. There are no other special ecology protections on the site itself, although two copse areas that adjoin to parts of the western boundary of the site are recognised as forming part of the existing ecological network. Short Wood is a SNCI and ancient woodland and located some 400m south of the site. There are three internationally designated SAC sites within 10km of the site: Rookmoor SAC; Holnest SAC; and Cerne and Sydling Downs SAC. In addition, the Blackmoor Vale Commons and Moors SSSI lies within 2km.

6.0 Description of Development

The application seeks full planning permission to install ground-mounted solar panel photovoltaic solar arrays, as well as the construction of a substation, inverter stations, transformer stations, security fencing, gates and CCTV; and to form vehicular access, internal access track, landscaping and other ancillary infrastructure.

The scheme will have an approximate export capacity of 47MW, and potentially a maximum export capacity of 49.99MW, which equates to the generation of clean renewable energy of between approximately 11,745 to 13,000 homes a year and anticipated CO₂ displacement is at least 10,402 tonnes per annum.

The applicant has indicated that the solar farm would operate for a 'temporary' time period of "approximately 35 years" from the commencement of operation.

The solar panels would have an anti-reflective coating, tilted at approximately 22 degrees and ground mounted to a piled galvanised steel/aluminium frame, with the lower edge some 0.8m above ground level and the top standing some 2.6m above ground level. The rows would be between 2m-6m apart, depending on topography. A total of 33 transformer stations, each with a volume of 24 cubic metres, housed within green metal containers and laid on concrete bases, would be distributed evenly across the site. A substation compound would be formed within the northern half of the site and comprise a 132kV transformer and associated buildings such as a DNO control room, meter and customer switch room. Underground cabling would connect panels and transformers to the substation, as well as connecting the substation to the point of connection. Connection from the substation to the network will be via a new pylon, the final design specification for which will be confirmed by SSE as the statutory undertaker.

Officer Report

The internal access track would be of permeable material and allow vehicular access throughout the site. The site would be enclosed by 2.2m high deer type security fencing and gates inside of the existing boundary vegetation. CCTV, mounted on poles, would be erected around the site. Additional soft landscaping would be planted in and around the site.

The full details of the proposed development is listed within the applicant's supporting documents.

7.0 Relevant Planning History

2/2013/1336/PLNG - Request for EIA Screening Opinion under EIA Regulations 2011 for a solar photovoltaic (PV) park – deemed EIA development.

2/2016/1469/SCREIA - Request for EIA Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) for the construction of a 30MW solar PV farm and associated infrastructure. - deemed EIA development.

2/2020/1268/SCREIA - Request for EIA Screening Opinion under Section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed 49.9MW solar park with battery storage facility at land at North dairy Farm, Pulham, Dorchester, DT27EA – deemed EIA development.

TPO/2021/0003

8.0 List of Constraints

Outside settlement boundary

Flood zones 2 and 3

Low, medium and high surface water flood risks

High groundwater flood risk area

Setting of Dorset AONB

Proximity to designated heritage assets: grade II listed buildings, Hazelbury Bryan Conservation Area and Scheduled Monument

Tree Preservation Order

Public rights of way affected: N49/4, N46/19, N46/21, N46/28, N46/20

Agricultural Land Grade: Grade 3b and 4

Proximity to SNCIs, SSSIs, SACs, ancient woodland

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

CIlr Batstone (Member for Blackmore Vale Ward)

No comments received at the time of determination.

Officer Report

Cllr Haynes (Member for Chalk Valleys Ward)

No comments received at the time of determination.

Pulham Parish Council (co-host Parish Council)

Objection:

1. I am concerned as to the traffic control and management for the village during the construction phases of this project. What is the traffic plan for ingress and egress and what challenges will that this scheme will pose for the village?

2. Related to the above we have a number of businesses operating from Pulham at lest one of which is hospitality. What are the proposed compensation schemes for the loss of business this scheme will cause?

3. What is the communications and stakeholder management plan in order to maintain good will with the village and their support for the scheme.

OFFICER NOTE: The material planning concerns raised are noted and addressed in the main body of the report.

Mappowder Parish Council (co-host Parish Council)

Initial comments received 1 June 2021

Objection:

- Severe adverse landscape impact from local roads and public rights of way, with insufficient mitigation proposed;
- Flood issues, particularly along local roads; swale plan is meaningless;
- Loss of farmland – dairy;
- Adverse heritage impact – whole area of upper Blackmore Vale should be regarded as a heritage asset;
- Degree of permanence;
- No decommissioning plan submitted;
- Impact on tourism;
- Modern slavery concerns;
- Minimal community engagement.

Further comments received 13 October 2022

Comments on the applicant's agricultural land classification analysis:

- PC believe farming land is 'excellent' for dairy as 1% of UK's organic milk production is sourced from Mappowder and Hazelbury Bryan;
- Natural England data indicates site is all grade 3;
- Incorrect grading between 3a and 3b grades based on characteristics;
- Removal of grade 3 land from agricultural use as a result of the development;

Officer Report

- 25ha is 'good' farming land;
- Two fields should be considered grade 3a and, as such, removed from solar farm site;
- More grade 4 land available on the farm for the solar farm.

Hazelbury Bryan Parish Council (neighbouring Parish Council)

Points made in support:

- Development supports carbon reduction and climate and ecological emergency;
- Switch to electric vehicles will demand increase in electricity generating capacities;
- Instant local electricity generation with easy access to the grid;
- Much of the solar farm will be hidden when viewed from within Neighbourhood Plan area;
- Impact the scheme would have on climate change;
- Loss of dairy and meat farming not a loss with switch to plant-based diets.

Points made against:

- Size and scale of site would have a huge detrimental impact on the Blackmore Vale landscape and a number of views will be adversely affected;
- Does not necessarily need to be size proposed to be viable;
- Possible negative impact on wildlife and biodiversity;
- No local economic benefits.

Overall conclusion: Support provided a reduction of 50% is secured and compliance with biodiversity measures.

Lydlinch Parish Council (neighbouring Parish Council)

Objection:

- Concerns regarding potential highways flooding on the Kings Stag to Hazelbury Bryan Road & A357 at the bridge between Lydlinch & Bagber
- Detrimental impact on the conservation areas at Hazelbury Bryan & Mappowder
- Detrimental to the panoramic views from Bullbarrow
- Major loss of productive farm land
- Additional construction traffic would have a major impact on the local highways infrastructure for many months
- Harm caused by siting the solar farm in the proposed location outweighs any perceived benefits.

Buckland Newton Parish Council (neighbouring Parish Council)

No comments received at time of determination.

Officer Report

Historic England

No comments.

Natural England

Initial comments received on 28 June 2021

- Consult AONB team as within close proximity to Dorset AONB and may have adverse effect from high ground within the designated area;
- No objection relative to wildlife – welcomes LEMP. Needs to be approved by Council's Natural Environment Team. Great Crested Newts licencing scheme also applicable.

Further comments received 25 October 2022

- Based on the information provided the scheme has been demonstrated to have adverse impacts on a number of viewpoints within the AONB, most notably from Bulbarrow Hill. The Dorset AONB and your Council's Senior Landscape Officer have provided detailed comments on the significance of the adverse impacts to landscape interests which need to be considered when determining the application. Natural England notes that both have advised that additional mitigation measures, including reducing the scale of the proposals, could remove or reduce the adverse effects of the scheme. If your Authority is minded to grant the application as submitted then Natural England recommends that a clear rationale is provided as to why all or some of the additional measures suggested are not possible. Further, the scheme should secure appropriate compensatory measures designed to moderate the detrimental effects of the scheme on views from the AONB and help ensure the proposals over the lifetime of the development contributes to conserving and enhancing the natural beauty and amenity of the AONB. Appropriate compensation measures should be agreed with the Dorset AONB Team and be secured by any permission.
- All proposals should, however, complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.
- Natural England also recommends any permission apply a condition to require the site to be decommissioned and restored to an appropriate land use which retains any biodiversity benefits delivered during the scheme when planning permission expires.

Environment Agency

No objection subject to conditions re. CEMP.

Comments on flood risks:

Officer Report

- FRA approach to depth data and annual exceedance probability is acceptable given nature of proposal;
- FRA does not accurately report hazard classifications for depths up to 1.0m – more discussion and clarity at the point here the access route crosses watercourse would be useful, but also recognised in the FRA that there will be times when the site access is not possible;
- Site specific solution to flood risk management in the form of a Flood Warning & Evacuation Plan may be appropriate. Should be produced pre-determination.

Further comments received 8 April 2022

- Lives will not be at risk if an access road for a solar farm is sited within flood zone 3; loss of life and property/livelihood;
- Clear that access road could be impeded during a flood - encourage consideration of predicted flood depths to allow emergency planners and the applicant to weigh up whether a temporarily flooded access point is really likely to cause an issue. The applicant should consider whether temporary suspension of access/egress (during a flood) for repairs and maintenance would be a problem.
- You may wish to require the applicant to submit an access/egress management plan, including mitigation measures, to ensure they have considered these issues thoroughly.
- No raising of access road as a method of protecting the road from flooding.

Dorset AONB Team

Initial comments received 26 May 2021

- Modifications and amendments to the information within the LVIA suggested: wider study area; figures; ZTV; viewpoints and their presentation; winter month photography.

Further comments received on 17 March 2022 following submission of further information

- Some effects on the AONB, particularly visual impacts, that would not conserve and enhance the AONB;
- Transformation of site and landscape character would diminish the appreciation of the character of the AONB in the background;
- Broadly in agreement with the LVIA that adverse effects on views from within the AONB are greatest from the southeast, from the direction of Bulbarrow Hill... the LVIA is broadly correct in noting that there are further occasions of visibility of parts of the site from the scarp slopes and hilltops to the south, including locations close to the Dorsetshire Gap, Nettlecombe Tout, Ball/Church Hill and Knoll Hill. Along the Wessex Ridgeway, in particular, there are notable sections where vegetation in the immediate foreground restricts the availability of northward views and therefore reduces the impacts. However high points provide some form of panoramic view to the north

Officer Report

towards the site and so parts of the development would be visible, particularly during winter months, when intervening screening is less effective.

- The relatively modest amount of proposed planting shown on the LEEP is only sufficient to 'take the edge off' the arrays in the long term.
- Cleared area below powerlines forming 'corridor' highlights the site from the southeast.
- Southward sloping part of the site in fields 10 and 13 substantially increase the perceived scale and overall impact of the development.
- Mitigation from Stoke Wake would be effective but not negate impacts entirely.
- Wider views of the development from with elevated locations within the AONB are generally more distant and often filtered by intervening vegetation.
- Major adverse effect on the section of footpath N46/20 as it passes through the site. The significance of the impact is heightened by the fact that the site forms the immediate foreground in views toward the AONB.
- There are likely to be opportunities to substantively reduce the significance of these through further primary and secondary mitigation.
- Further mitigation of the proposal or increase in benefits relative to the AONB recommended.

Further comments received on 10 October 2022 following submission of amendments

- Although a number of arrays have been omitted and planting added, the development broadly resembles the earlier design.
- The changes would not materially alter the visual impact on views from with the AONB, particularly prior to planted vegetation reaching maturity.
- The amendments have achieved a degree of mitigation, particularly in relation to the outlying field 4, as well as in field 7, where panels have been removed to the east of the pylons. In this area, additional planting may help to soften the impact of features such as the substation in the long term. I would broadly concur that these changes are not likely to substantially alter the impacts on the outlook from the AONB, although there may be a marginal improvement when planting achieves a degree of maturity in the 'long term'. It should be noted that the 'long-term' is defined by the LVIA methodology as being between 15-35 years.
- Whilst the modification have made some improvement to the long term screening of fields 6 & 13 and panels have been reduced in field 7, there do not appear to have been substantive amendments that would serve to mitigate the large arrays with the southern sloping fields 4 and 10, which are a part of the proposal that is more likely to be visible from elevated vantage points associated with the North Dorset Escarpment.
- The series of moderate effects on the outlook from the AONB places the effects at the cusp of being 'significant' and does not demonstrate clear compliance with the recommendations of NPPF 176.
- Overall, whilst noting a modest improvement in the design of the development, it is not considered that the changes have fundamentally avoided or minimised impacts on views from within the AONB. Concerning these effects, I broadly concur with the LVIA that effects are most pronounced

Officer Report

in the vicinity of Bulbarrow Hill/Rawlsbury Camp and the roads and footpaths descending the escarpment to the north of this area. Adverse impacts on the outlook from this area are of clear relevance to the planning balance, due to the magnitude of impact when views are achieved, notwithstanding the fact that the site appears within a relatively wide panorama across the Vale.

- Wider views from elevated parts of the North Dorset Escarpment tend to be less impacted, due to the greater distances involved and the presence of intervening vegetation. When taken individually, I consider that the impact upon each wider viewpoint identified along the Escarpment (i.e. not from the Bulbarrow Hill area), which are from distances typically ranging from 4-4.5 km, would not be regarded as 'significant' in their own right.
- These impacts on the outlook from the AONB should be aggregated with the effects on landscape and visual receptors outside of the AONB, which are likely to experience a greater magnitude of change, in order to form a rounded view on the landscape and visual effects of the proposal.

