

Nick Beddoe

From: Lankshear, Robert [REDACTED]
Sent: 17 September 202
To: Nick Beddoe
Cc: Butler, Stephen
Subject: RE: Brynwell DNS - Proposed Planning Conditions

EXTERNAL EMAIL: Be cautious when opening attachments or clicking links

Dear Nick,

Further to your email below, the LPA have the following comments raised with regard to conditions regarding PD restrictions for enclosures and drainage

Enclosures condition

With regard to the enclosures condition, owing to the change in nature of use of the site and its size, coupled with the provisions for enclosures under the GPDO, the LPA consider it reasonable to seek to control the nature and form of any future form of enclosures to ensure that any potential visual or ecological impact as specified within the reason for the condition is properly controlled. As such the LPA proposed a condition restricting permitted development rights to that effect.

I consider the general structure of the condition to be fairly standard although note that it could be rationalised by removing reference to Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 as this order relates to householder permitted development rights and therefore could be omitted. It may also be reasonable to remove the tailpiece to the condition 'unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority' as this may enable development not applied for, assessed or permitted to occur and are not generally considered good practice. As such for clarity perhaps the condition should be reworded:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within and along the boundaries of the site.

Drainage condition

Noting that this condition was requested on behalf of our drainage engineers, I have queried this with them for their technical input. They have responded to state:

Thank you for your query.

Given the explanation provided in Nick's email it is accepted that the gaps along the solar panels would provide a more dispersed runoff pattern. On further consideration it is also accepted that the change of land use overtime would potentially increase the infiltration potential of the soil compared to its current situation. As such I ask that our previous requested drainage condition is withdrawn with regard to this planning application.

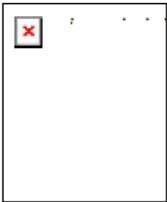
Although not necessarily a planning matter the applicant is advised that the development and DNS status is not exempt to Schedule 3 of the Flood and Water Act 2010. As such where construction work with drainage implications equals or exceeds 100 sq.m it will be required that a detailed design is submitted through the SAB process for these elements.

Notwithstanding the above, I would advise that amongst other things, drainage was a matter of concern for local members and those on the planning committee, who were advised that a condition relating to drainage would be recommended to PINS. Therefore the LPA would have reservations of formally agreeing to the removal of the condition, and would prefer to leave this to the appointed Inspector's discretion.

I hope the above is of assistance but please do not hesitate to contact me.

Kind regards

Robert Lankshear
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Regeneration and Planning
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From: Nick Beddoe [REDACTED]
Sent: 16 September [REDACTED]
To: Lankshear, Robert [REDACTED]; Butler, Stephen [REDACTED]
Cc: Peter Grubb [REDACTED]; lison Murrell [REDACTED]
Subject: RE: Brynwell DNS - Proposed Planning Conditions

Hi Rob,

Can you please give an update on my email below?
I am eager to resolve these points before we have to submit our additional information on 23rd September.

Thanks,

Nick Beddoe MSc MRTPI
Associate
Planning

Savills, Kingston House, Blackbrook Park Avenue, Taunton TA1 2PX



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From: Nick Beddoe

Sent: 10 September 2021 12:04

To: [REDACTED] Butler, Stephen [REDACTED]

Cc: Peter Grubb [REDACTED]; Alison Murrell [REDACTED]

Subject: Brynwell DNS - Proposed Planning Conditions [REDACTED]

Hi Rob,

I had a quick chat with Stephen yesterday regarding the proposed planning conditions for the Brynwell Solar Scheme and the need to pre-agree these in the event that ministers grant planning consent. This request to agree these is also set out in the attached letter from the Inspector under Annex A. 7. As a starting point, I have used your suggested conditions from the Local Impact Report and I have added 3 extra conditions as follows:

- 1) Confirming a start date within 5 years
- 2) Requiring the scheme be built in accordance with the relevant plans
- 3) Condition 14 also added – Proposing batteries and DNO housing would be dark green or brown to minimise visual impacts

With regards to the other conditions which you originally suggested, these all seem quite straightforward and agreeable. I do have the following questions however in respect of conditions 9 and 10:

Condition 9 – The wording here is a little complicated and seems to confirm that the prospective consent would not remove the landowner's PD rights. It then states that no other fencing or means of enclosure may be erected. This is fine but I'd question whether it's strictly necessary as any such works (assuming they are not PD) would require a planning permission anyway. Please let me know your thoughts on this.

Condition 10 – The condition requires the approval of a drainage strategy to be agreed prior to commencement. The problem with this is that a key feature of the proposals is the way in which the hydrological response of the site would be inherently maintained without the need for any such interventions. To clarify the point here there are two main considerations, the first relates to the completion of any drainage calculations. We do not consider that these calculations are required. This is because the project would not result in any significant non-permeable ground cover as the panels themselves would be mounted onto a pile-driven frame as indicated on the photo below. The ground take of these piles is negligible and any rainwater here would simply infiltrate around the frame. As such, it would not be appropriate to factor these as 'non-permeable' ground cover for the purposes of the runoff calculations. Therefore any resulting calculations would not provide any meaningful insight as to the hydrological impacts of the scheme.



Figure 1 Photo showing pile driven foundations of solar farm mounting system

In short, we do not consider that these calcs can be accurately produced, or that they are necessary to understand the related impacts. With this in mind, we have instead focused on explaining the response of the surface water runoff from the panels and the arrays as this is considered to represent the most pertinent issue in respect of the proposed scheme. This brings me to our second point which relates to the runoff response off the panels. In this regard, it is noted that the solar arrays maintain gaps between each panel both horizontally and vertically, which prevent an accumulation of runoff from occurring (see photos below). The development would also bring about a change in land use, with the current land cover being seeded to allow the establishment of grassland that would be managed through either a reduced grazing regime or manual cutting. The arrangements for this management would be secured by planning condition through the Landscape and Ecological Management Plan (LEMP) condition. The change in land cover would itself contribute to a more natural infiltration response, with vegetation growing up beneath the panels and intercepting rainwater falling between the gaps. Furthermore, the proposed development incorporates development-free 'buffer strips' alongside all hedgerows which would be planted with a species-rich meadow and wildflower mix and maintained for the duration of the scheme. The wildflower meadows to the south would further limit surface water runoff.

In light of the above, the proposed development is in fact considered to bring about an inherently favourable drainage response and therefore, a specific drainage strategy is not considered necessary to control the hydrological response of the site. It is for these reasons that drainage strategies involving SuDs/swales etc are not required and are not normally requested for solar farm developments. See images below which show the gaps between panels and the vegetation growth beneath the arrays.







I appreciate that this is something of a technical issue and is therefore within the remit of the Inspector to consider the approach here. One option might be to suggest the condition, 'notwithstanding the Planning Inspector's consideration of the proposed development's drainage response'. That way he could choose to apply the condition only in the event that he considered it necessary in light of the related technical considerations.

Hope this makes sense.

Let me know if you have any questions. I would be good to useful to reach an agreement on the above conditions by the end of next week so that I can reference this in my overarching response to the Inspector's letter.

Many thanks,

Nick Beddoe MSc MRTPI
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