

Public Document Pack



STRATEGIC AND TECHNICAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 26 JULY 2023

Present: Cllrs Robin Cook (Chairman), John Worth (Vice-Chairman), Shane Bartlett, Alex Brenton, Kelvin Clayton (Left the meeting at 12.45), Toni Coombs, Jean Dunseith (Left the meeting at 12:45), Mary Penfold, Belinda Ridout and David Tooke

Apologies: Cllrs Dave Bolwell and Sherry Jespersen

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), Vanessa Penny (Definitive Map Team Manager), Hannah Smith (Development Management Area Manager (North)), Elaine Tibble (Senior Democratic Services Officer), Carol McKay (Senior Definitive Map Technical Officer), Penny Canning (Lead Project Officer), Russell Goff (Senior Ranger) and Alister Trendell (Project Engineer)

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

Steve Savage (Transport Development Liaison Manager)

6. Minutes

The minutes of the meeting held on 19 June 2023 were confirmed and signed.

The Development Management Area Manager (N) presented an update for a slight variation to conditions agreed at the meeting of 4 November which were omitted on the published decision sheet attached to the minutes of that meeting. A copy is attached to these minutes for information.

Decision: that the amendment be approved.

7. Declarations of Interest

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

8. Planning Applications

Application No: P/FUL/2021/01018 - North Dairy Farm Access To North Dairy Farm Pulham Dorset DT2 7EA

- a) The Development Management Area Manager (N) presented the report for an application to 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.

The application had been brought to 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 outweighed the harm to the setting of the Dorset Area of Outstanding Natural Beauty (AONB). The application had been the subject of a committee site visit on 14 June 2023.

Cllr Tooke elected not to participate in the application as he had been unable to attend the site visit on 14 June 23.

The context and plan of the site was detailed with the aid of a visual presentation, together with ancillary structures.

With the aid of a visual presentation, the Development Management Area Manager (N) highlighted the relevant restraints of the application, including heritage assets, the key planning considerations, the principle of development and the significant public benefits. The development, if approved would power 11,745 homes over a 35 year lifespan.

The main planning considerations were flood risks, a flood risk sequential test had been applied and having checked alternative potential sites in the Dorset Council area, officers were satisfied that the sequential test had been passed.

Members were advised that the solar arrays would not impede flood plain storage and following construction there would be no staff working permanently on the site. No objections had been raised by the Lead Local Flood Authority.

Historic England had made no comments, or given further advice regarding the Scheduled Monuments, officers considered that there was no harm to the designated assets and scheduled monuments.

Comments the Senior Conservation Officer indicated no objection and no harm to the settings of listed buildings, Hazelbury Bryan Conservation Area and Dungeon Hill Scheduled Monument. And less than substantial harm to the setting of Rawlsbury Camp

In relation to the landscape impact and character, there would be some residual harm, which when mitigated would be outweighed by the scheme in terms of new energy regeneration.

Although some impacts remained, these had been mitigated by amendments to scheme and the reduction in the number of arrays which made the impacts more acceptable.

Officers detailed the impacts of the loss of agricultural land, highways and

transport implications, residential amenity, biodiversity and tree protection, if approved the scheme would result in 75% biodiversity net gain and decommissioning of the site and restoration after 35 years.

In summarising the Development Management Area Manager (N) reiterated that the site would power 13000 homes each year and offer a significant number of jobs during construction, there was no harm to heritage assets, the sequential and exception test was approved and the mitigation acceptable,

The site avoided the best agricultural land and would after 35 years be returned to agricultural use. There would be a gain in biodiversity with no harm to neighbouring amenity or highways.

The recommendation was to grant subject to conditions outlined.

Oral Representation in objection to the application was received from A Cake, I Bryan and M Bentley

F Button, Deputy CEO at BSR (British Solar Renewables) the applicant addressed the committee in support of the application.

Oral representation in objection to the application was received from H Fairman (Pulham Village Meeting Parish Council), D Horrell (Mappowder Parish Council), C May (Lydlinch and Kings Stag) and Cllr Pauline Batstone, Ward Member for Dorset Council.

Concerns of those objecting focussed on the risk of flooding, lack of consultation from the applicant, climate change resulting in further flooding, the surface run of water and no infiltration tests having been undertaken, the method of planning balance, adverse impact on the AONB, loss of farmland, unsuitable access to the site, impacts on historical assets and the energy would energy produced would not benefit Dorset directly.

The applicant re-iterated the benefits of the scheme.

In response to the comments from public speakers the Project Engineer advised that the applicant had provided a very robust flood risk assessment and flood water drainage strategy, with those proposed mitigation measures there was no additional risk of flood water from the site.