Highway Authority

No objection subject to CEMP condition.

Flood Risk Management Team

Initial comments received 14 May 2021

No objection.

- Panels would be within pluvial flood extents so ordinarily sequential test would be required. However, panels would be elevated above ground level and above maximum surface water flood depths and not impede any surface water flow paths or displace ponding of surface water.

Further information requested for clarity.

Further comments received on 3 December 2021

No objection on flood risk mitigation and management grounds.

No objection to the application subject to conditions and informatives.

- Existing modelling does not include any allowance for climate change – little distance between flood zone extents and panel locations;
- Access and egress needs consideration with regards to application of sequential test;
- Access will be flooded during lower risk level events. If the access is impassable during a lower return period event and if no other access is available, then the risk to the operation and maintenance of the site during times of flood may not be considered insignificant or trivial and therefore warrants application of the sequential test. Seek advice from the Environment Agency on this matter;
- Sequential test need not be applied to surface water flood risk;

Officer Report

- Surface water drainage strategy recommended.

Further comments received 27 June 2022

- It would be prudent to request some further qualification from the applicant in terms of the implications for the operation / use if or when the proposed access route is impassable or unsafe. As has been discussed previously the proposed scheme / use is not residential, but without further clarification from the applicant we might assume that a safe access route is essential at all times for maintenance & repair.

Senior Conservation Officer

No objection.

- No harm to all identified designated heritage assets that could be affected.
- Less than substantial harm to Cultivation Remains as a non-designated heritage asset, however the level of harm is acceptable.

Senior Landscape Officer

Initial comments received 16 June 2021

Unable to support:

The site is located in a landscape that is highly sensitive to large scale solar PV development, and although the proposals include mitigation measures, I do not consider that these measures would satisfactorily offset the moderate-high adverse magnitude of change which would occur. This would result in a significant change in character of the local landscape and would also potentially adversely affect the setting of the AONB, most particularly given the interrelationship between clay/rolling vale character of the local landscape that the site is located in, and the chalk escarpment landscape of the AONB.

There would also be significant adverse effects on views from Rights of Way to the east of the site, most especially where these extend across the site to Dungeon Hill Scheduled Ancient Monument/the AONB to the west.

I do not believe that the landscape and visual impacts of the proposal have been fully assessed, and no restoration scheme has been provided...

*The adverse effects if the proposal could be reduced if it is **significantly** reduced in size and contained within the part of the site that is located in the Blackmore Vale LCA only, but the acceptability of this will need to be discussed further with the AONB Team.*

Further comments received 25 March 2022

Still unable to support:

Officer Report

- Although the proposals now include further mitigation measures, I still do not consider that these measures would satisfactorily offset the significant adverse landscape and visual effects that would occur;
- Still no restoration plan submitted;
- The adverse effects if the proposal may however be satisfactorily mitigated if the part of the proposal that is located within the South Blackmore Rolling Vales LCAs is omitted, or if the further primary and secondary mitigation/compensatory measures suggested by Richard Brown of the AONB Unit are implemented;
- Clarification required on correct height of CCTV columns.

Further comments received 10 October 2022

- Parts of the site located within the South Blackmore Rolling Vales LCA has not been amended through the amendment.
- Defer to AONB team for determination on whether the further primary and secondary mitigation/compensatory measures have been satisfied.

Tree Officer

Initial comments received 3 November 2021

Unable to determine due to lack of required info:

- Amendments to layout to account for potential tree shading;
- Realignment of security fencing around tree RPAs;
- Soil improvement and management plan for veteran trees required;
- Detailed tree species details required;
- Site access should be clearly shown;
- Arboricultural Method Statement.

County Archaeologist

- No ridge-and-furrow survives as visible earthworks on the present site. Ridge-and-furrow is therefore not a matter for concern.

Planning Policy

No response received at the time of determination.

Natural Environment Team (NET)

No objections subject to conditions re. LEMP and CEMP.

Environmental Health

Recommend unexpected contamination condition.

Officer Report

Senior Ranger

No objection.

- Footpath N46/20 is not as walked on the ground – should be diverted by legal order onto the walked route or definitive route should be opened up correctly;
- New footpaths should be to Council standards.

Mineral Planning Authority

No objection.

Lead Project Officer (CIL and Planning Agreements)

Unnecessary for there to be a s106 agreement, conditions would be sufficient.

NATS (National Air Traffic Services)

No safeguarding objections.

Dorset Wildlife Trust

No response received at time of determination.

Dorset & Wiltshire Fire and Rescue

Recommendations under Building Regulations.

The Open Spaces Society

Object until rights of way are protected or diverted within the site.

Representations received

214 representations have been received, including a letter from CPRE and a petition. A series of representations and supporting information has been received from a local community group named 'Save Hardy's Vale'.

192 of the representations object, 9 are in support and 8 make comment(s).

The material planning considerations raised in these are summarised below:

Objections

- Harm to landscape quality - visually incongruous feature, out of character;
- Oversized development, out of scale and proportion to surroundings;
- Harm to the setting of the Dorset AONB;

Officer Report

- Impact from public rights of way around and through the site;
- Flood risks – flood zones 2 and 3;
- Groundwater flooding;
- Increased surface water flooding from panel runoff;
- Flood risks on the local roads;
- Adverse impact on heritage assets – less than substantial harm to Hazelbury Bryan Conservation Area;
- Would affect two conservation areas;
- Loss of prime farmland;
- Biodiversity mitigation and enhancements overstated;
- Impact upon local SSSIs and SACs;
- Cumulative landscape effect with other solar farms in North Dorset;
- Public benefits stated by applicants should be reduced/diminished, overstated CO2 figures;
- Lost sense of tranquillity and remoteness;
- Suggested access and egress routes and arrangements during flood events could be dangerous;
- Unsafe refuge within Flood Warning and Evacuation Plan;
- Flood risk sequential test submitted inadequate;
- Greenfield sites should not be for solar farms;
- Impact on amenity value of the area;
- Impact tourist value of the area;
- Destruction of natural habitat for wildlife, impact on great crested newts;
- 35 years is not a temporary period of time;
- No community benefits, not a community-led project;
- Impact on listed buildings;
- Highway safety during construction phase;
- Pollution from toxic materials;
- Impact on archaeology on the site;
- Conflicts with spatial strategy;
- Decommissioning and remediation of land;
- Solar energy has a diminishing requirement relative to other energy contributors and 'old technology' in comparison;
- Noise impacts during construction phase;
- North Dorset has already met its renewable energy target so development is not needed;
- CCTV and fencing too high;
- Hard standing areas would detract from reinstation;
- Access via narrow tracks would damage protected oak trees;
- Light pollution;
- Loss of green space;
- Fire risks associated with solar arrays;
- Landscape has cultural and artistic significance associated with Thomas Hardy;
- Social and economic impact from loss of farmland;
- Glare towards neighbouring properties;
- Fencing would provide feeling of entrapment and block wildlife;

Officer Report

- Would not offer local employment;
- Screening would be insufficient to mitigate visual effects;

Support

- Site lends itself well due to being poor grade agricultural land;
- Site can return to agricultural land once no longer needed;
- Need embrace solar energy in light of climate change;
- Would contribute to local and national carbon reduction measures and respond to Council's climate and ecological strategy;
- Land has moderate to low biodiversity and used for industrial scale livestock farming;
- Would enhance biodiversity, planting new hedgerows and tree belts along wildlife margins and corridors;
- Carefully chosen, low-lying and well-contained site that impinges to a minimal extent on public enjoyment of the wider surrounding countryside;
- Important for future generations;
- More renewable energy is required in Dorset to address climate crisis;
- No noise;
- Minimal traffic;
- Visual impact would be low;

Comments

- Good idea to have charging station for EV

10.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 – The Natural Environment

Policy 5 - The Historic Environment

Policy 20 - The Countryside

Policy 22 – Renewable and Low Carbon Energy

Policy 24 - Design

Policy 25 – Amenity

Material Considerations

National Planning Policy Framework (2021)

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy

Officer Report

11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Other material considerations

Dorset AONB Management Plan 2019-2024

Relevant UK legislation and strategies include:

- * Energy Act (2016)
- * Climate Change Act (2008)(as amended)
- * UK Renewable Energy Strategy (2009)
- * Energy Security Strategy (2012)
- * Renewable Energy Roadmap (updated 2013)
- * Clean Growth strategy (2017)

Environmental Impact Assessment (EIA)

An EIA Screening Opinion application (Ref: 2/2020/1268/SCREIA) was submitted to the LPA prior to the submission of this planning application.

In the application under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the LPA confirmed that the proposal falls with the description as at paragraph 3(a) of the table in Schedule 2 of the 2017 Regulations and, since the proposal exceeds the threshold, it is considered 'Schedule 2 development' within the meaning of the 2017 Regulations.

The application also sought to screen and assess whether an Environmental Impact Assessment would be required for any of the considerations in respect of the nature, size and location, with particular regard to the characteristics of the development, location of the development and characteristics of the potential impact. The likely impacts have been considered having regard to the construction, operation and decommissioning stages of the development.

In this regard, the LPA determined that, having taken account of the selection criteria in Schedule 3 of the 2017 Regulations and the surrounding constraints, there would be additional significant impacts on the local landscape and environment and, thus, the proposal would amount to EIA development. Thus, any forthcoming application for planning permission in respect of this proposal would need to include an Environmental Statement that is compliant with Regulation 2(1) of the 2017 Regulations. The applicants have provided an Environmental Statement with the application and amended relevant sections of this accordingly during the course of the application.

11.0 Human rights

Article 6 - Right to a fair trial.

Officer Report

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. No impact on persons with protected characteristics has been identified.

13.0 Financial benefits

- Employment, particularly during the construction and decommissioning phases of the development, as well as statutory and site operators during the lifetime of the solar farm.
- £28,029 conservation payment, secured by a Unilateral Undertaking, to mitigate against Great Crested Newts.

14.0 Climate implications

NPPF paragraph 158 sets out that when determining planning application for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It also sets out that applications should be approved if the impacts are (or can be made) acceptable.

Dorset Council accepts that energy needs to be produced from renewable sources and the Council must aim to provide this within its administrative area. The Council recognised this by declaring a climate emergency at a meeting on 16 May 2019, with

Officer Report

the aim of taking a lead as an authority in tackling climate change. In November 2019 this was escalated to a Climate and Ecological Emergency.

The proposed development involves the installation of a renewable energy scheme comprising of ground mounted photovoltaic solar arrays. The scheme will have an approximate export capacity of 47MW, and potentially a maximum export capacity of 49.99MW, which equates to the generation of clean renewable energy of between approximately 11,745 to 13,000 homes a year and anticipated CO2 displacement is at least 10,402 tonnes per annum. This represents an emission saving equivalent of a reduction in around 5,841 cars on the road every year.

15.0 Planning Assessment

The main issues for this application, including those identified by Policy 22 of the Local Plan, are considered to relate to be:

- Principle and countryside location of development;
- Flood risks;
- Visual and landscape impact;
- Heritage impact;
- Impact on agricultural land;
- Highways and transport impact;
- Residential amenity (shadow flicker, noise and vibration);
- Habitats and biodiversity;
- Impact on protected trees;
- Impacts identified by local communities;
- Decommissioning and restoration.

Principle and countryside location of development

There is clear planning policy support for new renewable energy development in principle.

Both section 14 of the NPPF and the supporting text for Policy 22 of the North Dorset Local Plan state that LPAs do not require applicants to demonstrate the overall need for renewable energy development and that applications for such proposals should be approved if the impacts are (or can be made) acceptable.

Policy 3 of the Local Plan is the overarching policy with regards to climate change and states that development proposals within the District should seek to reduce greenhouse gas emissions, including appropriately sited renewable and low carbon energy developments. The supporting text for Policy 3 recognises that some renewable or low carbon energy developments may be large-scale and require a countryside location. This is also acknowledged in Policy 20 of the Local Plan and set out further in Policy 22.

Policy 22 of the Local Plan is the specific policy relating to renewable and low carbon energy proposals. It states that:

Officer Report

“When considering proposals for electricity generation from renewable or low carbon sources, the social, economic and environmental benefits of the scheme should be assessed against the likely impacts. Such a proposal is likely to be permitted in principle, provided it can be demonstrated that:

- a) both individually and cumulatively, all adverse impacts arising from the proposal have been satisfactorily assessed; and
- b) the proposal has maximised the potential to mitigate any adverse impacts that have been identified; and
- c) the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.”

These criteria are discussed later in the report and in the planning balance section.

Policy 22 adds that:

“Potential adverse environmental impacts (together with measures to mitigate such impacts) that will be assessed in relation to any proposal include: visual impact; impacts on biodiversity, the landscape, the historic environment including designated and non-designated heritage assets, the water environment and agricultural land.

In addition, in assessing the adequacy of mitigation measures in relation to a proposal it will be expected that:

- d) the proposal’s location has been identified having regard to sites that make best use of existing transport infrastructure and the minimisation of traffic movements whilst providing safe access; and
- e) any issues of, noise and vibration or interference to radar or any communication systems including televisions can be fully overcome; and
- f) early meaningful consultation has been undertaken with people in the locality that might be adversely affected by the proposal and clear regard has been had to the responses received; and
- g) the proposal incorporates an agreed restoration scheme including measures to remove installations when operations cease.”

These matters are appraised in following sections of the report.

The policy concludes by identifying potential benefits to be assessed and these would include:

- “h) the amount of heat or electricity that is likely to be generated from the proposed renewable or low carbon energy development and the consequential reduction in greenhouse gas emissions; and
- i) local community benefits, including jobs, investment in the local economy, community ownership or shareholding of a scheme and local provision of renewable and low carbon energy, for example, through a district heating network.”

Officer Report

These latter two points are appraised below and support the principle of the development.

The amended scheme would generate approximately 47MW of renewable energy per annum, exported to the National Grid, which would be enough to power approximately 11,745 homes each year over its proposed 35 year lifespan. The consequential displacement of CO₂ is estimated at some 10,402 tonnes per year. Should higher powered panels be on the market once the development commences it is possible that the power output could be increased up to 49.99MW (equivalent to powering 13,000 homes) without affecting the footprint covered by the solar farm.

The latter figure is disputed by the third party Save Hardy's Vale community group (SHV) who claim that, based on annual average carbon intensity figures from 2020 (which are not referenced in their representation), the displacement of CO₂ from the proposed development would be closer to 9048 tonnes per annum and, thus, the magnitude of public benefit in this sense should be reduced. Even if the unverified lower figure was the actual displacement figure, such volume of CO₂ displacement is very significant and represents a very significant public benefit.

A CPRE report dating from June 2019 entitled 'Renewable Energy Generation Projections' has been provided by SHV to evidence that the North Dorset local authority area has already exceeded a 2020 target for low carbon energy.

As recent appeals have confirmed, there have been a series of policies, statements and legal obligations over a number of years (including the NPPF the Net Zero Strategy: Build Back Greener) which all seek to encourage renewable energy developments where they are appropriate. It is clear from these that decarbonisation will rely very heavily on wind and solar power and that the national need is significantly greater than the capacity of current projects.

Of great significance is the fact that the Council declared a Climate Emergency in May 2019 and, since this time, have published a Climate and Ecological Emergency Strategy in July 2021,. The Strategy indicates that it is the Council's aim to be carbon-neutral by 2040 and to support the wider county to be carbon neutral by 2050.

To help achieve this, the Strategy states that all energy current provided by fossil fuels for heating, transport and electricity will need to come from a low-carbon source and from renewable energy sources (or nuclear), with all transport switching to electric batteries or hydrogen. One of the Strategy's headlines is that under the greenest scenario energy demand in the Dorset Council area will need to be around 4 billion kWh/yr. For Dorset to play its fair share and generate 100% of its own energy demand the Council will need to accommodate around 4GW of solar (around 19,000 acres) or 2GW of wind (around 700 big turbines), or a combination of the two.

The Strategy confirms that the Council has already made some progress towards this, with 480MW (around 10%) of renewable energy installed between 2010 and 2016. Whilst there have been some planning permissions granted for sizeable solar

Officer Report

farms in the Dorset Council area since 2016, deployment has stagnated somewhat due to planning restrictions imposed and the removal of all subsidies.

By providing at least 47MW and up to 49.99MW of renewable energy, the solar farm would make a valuable contribution to this very ambitious demand. This weighs very heavily in favour of the proposed development.

In terms of economic benefits, the applicants have indicated that the proposed development would support approximately 120 temporary jobs during the construction phase and, where possible, local contractors would be sought. During the operational phase, there would be permanent roles for a Technician and Maintenance Operative and contractors would be required for grounds maintenance, panel cleaning, etc. These roles would also incorporate working on other solar and battery projects so they would not be solely allocated to the site. These contracts and roles will be available to local businesses/contractors.

These economic benefits are important considerations that can also be given moderate weight.

The solar farm element of the scheme would provide a clean, renewable and sustainable form of energy and would accord with the thrust of the UK Solar PV Strategy. It would assist in meeting the Government's commitment to achieving 'net zero' carbon emissions by 2050 and make a valuable contribution towards cutting greenhouse gas emissions. In combination with other renewable and low carbon energy schemes it would assist in tackling climate change. These wider environmental benefits can be given substantial weight in the planning balance.

The development would bring substantial public benefits in terms of national and local renewable energy generation and meet key Local Plan objectives. As set out in policies 3, 20 and 22 of the Local Plan, the principle of the solar farm is acceptable.

These public benefits must be weighed against any adverse impacts. These are discussed in more detail in the sections that follow.

With regards to the limited time period sought for the proposed development to be in situ, whilst the development would be reversible (and controlled by condition in this sense), a 35 year period spans a large part of an adult lifetime. There are also no guarantees that planning permission would not be granted to extend the time period or replace the solar farm altogether. As such, very little weight can be given to the reversibility and 'temporary' nature of the scheme.

Flood risks

The site does not avoid flood risk areas, which is perhaps unsurprising for a site that amounts to 77ha in the countryside. The applicant's site-specific FRA and information available to officers indicates that the site is affected by flooding from the following sources:

- Main rivers - parts of the site, including a section of the main access, fall within flood zones 2 and 3 i.e. high risk areas for fluvial flooding;

Officer Report

- Surface water - low, medium and high surface water flood risks associated with two watercourses flowing through the site: 'Short Wood Brook' and 'Parsonage Farm Brook';
- Groundwater - groundwater levels either at or very near the surface in fields 4, 6, 7, 8, 9, 16 and 17.

The NPPF and PPG advise that the flood risk sequential test should be applied to major development that is proposed in areas at risk from flooding. As highlighted above, there are portions of the site that are at risk from different sources of flooding. Whilst the applicants have applied a sequential approach to the location of development within the application site, having particular regard to high risk flood zones, the extent of the red line application site does still include such risks and, thus, it is appropriate for the sequential test to be application in this instance.

The Lead Local Flood Authority (LLFA) recognise that the existing modelling used to map the extent of the flood zones does not include any allowance for climate change. At the time of determination, the Council has not published an updated SFRA level 1 for the Dorset area, which will seek to provide climate change extents for fluvial flood risk or provide advice as to how future climate change uplifts should be considered if models are not available.

Policy 3 of the Local Plan requires development proposals to avoid areas at risk of flooding, having regard to the sequential and exception tests set out in the NPPF. Paragraph 162 of the NPPF makes it clear that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

The applicants are correct in their assertion that solar farms are considered as "essential infrastructure" for the purposes of the flood risk vulnerability classification (Annex 3 of the NPPF). This classification, along with Table 2 in the PPG, informs whether the development is required to apply and pass the Exception Test, in addition to the initial sequential test. Unlike some of the other classifications that include, for example, dwellinghouses and community facilities, Table 2 does not indicate that developments classified as "essential infrastructure" should categorically not be permitted, even if within a functional floodplain (flood zone 3b) with the highest fluvial risk factor. Instead, the table indicates that essential infrastructure developments that are within flood zone 3a/3b are required to apply and pass the Exception Test.

The flood risk vulnerability classification does not identify 'access road' or similar in any of the classifications. The closest comparison is 'essential transport infrastructure' (which is also classified as "essential infrastructure" within the table). This type of development is likely to be more akin to major road networks in strategically appropriate locations, as opposed to a single lane track enabling access to a solar farm. Notwithstanding this, the PPG does advise that where some developments contain different elements of vulnerability it is the highest vulnerability category that should be used, unless the development is considered in its component parts. The access road is fundamental to the construction and continued

Officer Report

operation of the solar farm and, therefore, not considered a separate component. Thus, the higher vulnerability category of “essential infrastructure” prevails regardless of any debate there may be with regards to the access classification.

The applicants have indicated that the proposed site access is the only route available which connects to the public highway crossing land in the ownership of North Dairy Farm. Any other option would require another third-party land to be crossed; land which is either not available or would also be within the high risk flood zones.

The applicants have provided a Sequential and Exception Test document with the submission. The document concludes that there are no comparable sequentially preferable sites that are reasonably available to develop for the proposed development proposed and that, therefore, the Sequential Test is passed. The document also carries out the Exception Test and indicates this is also passed.

Sequential Test

Whilst considering the applicant’s submission, officers have also separately considered the application of the sequential test and a view as to whether or not this has been passed.

The applicant’s spatial scope of search was limited to a 1km corridor either side of the overhead power line on the rationale it would allow a feasible point of connection to the electricity network. The applicant succinctly explains that the vast majority of alternative sites within this corridor were discounted because they were either unavailable i.e. no response was received, or otherwise unsuitable. The applicants concentrate on 3 options, one of which includes the application site. The other two holdings were deemed to be either unavailable or not suitable as it would not be possible to form a point of connection to the grid over adjacent land in separate ownership.

Regarding the ‘area of search’ for applying the sequential test, the PPG advises that:

“For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives... For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.”

Officers consider that the applicant’s sequential test does not include a clear or full justification for limiting the scope of their search to alternative sites along either the broader corridor or the 1km area around the proposed ‘Point of Connection’ to the electricity grid, other than to reference that sites outside these areas are not likely to

Officer Report

be suitable because of limited scope to form an appropriate connection to the electricity network.

Whilst achieving a suitable point of connection between a development generating renewable energy and the electricity grid is a relevant consideration when assessing site suitability, it does not provide justification for limiting the spatial search for alternative sites, particularly where similar types of development have received planning permission in Dorset Council outside the 1km corridor area identified by the applicant. There do not appear to be any specific local circumstances for further limiting the scope of the search to the 1km area suggested by the applicant.

Renewable energy is required across the Dorset Council area to mitigate the impacts of climate change and to help meet the legislative requirement of reducing greenhouse gas emissions by at least 100% of the 1990 levels by 2050 (Climate Change Act 2008). The Council has considered and given planning permission for other solar PV arrays in its area. Thus, as renewably generated energy will make a positive contribution to mitigating climate change across the council area, and government's legislative targets for reducing greenhouse gas emissions relates to the country, officers consider that there is a justification for searching for alternative sites across the whole Dorset Council area.

In terms of considering potentially suitable alternative sites across the Dorset Council area officers have given consideration to the following:

- sites with extant planning permission for solar photovoltaic arrays;
- any suitable sites in the Council's land availability assessments;
- allocations for solar photovoltaic arrays in adopted local or neighbourhood plans;
- any broad areas identified in supporting evidence relating to development which will generate renewable energy.

The PPG also states that councils should take account of 'reasonably available sites' when assessing the suitability of alternative. These are considered sites in a suitable located for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

Some of the parameters identified by the applicant are also accepted as relevant when considering the suitability of alternative sites and these include:

- potential to form a point of connection to the grid;
- suitability for generating electricity from solar energy;
- other restrictive planning considerations – designated heritage assets, designated landscapes, protected habitats;
- availability.

Officer Report

Through assessment, officers can identify other sites with extant planning permission which have a lower risk of flooding relative to North Dairy Farm. However, collectively, these sites are forecast to generate approximately 39MW of renewable energy, at least 8MW less than the minimum capacity for the development proposed (47MW). Another large site with a forecast delivery of 40MW has also been identified but with a similar degree of the site affected by flood risks and some uncertainty with regard to the true full potential of flood risks on the site and, thus, officers cannot state with certainty that there would be lower risks of flooding on this alternative site. Of the sites that can provide more certainty on this matter, it is clear that these available alternatives do not collectively represent a suitable alternative to North Dairy Farm.

Only two sites were promoted for solar photovoltaic arrays or renewable energy as part of the council's Strategic Housing Land Availability Assessment (SHLAA), both similarly in countryside locations. However, at the time of determination, the Council has not received planning applications for either of these SHLAA sites and, thus, it cannot be said with certainty that solar arrays could be delivered on these sites within the next five years.

It is worth noting that the Landscape sensitivity assessments for wind and solar energy development conducted in North Dorset District (April 2014) and Purbeck (April 2014) identify broad areas which may be less sensitive to larger scale (with site areas exceeding 30 hectares) solar photovoltaic development. However, neither of the assessments state whether land is available for development with solar photovoltaic arrays.

On balance, officers consider that there are insufficient reasonably available or appropriate sites that are capable of providing the forecast renewably generated electricity that is expected from the proposed solar farm where the risks of flooding are lower than the application site. Accordingly, it is satisfied that the flood risk sequential test is passed.

Exception Test

In terms of the requirement for the Exception Test for the type and vulnerability classification of development proposed, Table 2 in the PPG sets out the circumstances when the test should be required and this indicates that it is flood zone areas (relating to rivers and seas) that determine whether or not the Exception Test is applicable. It does not include or take in to account the risk factor from other sources of flooding, with a note to the table even pointing out that "This table does not show the application of the Sequential Test which should be applied first to guide development to the lowest flood risk areas; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea".