Responding to objectors perceived lack of consultation the Legal Business Partner (regulatory) advised members that there was a statutory requirement to carry out pre-application consultation with local people, but this was limited to specific types of wind power and did not apply to this application.

The Transport Development Liaison Manager was in attendance virtually and he responded to the concerns raised in relation to construction traffic.

There were no concerns from Highways.

The Head of Planning addressed the comments regarding consultation, he appreciated there were significant concerns, however it was important to consider the public benefits in the broader term not just local benefits.

Following public speaking the committee members were given the opportunity to ask questions prior to debating the application.

Officers responded and advised that the model used in assessing fluvial flooding was up to date and took climate change into account. There was a need to demonstrate that any development would not make flooding worse, the modelling was very conservative and tended to over-estimate. Following a query about the restoration condition (No 18) it was suggested that for clarity the condition be updated to state that it wouldn't be a requirement for the soft landscaping to be removed. It was not considered that the arrays would increase flood risks and to mitigate the glare and appearance they would have a film to reduce those impacts. The habitat mitigation payment of £48,000 was discussed and the inclusion of routes through the site for wildlife, maintenance and grazing on grassland and access for fire safety vehicles.

On balance the committee members felt that the benefits of the scheme outweighed the adverse impact.

Proposed by: Cllr Belinda Ridout, seconded by Cllr Kelvin Clayton

Proposed by: Cllr Toni Coombes, seconded by Cllr Shane Bartlett

That a condition be added to ensure that if the access track is damaged then it would be the responsibility of the developer to put right.

Decision: that permission be granted, 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. With the additional condition proposed by Cllr Coombes, the amended condition 18 and the conditions outlined in the appendix to these minutes.

In accordance with procedural rule 8.1 a vote was taken, the committee agreed to exceed the 3 hour meeting time limit.

12;45 Cllrs Kelvin Clayton and Jean Dunseith left the meeting.

12;46 – 13;00 comfort break.

Application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster

- b) The Senior Definitive Map Technical Officer presented the report which considered an application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster in the light of objections received and recommended that extinguishment and diversion orders were made on the basis that the relevant legal tests had been met.

The application had come to committee as objections had been received by the Council.

With the aid of a visual presentation the Senior Definitive Map Technical Officer highlighted the current route of the footpath and bridleway from point to point on the route including views to the south and north from various points of the bridleway.

The proposed new route was highlighted and would be upgraded at certain points along the route.

Two consultations had been carried out and the results of the consultations were presented to the committee members.

Legal tests had been met for each order had to be considered separately and Officers considered that the application to extinguish footpath 79 Beaminster met the tests under section 118 of the Highways Act 1980. Officers also considered the application to divert bridleway 80 also met the legal tests under section 119 of the Highways Act 1980.

Oral representation in objection to the application was received from M Oppe. His main concerns were that 7 out of 10 of the supporting comments were received after the deadline for representations and the report had given more weight to the supporters than the objectors, he drew the committee's attention to the Ecological Survey Summary.

Oral representation in support of the application was received from D Hazelhurst, the applicant, highlighting the benefits and improvements of the application.

Officers responded to speaker comments and advised that the pre-order consultation was not statutory so late representations could be considered.

Members expressed some concern that the footpaths and bridleways had not been maintained by the Council. In response to a question regarding fencing of the new route, officers advised that no fencing was planned, but could not say whether the fields would be used for livestock at any

stage.

Proposed by Cllr Toni Coombes, seconded by Cllr John Worth

Decision: That:

- (a) The application to extinguish part of Footpath 79 and divert part of Bridleway 80, Beaminster as shown on Drawing P226/23/2 attached as Appendix 1, be accepted and extinguishment and diversion orders made;
- (b) The Orders include provisions to modify the definitive map and statement to record the changes made as a consequence of the extinguishment and diversion; and
- (c) If the Orders are unopposed, and are considered to meet the legal tests they be confirmed by the Council.
- (d) If the Orders are opposed, and the objections to the Orders are of a similar nature to those already considered by the Committee, they be submitted to the Secretary of State without further reference to the Committee.
- (e) The Orders are to be made concurrently. The Extinguishment Order shall be confirmed only upon confirmation of the Diversion Order. If objections are received to one order but not the other, both orders will be submitted to the Secretary of State for confirmation.

9. Urgent items

There were no urgent items.

10. Exempt Business

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 1.36 pm

Chairman

.....

Strategic and Technical Planning Committee 26 July 2023 Decision List

Application Reference: P/FUL/2021/01018

Application Site: North Dairy Farm Access To North Dairy Farm Pulham Dorset DT2 7EA

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

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
- 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.

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.

Decision: That the application be granted subject to 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:

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: The 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 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 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 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.

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.