Paragraph 164 of the NPPF states that:

"The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan

Officer Report

production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”

Paragraph 165 adds that “both elements of the exception test should be satisfied for development to be allocated or permitted.”

Wider sustainability benefits to the community that outweigh flood risk (part a)

The applicant’s Exception Test assessment considers the following as wider sustainability benefits to the community:

- a clear form of sustainable development, generating clean renewable energy and helping reduce carbon emissions which are required to meet the Climate Act 2050 net zero target.
- At least 47MW and up to 49.99MW of clean renewable electricity to the National Grid, providing the equivalent annual electrical needs of between approximately 11,745 and 13,000 family homes. The anticipated CO2 displacement is between 10,402 and 13,000 tonnes per annum, which represents an emission saving equivalent of a reduction in c. 5,841 cars on the road every year.
- significant biodiversity enhancements (74.58% habitat net gain and 49.83% hedgerow net gain), allow for soil regeneration, greatly improve nature corridors and connectivity and represent an important farm diversification project, with indirect socio-economic benefits, at a time challenging to the UK farming industry.
- not significantly adversely affect landscape designations, biodiversity (in fact a significant biodiversity net gain would be delivered), the historic environment, flood risk, transport and road safety, would use non-prime agricultural land and that residential amenity is demonstrably protected from noise and glint and glare impacts.
- The Applicant has carefully selected the Application Site within the overall North Dairy Farm landholding to ensure environmental impacts arising from the Proposed Development are minimised as far as possible. In addition the design of the Proposed Development as proposed to be positively managed through the LEMP (Document Ref: R009), has secured the protection, restoration and enhancement of key landscape structures and multiple benefits for wildlife.
- There is an urgent requirement for the Proposed Development to meet National Grid infrastructure requirements, meet community energy needs and to deliver the infrastructure necessary to support the transition to a low carbon

Officer Report

energy sector and manage the intermittency factors that relate to use of renewable energy.

Under this element of the Exception Test the PPG advises that “Local planning authorities need to set their own criteria for this assessment, having regard to the objectives of their Plan’s Sustainability Appraisal framework, and provide advice which will enable applicants to provide relevant and proportionate evidence.” The LPA has not published its own set of criteria for this specific assessment and the Local Plan is otherwise silent on the matter of the Exception Test.

However the Local Plan’s Sustainability Appraisal framework, which acted as a pre-submission record of the Sustainability Appraisal and Strategic Environmental Assessment of the North Dorset Local Plan Part 1, set out a number of objectives. The sustainability framework includes 16 objectives each focused on particular aspects of sustainability. Of relevance to the proposed development in terms of particular aspects of sustainability are:

- Objective 6 – Reduce the impact of climate change, including flood risk and make best use of the opportunities that arise;
- Objective 7 - Protect and where opportunities arise, enhance habitats and biodiversity;
- Objective 9 - Recognise the importance of the district’s distinct rural landscapes beyond just the aesthetic value;
- Objective 12 – Promote energy and resource efficiency, encouraging clean energy production.

The Framework recognised that “Clearly there are conflicts between the different SA objectives particularly where objectives are “pro-growth”... and those which seek to protect the environment... Although this conflict is apparent, overall the SA objectives are considered to give a balance between social, economic and environmental objectives.”

It is apparent that these pre-submission objectives in the Sustainability Appraisal framework, devised to support the production of the Local Plan, were carried through to the publication of the development plan itself.

The headline Objective 1 in the adopted Local Plan relates to ‘Meeting the Challenge of Climate Change’, with the Local Plan explicitly stating that this objective is to “address the causes and effects of climate change by... encouraging the use of renewable energy technologies appropriate to the local area...”

In consideration of the applicant’s assessment and the objectives of the adopted Local Plan, officers consider that the wider sustainability benefits to the community resulting from the solar farm would outweigh the flood risks which, insofar as fluvial risks (flood zones) that invoke the requirement of the Exception Test, may affect only the existing access road that leads into the main part of the site. Thus, part a) of the paragraph 164 test is satisfied.

Officer Report

Will the development be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (part b)

The applicants have provided a Flood Risk Assessment (FRA) with the planning application. In terms of mitigation measures proposed, the applicants explain in their FRA that a sequential approach has been taken in the layout of the scheme whereby the most vulnerable parts of the development would be located in areas at the lowest risk of flooding. In this regard, the substation and transformer stations would be located outside both the fluvial and low surface water extents.

Furthermore, the majority of the solar arrays themselves would be installed within flood zone 1 and outside the areas of medium and high surface water risks. Whilst a small number of solar arrays would be located within the surface water extents where estimated depths are less than 0.6m, the solar panels would be elevated at least 0.8m above ground level and, therefore, not impede flow or displace floodplain storage.

The FRA states that the access track, which provides a means of access and egress to the main part of the site, could flood during the 0.1% AEP event to an estimated depth of between 0.5m and 1m, and this has been accepted by the Environment Agency (EA). In terms of hazard rating, there to potentially be a 'danger for all' i.e. a danger for the general public including the emergency services, however the EA have commented that such depths amounts to a less severe rating of 'danger for most'.

However, the FRA also indicates that it is anticipated that personnel would only be on site during the construction phase of the proposed development, a period of approximately 5 months, and otherwise only for occasional maintenance visits once construction has been completed. There will be no other personnel present at the site for the majority of the operational lifetime of the development and the development would not be accessible for the general public. The developer and maintenance contractor would sign up to the EA's flood warning service for the local area. This would ensure that all personnel would have sufficient time to leave the site or reschedule their planned visits.

On this basis, the applicants consider that any future users of the development would be safe during the design flood event for the operational lifetime of the development.

During the course of the application the EA have advised that lives will not be at risk if an access road for a solar farm is sited within flood zone 3. There are some risks to consider but potential loss of life and property/livelihoods are not part of those.

The EA have also advised that, given the nature of the development, even if it is not possible to provide 'safe' access/egress, the LPA may consider it appropriate to provide a site-specific solution to flood risk management by requiring a site specific Flood Warning & Evacuation Plan.

Officer Report

Accordingly, the applicants have provided a Flood Warning & Evacuation Plan (FWEP) during the course of the application (produced by the same consultant who authored the FRA). The FWEP sets out what actions should be undertaken before and during a flood event, such as: signing up to the Government's Flood Information Service; re-schedule site visits; and familiarisation with the evacuation route. The FWEP also states that a 'safe refuge' with emergency flood kit would be provided on site and within a flood zone 1 area to ensure any personnel caught on site would be safe during the design flood event for the operational lifetime of the development.

The generic advice given to the LPA from the Emergency Planning team is that site operators should sign up to the EA flood warning service and ensure that they have appropriate evacuation plans in place and safe places to go to should the need for evacuation occur. The onus is on the author of a FWEP to have professional confidence that it would be effective and can be implemented appropriately. Officers consider that there are no reasons to doubt the appropriateness of the FWEP submitted. It is considered proportionate to the nature of the development and vulnerability to the limited number of users i.e. construction workers and, thereafter, site operators only. The FWEP can be conditioned to ensure it is adhered to.

With these points in mind, officers consider that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere. Thus, part b) of the paragraph 164 test is also satisfied.

With both parts of paragraph 164 of the NPPF passed, the Exception Test is, in turn, also passed.

Surface water flood risks

With regards to surface water flood risks, the LLFA have been consulted as the experts on such matters.

The LLFA advise that a 1 in 100 year surface water flood extent is considered 'not insignificant or trivial' i.e. it may negatively impact any proposed development. Only two locations within the site are at a non-trivial risk of flooding and the applicant is not proposing to develop these areas.

SHV have submitted comment and reported flooding to the area allocated for a temporary construction compound. This equates to a very limited data set in hydrological terms and time periods and again would not be sufficient, by itself, to justify a sequential approach to the 1 in 1000-year pluvial event, particularly since the compound proposed is not to be a permanent structure and any contractor will need to ensure that their site is managed so as to avoid flooding of temporary construction facilities. Notwithstanding this, the LLFA have recommended a condition requiring further detail around management of surface water during the construction phase.

With respect to the solar arrays themselves and 1 in 1000-year flow paths, a sequential approach has been taken across most of the site in terms of their siting. It is also material that the panels are raised well above ground level. As such, no

Officer Report

objections have been raised by the LLFA on flood risk mitigation and management grounds, subject to conditions.

The LLFA do also acknowledge that, regardless of prevailing risk, development, through introduction of impermeable areas, has the potential to exacerbate or create flood risk if runoff is not appropriately considered and managed as evidenced by a substantiated surface water strategy. Ordinarily therefore, and in keeping with the requirements of the National Planning Policy Framework (NPPF), all major development proposals must take due consideration of SW water management and should offer a drainage strategy that does not create or exacerbate off site worsening and should mitigate flood risk to the site. The impact of raised solar panels, however, which allows flows to reach the ground, has less impact than usual residential or commercial development.

With respect to surface water management, the LLFA advise that it is generally accepted that raised solar panels do not reduce infiltration to the ground in the same way that traditional development does as panels allow water to spill onto the grass-covered ground. It is acknowledged, however, that it can cause erosion. SuDS can be useful for storing flow to prevent turbid runoff from discharging into the natural environment. In this regard, the applicant proposes to implement interception swales as mitigation.

The applicant's reliance on an academic paper authored by Cook & McCuen in their FRA has drawn criticism from SHV. However, the applicant's approach is consistent with similar solar farm application sites across Dorset and other Local Authorities. There is no reason why the conclusions reached cannot be extrapolated to larger sites. No evidence has been presented to refute these studies.

An acceptable and viable Drainage Strategy has been offered for access tracks and for the transformer and substations. This is subject to detailed ground investigation to establish infiltration rates and detailed design of the proposed SuDS.

The LLFA have accepted that the concerns regarding soil management during construction and operation, including incidental creation of bare earth areas, reduced grass cover (due to shadow) and potential for erosion are all valid. Concerns regarding the location and sizing of the proposed swales are also noted. However, the LLFA consider that these matters can be overcome by use of conditions. Through the imposition of conditions the applicants will be expected to:

- Provide a detailed Soil Management Plan to outline how over compaction will be avoided both during and post construction;
- Supply a detailed surface water management and maintenance plan, which outlines how any SuDS features will be maintained, and by who, and how grass cover will be maintained and inspected and by who;
- Provide a detailed drainage design which covers the access roads, any areas of hard standing and swales.

The LLFA have taken representations and further supporting documentation from SHV into account with their comments.

Officer Report

The EA have also raised no objections subject to a condition regarding a CEMP.

Groundwater

Areas with the '*potential for groundwater flooding to occur at surface*' (Fields 4, 6, 7, 8, 9, 16 and 17) correspond to the presence of River Terrace deposits identified by BGS online Geology of Britain Viewer, the River Lydden and Parsonage Farm Brook. The groundwater flood risk is related to the fluvial flooding of the River Lydden, Short Wood Brook and Parsonage Farm Brook. There are no borehole records in the vicinity of the site within the River Terrace Deposits. However, in the unlikely event of groundwater emergence, the LLFA have advised that any groundwater flooding is likely to be shallow and could be mitigated alongside the fluvial and surface water flood risk.

Flood risk conclusion

By virtue of the access track that would enable construction workers and site operators to access the main bulk and 'development area' of the site crossing the River Lydden and passing through the functional floodplain (flood zone 3b), it is not possible for all of the development site to be located within the lowest flood zone. Both the Sequential Test and Exception Test is applicable for the proposal. Both have been satisfied, as per the requirement of paragraph 165 of the NPPF to enable the granting of planning permission.

Paragraph 167 of the NPPF sets additional criteria to be met with regards to flood risk mitigation. The application is supported by a site-specific FRA. Regarding the paragraph 167 criteria, the FRA and information provided with the application indicates that:

- a) The most vulnerable parts of the development i.e. the substation and transformer stations, would be located in the areas of lowest flood risk within the site;
- b) The solar farm has been designed to remain operational in all flood events, with panels and inverter stations all located within flood zone 1 and elevated above all flood levels;
- c) The applicants have argued and provided academic evidence that SuDS are not required to manage solar farm surface water runoff. The LLFA have, however, recommended conditions whereby the implementation of SuDS can be reviewed as part of an overall surface water management and maintenance plan;
- d) Any low residual risks that there may be could be safely managed by implementing measures in the FWEP;
- e) A FWEP has been provided with the application and is considered acceptable and can be conditioned. The Plan includes details of the escape route, which is effectively the same as the access. As a worst case scenario it is also noted that there are public rights leading from out from the site and to potentially safer escape routes.

Officer Report

Officers are satisfied that, taking comments received from the EA and LLFA into account, the proposed development would be made safe for its lifetime without increasing flood risk elsewhere. Furthermore, officers are satisfied that the scheme would meet all of the criteria set out in paragraph 167 of the NPPF and comply with Policy 3 of the Local Plan.

Heritage impact

In terms of the historic context of the site and its surroundings, the Council's Senior Conservation Officer notes that:

"The landscape was likely occupied and settled during the Iron Age at least; the presence of Dungeon Hill hillfort, approximately 3.2 km to the west of the site, suggests a settlement focus there in the Late Iron Age and perhaps an associated agricultural hinterland. During the medieval period, it is likely that the site formed part of the agricultural land associated with Pulham, Hazelbury Bryan and/or the manor at Cannings Court. HER records cultivation remains in the north east part of the site, confirmed on LiDAR as being consistent with ridge-and-furrow earthworks, probably of the late medieval period. However, the field shapes are perhaps more consistent with piecemeal enclosure of common or otherwise marginal land rather than with a single-event enclosure of open arable fields. At the time of the mid-19 century, the whole site was part of the wider estates of absentee landowners... Tithe Maps reveal that the general shape of the constituent fields was in place by this time under a mixture of pastoral and arable use. The existence of these boundaries at this time indicates that the majority of the hedgerows around the site will likely qualify as 'important' under the Hedgerow Regulations 1997... Other than some amalgamations of smaller fields and the removal of small buildings south east of Cannings Court, no significant changes appear to have occurred within the site by 1887 or thereafter. By the former date North Dairy Farmhouse had been built and developed into a courtyard farmstead on the site of some earlier buildings, whilst Boywood Farm had also been constructed in one of the fields."

There are no designated heritage assets on the site. However, owing to the 77ha extent of the site, the significance of heritage assets, including contribution made by their settings, could potentially be affected by the proposed development. These assets are identified below:

Designated heritage assets

- Hill Fort and Later Strip Lynchets on Dungeon Hill (Scheduled Monument)
- Cannings Court Farmhouse (grade II listed building)
- Old Boywood Farm (grade II listed building)
- Hazelbury Bryan Conservation Area

Non-designated heritage assets

- 'Cultivation Remains'

Officer Report

The impact on heritage assets has been assessed by the applicants in their Heritage Statement, which includes archaeology considerations.

The Council's Senior Conservation Officer has been consulted on the application. Historic England were also consulted but as there are no designated heritage assets of the highest significance (grade I, grade II* and Scheduled Monuments) that would be affected no comments have been offered by Historic England.

Hill Fort and Later Strip Lynchets on Dungeon Hill

The significance of this designated asset of the highest significance (Scheduled Monument) derives from contributory elements of its setting, with the two most relevant elements comprising: potential visual impacts affecting the commanding views from the hillfort and the potential change to the character of the surrounding landscape. As mentioned, Historic England have decided against commenting on the planning application, thus this consideration is carried out at Council officer level.

The application site is situated some 3.4km from the edge of the scheduled monument area. Though the prominence of the hillfort is now much reduced owing to tree cover and on private land, the siting and dominance of the site can be appreciated from the public right of way passing just below the asset (S10/7), which affords long views to the east. Views out of the hillfort itself are heavily filtered by tree cover on all sides. In terms of visual impact, from this position it is not considered that the proposed development would form a particularly visible or prominent element in the wider landscape owing to the distance and relief of the land.

In terms of the character of the surrounding landscape, though this has changed considerably since the Iron Age, the land remains undeveloped and agricultural, conditions which prevailed at the time of its construction and occupation. Even small developments can potentially affect these elements of setting, but such effects naturally diminish with distance.

In this case, given that there is a considerable distance between the application site and the scheduled monument and that the development is relatively low-lying (when compared with new buildings), officers do not consider that it will represent a significant change to this surrounding character. As such, officers do not consider that the proposed development would result in any degree of harm to the asset's significance.

Cannings Court Farmhouse

The significance of this designated asset derives from its spatial and functional relationship to its farmyard and associated farm buildings; and its immediate undeveloped agricultural setting.

The application site is, at its closest point, approximately 740m from the farmhouse, from which views east are constrained by farm buildings and intervening field boundaries and from which changes to the general character of the land are

Officer Report

considered sufficiently distant not to affect the immediate agricultural setting of the farmhouse.

For this reason, and taking into account the contributory elements of setting identified above, officers do not consider that the proposed development would result in any degree of harm to the asset's significance.

Old Boywood Farm

The significance of this designated asset also derives from its spatial and functional relationship to its farmyard and associated farm buildings; and its immediate undeveloped agricultural setting; but, in addition, its topographical position adjacent to the hill (which gave the site its earlier name of 'Hull' or 'Hille').

At its closest point, the application site is approximately 480m from the farmhouse, there being no obvious designed or fortuitous intervisibility between them owing to the orientation of the farm and the intervening historic field boundaries.

For this reason, and taking into account the contributory elements of setting identified above, officers do not consider that the proposals will result in any degree of harm to the asset's significance.

Hazelbury Bryan Conservation Area

The significance of the conservation area derives from: the contribution of key views identified in the Hazelbury Bryan Neighbourhood Plan; the spatial relationship between the conservation area and the nearby hamlets and the gaps between them; and the rural setting which emphasises and defines the conservation area within the agricultural landscape and also its topographical position on a prominence.

At its closest point, the application site is approximately 750m west of the conservation area boundary.

It is the impact on this designated heritage asset that is subject to the most dispute from third party representations, especially SHV who commissioned Wyvern Heritage and Landscape to conduct their own heritage assessment in support of their representation.

The SHV commissioned report considers part of the significance of the conservation area to be:

"The most significant aspects of the setting of the Conservation Area will be those that relate to its historic interest and architectural interest. In particular on the western side of the village elements which contribute to the understanding on how the postmedieval landscape of the Vale relate to the village will be particularly important. As a whole the meadows and fieldscapes to the west of the village present a legible postmedieval farmed landscape with related dispersed farms. These are intimately related and historically tied to the historic ridge top village of Hazelbury Bryan. Views of importance which allow this relationship to be

Officer Report

appreciated, includes the views from the edge of the Conservation Area accessed from the two public footpaths, and views from within the site itself. The scale of the proposals is the major issue in that it dwarfs the intimate pre 1750 post-medieval landscape and related scattered dwelling. This impact occurs across an area over four times the size of the Conservation Area. It also includes major impact on unspoilt views from the Conservation Area boundary across the area of the proposed development looking west from which this time depth and relationship can be appreciated. There would be adverse major effect on significant elements of the setting of the Conservation Area which relate to its significance. This includes the historic rural character of the landscapes within the development site which represent a surviving pre 1800 landscape with earlier Medieval time depth which is intimately related to the character and special interest of the village of Hazelbury Bryan and views out from and towards the Conservation Area which allow this relationship to be appreciated.”

The SHV assessment concludes that there would be less than substantial harm to the conservation area.

The SHV assessment focuses on westward views out of the conservation area boundary from the relatively modern cul-de-sac known as The Orchard and how, from here, the aforementioned significance of part of the setting can be appreciated.

Whilst it is not disputed that part of the site would be discernible from this viewpoint, at the boundary of the conservation area, it is noteworthy that views from any part of the westward edge of the village were not considered a ‘Key Rural View’ in the Hazelbury Bryan Neighbourhood Plan (HBNP).

It is also not disputed that the general character of the conservation area’s setting is relevant to its significance. However, as the Council’s Senior Conservation Officer points out, the extent to which surrounding ‘general character’ can contribute to significance must in all cases take into account such factors as topography, distance, historical associations and intervisibility in order to establish and delimit its zone of relevance.

The Council’s Conservation Officer considers that, whilst accepting the general description of the historic agricultural land and ‘farmscape’ of which the application site forms part, there are few, if any, historical associations between the village contained within the conservation area. The land comprising the site was historically in a separate parish and, therefore, unlikely to have formed part of the hinterland specifically worked by inhabitants of Hazelbury Bryan. The suggestion that the land of the application site is “intimately related and historically tied to the historic ridge top village of Hazelbury Bryan” is not borne out by the evidence presented.

It is not disputed that there will be an impact on views from public rights of way outside the conservation area and from properties within it. However officers consider that the impact on these would not materially affect the significance of the conservation area, insofar as its contributory elements of setting.

Officer Report

As such, officers do not consider that the proposed development would result in harm to the setting of the Hazelbury Bryan Conservation Area. This was also the view prior to the amendment to reduce the extent of solar arrays.

Cultivation Remains

The significance of this type of non-designated heritage asset, forming as ridge-and-furrow earthworks, would derive from: archaeological interest for illustrating medieval (or later) agricultural practices and land use, bringing evidential value; and setting resulting from their continuing agricultural surroundings, which have preserved the legibility and understanding of their historical use and context.

Ridge-and-furrow was a type of ploughing carried out in the Middle Ages which formed distinctive earthworks. Where these earthworks survive, they are distinctive and significant historic landscape features. However, when the earthworks have been levelled (often by modern ploughing methods) then little or nothing of archaeological significance tends to survive below ground – unlike for many other types of archaeological earthworks.

The Heritage Assessment submitted with the application identifies “minor adverse effects upon most classes of archaeological remains” arising from piles required to support the ground-mounted frame. Where these are present, they would clearly result in damage to the heritage asset, whilst the development as a whole would significantly change their setting.

Accordingly, the County Archaeologist has been consulted on the planning application and has indicated that it is their understanding that despite some indications from LiDAR data submitted, no ridge-and-furrow survives as visible earthworks on the site. Once these earthworks are ploughed by modern methods it is effectively lost and this appears to be the case with the asset on site. As such, it is unlikely to be anything of the ridge-and-furrow that is of any great significance surviving below the modern plough soil. In this regard, the County Archaeologist has not raised any objections to the application, nor recommended any archaeological conditions, such as evaluations and trial trenching.

Officers are therefore satisfied that the proposed development would result in no harm to non-designated heritage assets. As such, paragraph 203 of the NPPF is not engaged.

In consideration of all of these points and having had regard to s66 and s72 of the Planning and Listed Building Act 1990, it is considered that no harm would be caused to designated and non-designated heritage assets and any impacts would be acceptable and in accordance with Policy 4 of the Local Plan and section 16 of the NPPF.

This weighs in favour of supporting the application.

Officer Report

Visual and landscape impact

With regard to renewable energy development the supporting text for Policy 22 highlights that visual and landscape impacts can arise for a variety of reasons, including the potential scale or height of the proposed development. Such proposals can occur solely because of the proposal itself or due to cumulative effects with other developments. Appropriate landscape screening should also be provided to minimise visual and landscape impacts.

Policy 4 of the Local Plan states that the landscape character of the District will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme.

The site straddles two landscape character areas. The northern part of the site lies in the Blackmore Vale LCA which is broad, gently undulating flat landscape. The southern part lies in the South Blackmore Rolling Vales LCA which is a more undulating/rolling pastoral landscape which represents the transition zone between the landscapes of the Blackmore Vale and the Chalk Escarpment of the Dorset AONB to the south. The site is characterised by gentle to moderate gradients, with levels on site ranging from between c. 93m AOD to 77m AOD.

There are several public rights of way near the site (N49/4; N46/19; N46/21; N46/28) as well as one crossing through the site (N46/20). None of these rights of way will be stopped up or diverted (temporarily or permanently) and they will remain open to public access throughout the construction, operational and decommissioning phases.

The application site is not within an Area of Outstanding Natural Beauty (AONB) but the Blackmore Vale and North Dorset Escarpment character areas of the Dorset AONB distantly wrap around the site to the south, with the boundary to this designated area some 1.25km at the closest point (to the south east). It is accepted that the site forms part of the setting of this designated area, with the North Dorset Chalk Escarpment not only providing panoramic acting as a prominent backdrop to the site. In this regard, paragraph 176 of the NPPF states that “development within [the AONB] setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

This part of the Blackmore Vale AONB LCA is tranquil and undeveloped. Settlements are small and dispersed, and the landscape has a strong rural feel to it. There are strong cultural associations, with the Author Thomas Hardy both living locally and using the Vale as the setting in his works. The ‘Hardy Trail’ is a popular long-distance walking route that passes within 850m of the site to the east, from where the site can be seen in views towards Dungeon Hill Scheduled Ancient Monument/the AONB to the west. The Wessex Ridgeway is another popular long-distance footpath which connects many of the heritage assets along the chalk escarpment/ridge, including Rawlsbury Camp Scheduled Ancient Monument from

Officer Report

where there are extensive views across the Blackmore Vale. Ancient drove roads are another characteristic feature of the landscape. Whilst there are cultural associations of the Blackmore Vale, particularly with Thomas Hardy, in planning terms the undesignated parts of the Vale are not considered to amount to a 'valued landscape' for the purposes of NPPF paragraph 174a. That being said, the areas adjacent to the AONB contribute much to its setting and are considered more than just an 'ordinary landscape', as described in the LVIA.

The landscape setting is semi-natural, containing few detracting elements. The LVIA describes a 'utilitarian aspect to the local landscape', referring to the agricultural barns, overhead lines and pylons within the vicinity of the site. Whilst these do not present the site as forming part of a pristine landscape devoid of historic development, they are not especially uncommon features in the countryside and so should not significantly diminish the baseline landscape setting.

The LUC report 'Landscape Sensitivity to Wind and Solar Energy in North Dorset District' indicates that the landscape character areas that the site straddles both have a high degree of sensitivity to solar farms of the scale proposed.

Within the southern landscape character area part of the site (Rolling Vales) it is recognised that sensitivity to larger solar PV developments will be high in this undulating landscape with irregular field boundaries. Sensitivity could be higher where the location is on an exposed or significantly undulating slope (particularly if it is visible in the same context as more distinctive parts of the chalk escarpment, such as Bulbarrow Hill); or the location detracts from the green, patchwork character of the landscape, as observed from elevated viewpoints (particularly those in AONB settings). Sensitivity could be lessened on the flatter arable fields, with screening from trees and hedgerows, although this is more likely for smaller developments or those further away from the chalk escarpments areas.

It is recognised that the southern part of the site would comprise relatively open and gently undulating arable fields and, thus, be susceptible to the high sensitivity of solar development. As noted in the LUC report, the small scale of land cover pattern elevates sensitivity of the Blackmore Vale to larger developments.

Within the northern landscape character area part of the site (Blackmore Vale) it is recognised that its flat or gently undulating landform is not inherently sensitive to solar PV development, as it would be unlikely to be perceptible beyond its immediate surrounds. Ground-level views in this area are also limited by well-treed field boundaries and woodland blocks.

It is acknowledged that there is an interrelationship between landscape character areas that the site is located in and the chalk escarpment landscape of the AONB to the south. Views towards the higher ground of the Dorset AONB also form an intrinsic part of the perceptual character of the southern reaches of the Blackmore Vale. This aspect is particularly relevant in relation to the proposed development, as the AONB effectively wraps around the landscape that the site sits within, thereby further increasing sensitivity.

Officer Report

With regards to the proposed development, one of the most significant factors in terms of its impact is its 77ha coverage. It would currently amount to one of the largest solar farms in the region. Its extent has the potential to detract from the green, patchwork character of the landscape, especially when observed from elevated viewpoints.

To reduce the overall impact of the development a number of design strategies were incorporated within the development layout, mostly in the form of additional tree and hedgerow planting in and around the site and bolstering existing vegetation. Whilst appreciating these measures would be partly effective in reducing the visual impact of the proposals from local visual receptors, initial concerns were still raised by officers and the Dorset AONB team in terms of the remaining visual and landscape impact. LVIA photomontages from sensitive locations indicated that the proposed mitigation planting would have limited effect in screening the development, even by the fifteenth year of maturity.

Whilst there would not be a 'funnelling effect' formed along the public right of way that passes through the site (N46/20) by virtue of the distances between fences and panels on either side of the defined and 'as walked' routes, the proposed development would, nevertheless, be clearly evident and dominate immediate views whilst traversing this right of way, resulting in major-moderate, adverse effects. From this right of way part of the development would be set in the immediate foreground and potentially intervene views towards the AONB where the chalk escarpment forms a backdrop and landmark to the area.

Upon review of the initial scheme, Senior Landscape Officers considered that the adverse effects of the proposal could be reduced if it was significantly reduced in size and contained to the northern part of the site.

During the course of the application the applicants have made amendments to the scheme, introducing further mitigation each time to try to appease visual and landscape concerns. Initially these mitigation measures were relatively minor, with some marginal reductions in arrays, additional vegetation and addition of swales in some of the fields.

More recently, there have been more noticeable amendments, in the form of a reduction of some 3ha of arrays across fields 4, 6 and 7 to accommodate wider screen planting and, in the case of field 7, a woodland strip to assist with screening views from public rights of way N46/21 and N41/10 and wider views from within the AONB. Proposed CCTV posts have also been reduced from 6m to between 3m and 4.5m (with their final height to be determined following more detailed design work). The amendment to the scheme did not, however, involve the recommended exclusion of fields in the southern part of the site, namely fields 10 and 13, as a means of primary mitigation.

From directions close to Hammond Street Farm, Fir Tree Farm, Muston Farm, Wonston and part of footpath N46/21, the topography of the landscape provides a vantage point overlooking the site. In these views, the substation and the PV panels in fields 6 and 7 will be apparent and clearly visible. According to the LVIA's judgement a 'significant' post construction effect will be reduced to a moderate and

Officer Report

therefore 'not significant' effect in the longer term. However, the taller structures associated with the substation, including the 10m wide x 15m high pylon, will be visible in these views.

Although additional mitigation measures have been introduced during the course of the application, including the reduction in the extent of arrays to accommodate more vegetated screening, officers accept that these measures would fully offset the moderate-high adverse magnitude of change that would occur, especially from elevated locations. The proposed development would result in a significant change in character of the local landscape which, although not permanent and reversible, would have an effect for a lengthy period of time.

The sloping nature of fields 4 and 10 mean that these are particularly visible from the south east, south and south west directions. The sloping nature of field 13 means that it is most visible from the south east and south. Limited existing boundary vegetation increases the likelihood of views of fields 6 and 7. Together, these compartments form the bulk of the development proposal and, thus, the majority of the solar farm occupies those parts of the site that are more likely to be visible from elevated vantage points within the AONB.

Officers broadly agree that adverse effects on views from within the AONB are greatest from the south east and the direction of Bulbarrow Hill, Stoke Wake and the roads and footpaths descending the escarpment to the north of this area.

The LVIA is also correct in noting that there are further occasions of visibility of parts of the site from the scarp slopes and hilltops to the south, including locations close to the Dorsetshire Gap, Nettlecombe Tout, Ball/Church Hill and Knoll Hill. Most of these areas provide some form of panoramic view toward the north, even if briefly. Within such views, parts of the development may be visible, particularly during winter months, when intervening screening is less effective. Each wider viewpoint identified along the Escarpment (but including the Bulbarrow Hill area) are from distances typically ranging from 4-4.5km and would not be regarded as 'significant' in their own right.

Other wider views of the development from elevated locations within the AONB are generally more distant and often filtered by intervening vegetation. Along the Wessex Ridgeway, in particular, there are notable sections where vegetation in the immediate foreground restricts the availability of northward views and therefore reduces the impacts. Were this vegetation not present, the impact of the proposal could be considerably more widespread.

Amendments to the scheme have achieved a degree of mitigation, particularly in relation to the outlying field 4, as well as field 7, where panels have been removed to the north east of the pylons to remove an exacerbating 'corridor' effect when viewed from the sensitive south east views (Bulbarrow Hill and Stoke Wake). The additional planting now proposed would help to soften the impact of the substation area, in addition to panels in fields 6 and 13, in the long term. From the Stoke Wake viewpoint, the mitigation proposed would be more effective, if it established successfully in the manner that is illustrated. These would represent marginal

Officer Report

improvements once the planting reaches a degree of maturity but it is also accepted that it would not negate the impacts from within the AONB entirely.

Overall, whilst noting a modest improvement in the design of the development, the changes and mitigation would be unable to fully avoid or minimise impacts on views from within the AONB. The series of 'moderate' effects on the outlook from the AONB places the effects at the cusp of being 'significant' and does not demonstrate clear compliance with the recommendations of NPPF paragraph 176.

Despite some assertions through representations received, officers are content that there are no other large-scale solar developments in the area that require consideration of cumulative visual impact, even from the more elevated and sensitive views within the AONB.

The identified visual and landscape harm needs to be weighed in the overall planning balance against the public benefits of the scheme and this is discussed later in the report.

Impact on agricultural land

The supporting text for Policy 22 of the Local Plan states that it is important that ground-mounted solar panels avoid the best and most versatile agricultural land, focusing on that of least value. The policy itself does not explicitly state that solar farms should not be installed on the best and most versatile land, only that any adverse impacts on agricultural land should either be mitigated or outweighed by benefits.

As Annex 2 in the NPPF confirms, 'best and most versatile agricultural land' is land in grades 1, 2 and 3a of the Agricultural Land Classification.

According to the Natural England 1:250,000 scale Agricultural Land Classification Map for the south west region (2010) the site is identified as undifferentiated Grade 3 'Good to Moderate' land. This data set does, however, not distinguish between grades 3a (good) and 3b (moderate).

A more detailed assessment of the ALC across the 168ha North Dairy Farm unit, including all 77ha of the application site, has been submitted to provide a semi-detailed, site-specific analysis. The semi-detailed survey involved examination of the soil's physical properties at 18 locations across the application site (out of a total of 42 locations across the whole unit). The ALC methodology indicates that two soil pits were hand dug at each of these locations to examine certain soil physical properties. In addition, auger bores were dug at 3 of the 18 locations across the site. The report concludes that the quality of agricultural land at the site is limited mainly by soil wetness to subgrade 3b and grade 4 (poor).

Both SHV and Mappowder Parish Council dispute some of the findings in the ALC report, suggesting that at least one of the auger bore soil test results on the site itself would actually indicate a composition profile more akin to grade 3a than 3b and, therefore, the conclusion that there is no 3a grading on the site is somewhat misleading.

Officer Report

Indeed, one of the auger bore results (AB26) from the application site is graded as 3a in Appendix 1 of the ALC report. The applicant has indicated that this is a 'one off profile' result within an otherwise 3b mapping unit. Another auger bore result (AB37) is also disputed upon cross-referencing results with Tables in the ALC report, although the Appendix 1 results confirms this result to be classed as 3b grading. These appear to be potentially the only results indicating grade 3a land across the whole site, the rest being 3b or 4.

Even taking the worst-case scenario that two of the 3b results should in fact be 3a, this grading would amount to some 11% of the whole site. However, even setting the disputed 3b results aside, more than half of the site is classed as poor (grade 4) agricultural land. Thus, the applicants have targeted areas of poorer quality, in addition to other material considerations for discounting other land within the wider unit.

It is also material that the planning permission is sought for a period of 35 years which, although not 'temporary' per se, does indicate that the development is reversible and where the land would be returned to full agricultural use following decommissioning. The mountings for the solar panels would allow for restoration, subject to appropriate soil management practices secured by planning condition.

The applicants have also indicated that an element of agriculture would persist across the site in the form of low-intensity sheep grazing amongst the solar arrays.

Notwithstanding the disputed results from the ALC report, at least 89% of the application site would not be classed as 'best and most versatile land', with more than half classed as 'poor'. The nature of the scheme would not result in permanent loss of agricultural land and, thus, does not conflict with Policy 4 of the Local Plan. As such, even with the disputed 11% coverage of 3a land, any harm in this respect would be very limited and be considerably outweighed by the substantial public benefits from renewable energy generation at a time when the Council has declared a Climate & Ecological Emergency.

On this basis, it is satisfied that the proposed development on the site would satisfactorily avoid the 'best and most versatile' agricultural land and focus on that of least value, thus complying with Policies 4 and 22 of the Local Plan and the NPPF.

Residential amenity

Policy 22 of the Local Plan indicates that the likely impact of noise and vibration on local residents and those working in the vicinity of a renewable or low carbon energy generation plant needs to be considered as part of the application process. Photovoltaic panels are inert and would emit no noise, dust or vibration.

Owing to the separations involved to the nearest neighbouring properties there would be no impact in terms of overbearingness, loss of light or loss of outlook.

Officer Report

Both a Noise Assessment and Glint & Glare Study has been submitted with the application to assess impact on neighbouring amenity that are more likely to occur from solar farm developments. Owing to proximity to the site, the properties that would most likely be affected are: Boywood House Farm; Dairy House Farm; 1-2 Boywood Cottages; Povert Bridge Farmhouse and Old Boywood Cottage beyond the east and south east boundaries of the site.

Noise

The applicants explain that a preliminary Noise Impact Assessment was undertaken to inform the proposed site layout to ensure sufficient sound buffers existed between the inverter and transformers. The opportunity was therefore taken at the outset to embed noise mitigation into the design layout.

The Noise Impact Assessment submitted indicates that all equipment is likely to run for approximately 1 hour after sunset. The earliest the equipment will begin working is 4.30am and this assumes a worst-case scenario, with the times of operation seasonally dependent.

The assessment also identifies that the development would give rise to noise levels that are typically below the measured day and night time background levels in the area, at the closest assessed residential receptors, thus giving rise to a 'Low Impact'.

The assessment also considers noise impacts from the temporary, five month construction period. The construction sound levels would comply with the requirements of BS5228-1:2009+A1:2014, thus not causing a 'Significant Impact'.

Consequently, the assessment demonstrates that the development would give rise to noise impacts that would be categorised as 'No Observed Adverse Effect Level (NOAEL)' within the PPG's Noise exposure hierarchy table. This means to say that noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. It can also slightly affect the acoustic character of the area but not such that there is a change in the quality of life.

In consideration of the conclusions of the noise report and the distances to properties involved it is satisfied that the development would not have a significant adverse effect on neighbouring amenity.

The Council's Environmental Health team have recommended that the hours of construction be conditioned to preserve neighbouring amenity. These are set out in the Noise Assessment as 0900 - 1700 Monday to Saturday and not at all on Sundays.

Glint and glare

A Glint and Glare Assessment has been provided with the application and this considers the possible impact upon surrounding road users and dwellings.

In relation to impacts on dwellings, the results of the modelling indicate that solar reflections are geometrically possible towards dwelling locations to the east and west

Officer Report

of the Site. For the majority of these dwellings, mitigation is not judged to be a requirement because of the effects coinciding with direct sunlight; partial existing screening in the reflecting panel areas and the separation between dwellings and the reflecting areas.

Moderate impacts have been identified for three clusters of dwellings to the east of the site under baseline conditions. As such, mitigation in the form of native hedgerow and tree planting belts has been put forward to address these effects and these are reflected in the Landscape and Ecological Enhancement Plan (LEEP) submitted. The mitigation can also further be controlled as part of a soft landscaping condition. Remaining predicted impact significance following this mitigation is low, with screening reducing the impact to an acceptable level.

With these points in mind, it is considered that the impact upon neighbouring amenity would not be significantly harmful to warrant a reason for refusal. The proposal would therefore comply with policies 22 and 25 of the Local Plan in this regard.

Habitats and biodiversity

Policy 22 of the Local Plan states that proposals should seek to minimise the disturbance to ecology, including designated sites and the impact on particular species.

The site does not lie within a statutory or non-statutory designated ecology site. It does, however, lie in proximity to Ancient Woodlands, SNCIs, SACs and SSSIs. The site itself is dominated by mixed rotational farmland consisting of arable fields (cereal crops), with some ley grassland, and bordered by tall species-rich hedgerows, ruderal margins and streams. There is also a small pond on the site which, for most of the year, holds no water and is therefore unlikely to support invertebrate or amphibian species. There are 6 mature oak trees within the fields. The wider landscape consists of mixed farmland similar to that found at the Site but including small blocks of broadleaf woodland.

An extended Phase 1 Habitat Survey of the site identified potential for the presence of a range of protected or notable species. Owing to the size of the application site the applicants have also completed both a Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP), both of which have been updated during the course of the application to reflect amendments and have been signed and approved by the Council's Natural Environment Team (NET). The LEEP accompanies the LEMP and illustrates on plan the various environmental benefits.

A summary of the environmental effects predicted to result from the proposed development is set out in the Chapter 7 of the submitted Environmental Statement and the LEMP.

It has been recognised that the hedgerows, woodland edges and streams within and around the site could support commuting and foraging bats. The mature oak trees

Officer Report

also have to potential to accommodate roosting bats. No trees are proposed to be removed and there would be no external artificial lighting to potentially affect bats.

Breeding bird surveys identified the likely presence of at least 26 breeding bird species, 9 of which appear on one or more schedules or lists of species of conservation importance. Wintering bird surveys identified at least 36 species using the Site, 17 which appear on one or more schedules or lists of species of conservation importance.

A maximum of 4 adult brown hares were observed on one occasion on site.

The pond within the site is considered unsuitable for great crested newts (GCN). There is, however, one pond within 250m of the site boundary and, given that there are records for GCN within 2km of the site (including a pond some 459m away), it is possible GCN may, on occasion, traverse the site. It is expected that such use would be low and primarily restricted to linear features rather than open fields, however it is vital to secure GCN mitigation on this basis.

The grass and ruderal margins along the streams and alongside some hedgerows offer suitable habitat for harvest mice. Field margins are proposed to be retained. In terms of hazel dormouse, there are no recent records within 2km, however the site hedgerows could support this species. All hedgerows around and within the site would be retained. The retained site hedgerows and grassland/ruderal margins also offer suitable habitat for hedgehog.

Most of the site is of poor value to invertebrate species and assemblages. The hedgerows, grass/ruderal habitats, and waterbodies are of higher value to invertebrates and are likely to support a range of common and widespread species in their various life stages. There will be no loss of preferential invertebrate habitat resulting from the proposed development. Some of the grass/ruderal margins support habitat which is suitable for reptiles such as slow worm and grass snake. There will be no loss of suitable reptile habitat.

The streams are unlikely to support otter and water vole, being narrow, shallow, and often heavily shaded with negligible aquatic vegetation. No badger setts were found within the site. There are no records of notable plant species on the site.

The LEMP sets out the various biodiversity mitigation and enhancements resulting from the proposed development. These are also illustrated on the accompanying LEEP. The mitigation and enhancement includes the following broad measures:

- The PV panels will be confined to the existing field parcels to ensure a well-integrated scheme is implemented that causes minimal loss of existing vegetation.
- Existing field boundaries within and along the site's boundaries will be positively managed to strengthen the existing vegetation, to enhance the biodiversity value, and to provide further screening of the proposed development.

Officer Report

- 30 bat boxes installed on trees (2F Schwegler Bat Box or 2FN Schwegler Bat Box, 11fd Schwegler bat box, and the 1fs Schwegler large colony bat box);
- Positive management of the field margins to be undertaken throughout the site – this will improve existing biodiversity.
- The existing pond will be positively managed to encourage a permanent feature and habitat for GCN.
- Infill planting will be implemented where necessary to strengthen existing hedgerows.
- The planting of trees along some lengths of hedgerows.
- Management to allow some hedgerows to grow to 3 m in height.
- The creation of new areas of tussocky grassland with wildflower habitats are proposed throughout the proposed development, outside of the security fence, beyond the extent of the solar panels. These will be managed in a wildlife sensitive manner to encourage flowering and seeding.
- The creation of new areas of neutral grassland habitats are proposed throughout the proposed development beneath the solar array.
- The creation of extensive lengths of new native species hedgerows with trees.
- The creation of new tree belts.
- The creation of new broadleaved woodland.
- The creation of wild bird cover to provide foraging for overwintering birds.
- The creation of wet marshy grassland along swales.
- The management of the stream bank vegetation to enhance riparian habitat diversity.
- Decompaction and mulching of veteran trees.
- Low intensity grazing of areas between and beneath solar panels by sheep.
- The erection of a variety of wildlife boxes for nesting birds and roosting bats, plus herptile hibernacula.
- The inclusion of mammal access points within the security fence to ensure species such as badger and brown hare can continue to traverse the site.
- The erection of an information board which details the biodiversity on the site and the benefits gained from renewable solar energy.

Full details of the mitigation and enhancement measures is set out in the LEMP.

Regarding GCNs, the information provided indicates that the temporary loss (for the duration of the operational phase of the development) of arable and grass ley farmland habitat would not impact on a foraging resource. The security fences, being of mesh construction, would not prohibit GCN from traversing the site. The meadow grassland and wildflower grassland habitats, as well as the new hedgerows, will provide new foraging and commuting habitat for GCN. Additionally, the management of the pond, detailed in the LEMP, will provide additional potential breeding habitat for amphibians including GCN. The reduction of field management from agricultural machinery e.g. ploughing, would considerably reduce the potential for GCN to be killed or injured. A trapping and translocation programme may be required prior to decommissioning in line with best practice at the time. Minor beneficial residual effects have been identified for GCN due to an increase in available foraging, breeding, commuting, and sheltering habitat for these species.

Officer Report

The works included in the application will to be completed using the Dorset Council Great Crested Newt Licensing Scheme. Prior to any works commencing onsite, the applicant will be required pay the Conservation Payment of £28,029.00 agreed on the Conservation Payment Certificate and obtain a formal signed authorisation from Dorset Council's Natural Environment Team. This payment needs to be secured by s106 legal agreement.

The LEMP can be conditioned to ensure any potential adverse impacts upon local wildlife and habitats can be satisfactorily mitigated and enhancement, bringing, on balance, an overall ecological benefit to the scheme.

The CEMP addresses issues such as safety and security, noise, air quality, ecology, waste and construction traffic management during the construction phase of the development. The details are considered acceptable, as reflected by the fact NET have issued a Certificate of Approval for it and can be secured by condition.

Subject to conditions to secure the LEMP and CEMP and the completion of a legal agreement to secure the compensation payment to mitigate GCNs, the development would comply with Policies 4 and 22 of the Local Plan.

Impact on protected trees

The site is covered by a Tree Preservation Order (TPO) (ref: TPO/2021/0003). The TPO covers all trees of whatever species on the site.

The extent of trees on site is identified in the applicant's Arboricultural Impact Assessment (AIA) and, of note, includes two veteran English Oaks (T3 and T34). These oaks are growing within open ground whereby ground conditions have been compromised through ploughing and compaction. The installation of the solar farm has the potential to reduce soil compaction from farming activities and improve their health, especially with mulching.

No trees are proposed to be removed throughout the site, even those of poor quality. The LEMP sets out the additional planting that is proposed throughout the site, which includes trees, hedgerows, shrubs and grassland mixes, all of native species. These will be in accordance with the LEEP.

The Council's Tree Officer has been consulted on the application and indicates that issues arising to the solar farm would be limited and may relate only to a handful of trees.

Some concern had been raised with regards to shading potential over some of the arrays from trees T8, T42 and T43. However, the application has carried out an analysis on the modules in these areas and, whilst there will be some shading, as they are part of a designed group of modules connected to a string inverter only a very small number will be affected. They will still be beneficial to the development overall and generate renewable energy. The LEMP has been amended during the course of the application to confirm that trees T8, T43 and T42 will not be subject to

Officer Report

any cyclical tree works to alleviate shading effects. Furthermore, no felling or lopping can take place without permission owing to the TPO.

Another concern was raised with regards to the root protection areas of the veteran oaks (T3 and T34) being encroached upon by the security fencing. However the latest site plan and LEEP indicate that the security fencing and array layout close to these trees has been realigned/amended to overcome this concern.

Similarly, the LEMP has also been amended to include plans for soil improvement and management for the veteran trees, which will be improved through soil decompaction and mulching.

The Tree Officer has recommended the submission of an Arboricultural Method Statement. This can be secured condition and the applicants are willing to agree to a pre-commencement condition to this effect.

The impact on protected trees i.e. their retention and protection for the lifetime of the development would be acceptable and in accordance with Policies 3, 4 and 15 of the Local Plan.

Highway and transport impacts

The applicants have provided a Transport Statement and subsequent Technical Notes to address queries raised by the Highway Authority during the course of the application.

The submitted Transport Statement indicates that there are two existing passing places along Cannings Court Lane that can be utilised by construction vehicles and other users of the highway to pass each other. The first is located adjacent to the St Thomas a Beckett Church, 305m from the junction with the B3143, to the west. The second is an informal passing place located a further 175m to the east of the first passing opportunity. The distance to the farm access is then a further 420m to the east. Construction vehicles will be required to drive around 900m from the B3143 junction to the site access with two opportunities for passing. Allowing for the relatively low level of construction traffic movement, predicted to be in the region of 11 to 12 two-way movements a day, which equates to approximately 1 two-way movement an hour, two passing places is acceptable. The applicant has confirmed that the existing passing places are sufficient.

The amended CEMP indicates that a temporary construction signage strategy will be implemented to inform pedestrians and road users of potential construction traffic on the local road network. This signage will require agreement with the Highway Authority.

The CEMP also states that a road condition survey of the carriageway and adjacent highway verges will be carried out both before and after the construction period. Again, this would require agreement with the Highway Authority.

A temporary construction compound is to be provided within the site, with 53 parking spaces to be available for staff (33 flexible mini-bus spaces and 20 standard bays).

Officer Report

The applicant will enforce that there will be no site staff parking on the public highway.

In terms of glint and glare from the solar arrays upon road users, locations within 1km of the site have been considered. The majority of roads within this distance are local, where traffic volumes/speeds are likely to be low and potential reflections are not significant. A short section of Partway Lane and Wonston are within 1km and could arguably be considered 'regional' roads, however visibility of the site is not predicted from the relevant parts of these roads. No significant impacts on road users are therefore predicted.

The Highway Authority has reviewed the information provided and not raised any objections. On this basis officers are satisfied that the proposed development would have not have a severe impact on the highway network, subject to conditions.

Impacts identified by local communities

Policy 22 of the Local Plan states that developers will be expected to undertake and evidence early meaningful engagement with the local community when submitting development proposals relating to renewable or low carbon energy schemes that may have an adverse impact on a local community. The Council will expect developers to have regard to the responses made by local communities to any consultation and to consider what additional mitigation measures may be necessary to address any legitimate concerns.

In this regard the applicants have provided a Statement of Community Involvement which details the engagement with the local community prior to submission of the planning application.

Due to legal restrictions relating to the COVID-19 lockdown, the applicant mainly sought to pursue engagement virtually, with a virtual public exhibition. The applicant did also manage to arrange a multi-Parish Council site visit prior to submission, in addition to a meeting with Simon Hoare MP.

The Statement of Community Involvement indicates that approximately 503 brochures were sent by post to residents and local businesses within the site's electoral ward and surrounding area. The brochure invited recipients to the public exhibition webinar, visit the consultation website and complete an enclosed feedback form. A presentation was given during the virtual public exhibition, giving information about the Applicant, the application site and the conceptual design of the project. Attendees were encouraged to provide their thoughts and opinions through an online survey after the virtual public exhibition, or via the feedback form included in the brochure via post or email.

The outcome of this process revealed that 79% of the responses were in objection to the proposed development. Key issues during this public consultation included: Landscape Impact; Visual Impact; Residential Amenity Impact; and Flooding.

Officer Report

In response to a number of the issues raised during the pre-submission public consultation process the design of the scheme was amended as follows:

- Ensuring solar park infrastructure was kept fully outside the areas identified as being at risk of flooding;
- Internal access layout slightly adjusted to ensure all trees were fully protected, including root protection zones;
- Increased hedgerow and tree planting to assist with screening;
- Introduction of greater number of bat and bird boxes; and
- Provision of additional information to explain how construction impacts would be managed, in particular that of construction traffic, as set out in the CEMP.

Officers are satisfied that the applicants have considered the feedback appropriately and provided the necessary information to enable an assessment of the concerns raised. Although a number of objections were raised even prior to the submission of the application, this would not have precluded the applicants from submitting a planning application for the determination of the Council.

Decommissioning and restoration

It is proposed for the scheme to be in situ for a period of 35 years, after which the site will be fully decommissioned and all electricity generating equipment and built structures would be removed and the site restored back to agricultural land.

No further details, including statements or reports, have been provided with regards to this matter. Notwithstanding this, it is now standard practice for the decommissioning process to be controlled by a condition, requiring agreement of details towards the end of the scheme's lifetime to ensure that the proposed details are appropriate at the actual time of decommissioning.

In this instance, should approval be granted, the scheme would not be decommissioned until 2058. As such it is considered more appropriate to agree these details closer to this time, when an actual contractor is appointed to undertake the works and technologies may have advanced. This is accepted as appropriate in this instance especially as an appropriately worded condition can be imposed.

Planning balance

Section 14 of the NPPF does not require applicants to justify the need for renewable energy development.

Policy 22 of the Local Plan states that when considering proposals for electricity generation from renewable or low carbon sources, the social, economic and environmental benefits of the scheme should be assessed against the likely impacts. Such a proposal is likely to be permitted in principle, provided it can be demonstrated that: both individually and cumulatively, all adverse impacts arising from the proposal have been satisfactorily assessed; the proposal has maximised the potential to mitigate any adverse impacts that have been identified; and the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.

Officer Report

In this regard, public benefits of the scheme are very substantial and clear.

The Council declared a Climate Emergency in May 2020 and, since this time, published a Climate and Ecological Emergency Strategy. The proposed development would assist the Council's aims to be carbon-neutral by 2040 and switch all energy to low-carbon/renewable sources. The solar farm would provide enough renewable energy to power approximately 13,000 homes each year over a 35 year lifespan. The consequential reduction of greenhouse gas emissions is estimated at some 13,000 tonnes a year. The development would therefore make a valuable and exemplary contribution towards the Council's strategy and targets. In combination with other renewable and low carbon energy schemes it would assist in tackling climate change. These broader environmental benefits can be given very substantial weight in the planning balance.

The proposed development would generate a significant number of jobs directly related to the construction of the solar farm, along with others in the supply chain. There would also be employment related to the operational phase, albeit far lower. Such economic benefit is of moderate weight in favour of the scheme.

One of the caveats of Policy 22 is that that permission should only be granted provided that any adverse impacts can be mitigated and the actual benefits that the scheme will deliver outweigh the adverse impacts that remain.

Solar farm developments of the scale proposed will almost always have a visual impact of some sort, whether immediate from nearby footpaths or wider afield within the landscape. In this instance, owing to its extensive size and the surrounding topography, the proposed development would be visible from a number of public viewpoints, within the immediate local landscape and setting of the Dorset AONB. Whilst some mitigation has been introduced insofar as a small reduction in arrays and further tree/woodland planting, it is accepted that the scale of development is such that it would be challenging to fully mitigate the visual and landscape impact of the scheme. The presence of solar arrays would undoubtedly change the character of the landscape and result in a degree of harm to local landscape character areas and the setting of the Dorset AONB that will need to be weighed against the public benefits of the scheme.

With regards to flood risks, it has been suitably demonstrated that the bulk and most vulnerable parts of the proposed development would be located in flood zone 1 i.e. the lowest risk area for fluvial flooding. The access and egress route would cross an ordinary watercourse, passing through the functional floodplain, but officers deem that both the Sequential Test and Exception Test can be satisfied. The proposed development would be made safe for its lifetime without increasing flood risk elsewhere. Mitigation proposed would be acceptable and the management of surface water drainage can be controlled by condition.

Officers consider that no harm would amount to any designated and non-designated heritage assets in and around the site. This weighs in favour of supporting the application.

Officer Report

The site would avoid the 'best and most versatile' agricultural land for the purposes of policies 4 and 22 of the Local Plan and the NPPF. Sheep grazing can operate on the site between arrays. Following the 35 year permission period, the land would revert back to agricultural use.

The applicants have provided a LEMP that is to the satisfaction of the Council's NET. Existing trees within and around the site would be retained and protected, with bolstering of soft landscaping secured by condition. Accordingly, the impacts upon designated wildlife sites, nature conservation interests and biodiversity can be satisfactorily mitigated. These environmental benefits can be afforded significant weight. Thus, the scheme would deliver a measurable gain in biodiversity and this would be a further moderate benefit arising from the proposal.

The development would not result in any significant harm to neighbouring amenity. Officers are satisfied that the impact on the highway network would not be severe. These benefits all weigh in favour of the application.

The public benefits summarised above, particularly the importance of the provision of renewable energy and the need to tackle climate change, are exceptionally weighty. Officers consider that, on balance, the public benefits in terms of the provision of renewal energy would outweigh the residual visual and landscape harm.

16.0 Conclusion

Officers consider that any adverse visual impact and landscape harm arising from the development would be outweighed by the substantial public benefits highlighted above.

Officers also consider that the proposed development complies with Policies 1, 2, 3, 4, 5, 20, 22, 24 and 25 of the North Dorset Local Plan Part 1 (2016) and is therefore recommended for approval, subject to the completion of a legal agreement to secure compensation payment for GCN, and the conditions outlined below.

17.0 Recommendation

Recommendation A:

Grant permission, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

£28,029.00 as a Conservation Payment to pay for the creation/restoration and management of sufficient new habitat for great crested newts and to compensate for the impacts of the applicant's proposal.

and the following conditions:

Officer Report

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission is limited to a period of 35 years from the date of first export of electricity to the grid. Written notice shall be given to the Local Planning Authority within 14 days of the date when electricity is first exported to the grid by the development hereby permitted. Thereafter, the development (including all ancillary equipment and buildings) hereby permitted shall be removed in its entirety and the land restored to its former condition within 35 years and six months of the date of first export to the grid, or within 18 months of the cessation of generation of electricity if the development fails to generate electricity for 12 consecutive months, whichever is the sooner. The land shall be restored in accordance with a scheme of decommissioning works and land restoration (including timescales) pursuant to condition 18 of this consent.

Reason: To ensure the impacts of the development exist only for the lifetime of the development.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 1641 0200 05
Planning Layout 1641 0201 01 Iss15
LEEP 12761/P11 Rev K
Construction Compound Plan 13823-HYD-XX-XX-DR-TP-0002 Rev P02
Passing Space Plan 13823-HYD-XX-XX-DR-TP-0001 Rev P01
HV Compound Elevation Views 1641-0208-81 Iss04
HV Compound Plan View 1641-0208-80 Iss04
Aux Transformer Detail 1641-0207-02 Iss02
Access Road Sections 1641-0208-10 Iss02
Welfare Container Detail 1641-0207-41 Iss02
Fence Detail 1641-0205-01 Iss02
PV Mounting System 1641-0201-28 Iss02
Transformer Station Detail 1641-0207-00 Iss01
Spares Container Detail 1641-0207-40 Iss02

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Prior to commencement of development a detailed Arboricultural Method Statement (AMS), prepared by a qualified tree specialist, providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the local planning authority. All works must be carried out in accordance with the approved details. In particular, the method statement must

Officer Report

provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing.
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012).
- c) a schedule of tree work conforming to BS3998.
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility
- f) details of any no-dig specification for all works within the root protection area for retained trees
- g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges to be retained will not be damaged prior to, or during the construction works.

5. Prior to commencement of the development hereby approved a final hard and soft landscaping scheme, showing precise details of all existing and proposed tree, shrub and hedgerow planting (including positions and/or density, species and planting size) and a schedule of materials and finishes to be used for all new areas of hard landscaping/surfacing/paths and means of enclosures must be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping must be carried out in accordance with the approved details and, in the case of soft landscaping, carried out before the end of the first available planting season following substantial completion of the development. In the 34 year period following commencement of the development any existing and proposed trees, shrubs or hedgerows that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as shall first be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate mitigation for the landscape and visual impact of the proposals and the provision of an appropriate landscaping scheme has been agreed.

6. Prior to commencement of the development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and the party responsible, must have been submitted to and approved in writing by the local planning authority. The scheme must provide mitigation measures to intercept turbid

Officer Report

flows and reduce erosion risk. Thereafter, the surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

7. Prior to commencement of the development details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system must have been submitted to and approved in writing by the local planning authority. The details must include a Soil Management Plan which considers measures to avoid over compaction of soils, during and post construction, as well as maintenance and protection of grass cover. The maintenance and management scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

8. Prior to commencement of the development a detailed drainage design for the access roads, any areas of hardstanding and swales must have been submitted to and approved in writing by the local planning authority. Thereafter, the drainage schemes must be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

9. Prior to the installation of the transformers, inverters, CCTV equipment & poles, all fencing and other ancillary equipment a plan showing the locations of these structures and details of the external material finish of each of these structures must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: To mitigate the wider visual impact of the development, including the setting of the Dorset AONB.

10. Prior to commencement of the development the submitted Construction Environmental Management Plan (CEMP) must be implemented and adhered to fully for the full length of the construction period.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the

Officer Report

adjoining highway.

11. The development hereby approved shall be carried out in accordance with the details set out in the Flood Risk Assessment and Drainage Strategy, dated 18 March 2021. Thereafter, the scheme shall be managed and maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

12. The long-term mitigation and protocols in the event of a flood event shall be carried out in accordance with the details set out in the Flood Warning and Evacuation Plan, dated 22 July 2022 for the lifetime of the development in accordance with the approved details.

Reason: To ensure public safety in the event of flooding.

13. The long-term management, maintenance and monitoring of the landscape and environment of the site shall be implemented in full and in accordance with the details and timescales within the approved Landscape and Ecological Management Plan (LEMP) dated September 2022 throughout the lifetime of the development.

Reason: To ensure impacts upon the local landscape, nature conservation interests and biodiversity are satisfactorily mitigated and enhanced.

14. In the event that contamination is found at any time during the construction of the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). If any contamination is found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

15. All new and existing healthy native hedgerows on and around the application site shall be maintained at a height of at least 3 metres above ground level.

Reason: To mitigate the wider visual impact of the development within the setting of the Dorset AONB.

Officer Report

16. Prior to the installation of any CCTV poles, a plan confirming the height of the CCTV poles must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved plan and the CCTV poles shall be no taller than 3.5 metres in height above ground level.

Reason: To allow for the detailed design of CCTV to ensure full site coverage and consideration of impacts upon the local landscape character.

17. No construction or decommissioning works shall take place except between the following hours:

0700 to 1800 Monday to Friday
0700 to 1700 Saturday

No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

No construction deliveries shall be made to the site except between the following hours:

0900 to 1700 Monday to Saturday

No construction deliveries shall take place at any time on Sunday or a Bank Holiday.

Reason: In the interests of neighbouring amenity and local traffic generation.

18. Not later than 6 months before planned decommissioning of the whole development hereby approved a scheme for decommissioning and the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the removal of the solar arrays and all associated above ground structures, equipment, means of enclosures and foundations, to a depth of at least one metre below finished ground level. The scheme shall include the management and timing of any works; a traffic management plan; an environmental management plan including measures to protect wildlife and habitat; identification of access routes; restoration measures to return the site back to its condition at the time of the granting of planning permission; and a programme of implementation (to include timescales). Thereafter, re-instatement shall be carried out in accordance with the approved scheme.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of landscape, nature conservation or archaeological significance.

Officer Report

Recommendation B:

Refuse permission for failing to secure the financial obligations detailed above if the agreement is not completed by 22 December 2023 or such extended time as agreed by the Head of Planning.

Informative Notes:

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

2. Care should be taken to ensure that solar panels do not focus surface water flows, which could cause erosion and interrupt the site's natural hydrology.
3. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
4. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.

Officer Report

5. An Environmental Permit may be required from the EA, as relevant regulator for all works to a designated Main River that take place in, under or over, or as prescribed under relevant byelaws in accordance with section 109 of the Water Resources Act 1991. To clarify the Environment Agency's requirements, the applicant should contact the relevant department by emailing floodriskpermit@environment-agency.gov.uk.

6. The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.