

# **RODE PARISH COUNCIL OBJECTS TO THE PROPOSED SOLAR FARM AT RODE**

Planning Application 2023/2183/FUL

Dear Sir/Madam,

Rode Parish Council has voted unanimously to object to the above planning application. This letter sets out the reasons for our objection.

## **Summary of reasons for our objection**

- The scale and location of the proposed solar farm would significantly negatively affect the setting of Rode village, in particular impacting Rode Conservation Area.
- The proposed development would impact important local listed buildings (notably the way in which high fences, surveillance cameras, etc, would impinge on the setting of Flexham Farm, almost completely surrounding the farmhouse).
- The proposed development is contrary to Mendip Policy DP4: Mendip's Landscapes.
- The proposed development would result in the loss of around 170 acres of agricultural land which currently supports cattle grazing and crop production.
- The applicant has not undertaken a proper search for alternative sites, and has therefore not demonstrated that the proposed use of agricultural land is necessary – contrary to the National policy on solar farms.
- The Parish Council has significant concerns regarding the fire risk of the Battery Energy Storage System (BESS), and the apparent lack of detail within the planning application regarding how such risk would be managed.
- Access routes to/from the various parts of the development are poor, in particular access to Parcel 3 (which includes the BESS) is along a narrow lane which is completely inappropriate for such purposes.

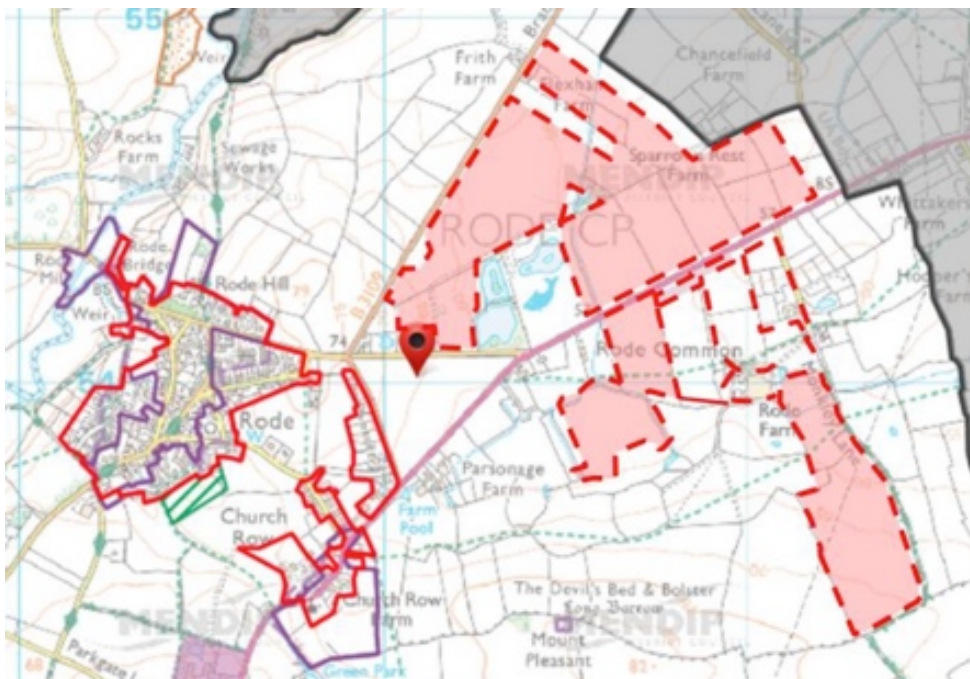
Rode Parish Council also understands that Somerset Council is in the process of developing a Local Area Energy Plan. This will help identify areas across Somerset that are suitable for renewable energy generation such as solar and wind. This work will complete early in the new year. In our view it would be premature to determine this planning application prior to completion of the Local Area Energy Plan.

The Parish Council is strongly in favour of sustainable energy, and formally declared a Climate Emergency in 2021. However, in line with the views of many local residents, the council believes this proposed development is flawed in many ways.

We set out a more detailed analysis of our reasons for objecting to the application on the following pages:

### a. Scale

We understand that the proposed solar farm would be the joint largest in Somerset. At 49.9MW it is just below the threshold for Nationally Significant Infrastructure Projects (NSIPs), which are decided by national government, due to their scale and importance for the nation as a whole. The fact that this proposed development is so close to being an NSIP is indicative of its scale. A development of such size, so close to a small, historic village, is completely inappropriate....the proposed development would be more than twice the size of the village of Rode itself, and dwarfs all other local landscape features. A development of this size would dominate the area. The scale of the proposed development can be seen in the map below:



### b. Setting

Rode is within the Avon Vales National Character Area of Natural England, which is one of the profiles for England's National Character Areas (NCAs). "These are areas that share similar landscape characteristics, and which follow natural lines in the landscape rather than administrative boundaries, making them a good decision-making framework for the natural environment. NCA profiles are guidance documents which can help communities to inform their decision-making about the places that they live in and care for."

Avon Vales is described as an area that "can easily be overlooked, surrounded as it is by the high-quality designated landscapes of Cotswolds AONB and North Wessex Downs AONB....but it has a restful and undramatic calm of its own"

Natural England's document highlights four "Statements of Environmental Opportunity" (SEOs) for the area, of which SEO 4 has the objective to: "Protect and manage the varied rural landscape of small urban areas amid gently rolling arable and pasture, and thick hedges

interspersed with small woods, securing wide-ranging views, reinforcing landscape character, preventing soil erosion, promoting sense of place and tranquillity, and providing recreational benefits.”

These objectives would be delivered in a number of ways, including:

- Protecting against insensitive development and/or alterations that would impact on the rural character, ensuring that buildings reflect traditional styles and methods such as limestone ashlar.
- Working with the local community to foster the mixed agriculture and the sense of place that this brings, as well as in the interests of food production.

The document highlights that “Pressure for solar farms and panels is already intense and there is concern for the impact on the landscape should they become widespread and established. There may be wide views over seemingly unused fields, and little farm traffic, but at an uncertain cost.”

Included in the “landscape opportunities” are the recommendations to:

- Protect the many small well-established villages, particularly their historic cores, settlement pattern, green spaces and notable buildings, and the narrow winding lanes that connect them aiming to retain their sense of isolation while ensuring viable and vibrant local communities.
- Seek to maintain the connections between settlements and their agricultural and historical origins.
- Manage heritage assets which provide a sense of history and contribute to the landscape. Plan for, where necessary the change of use of historic buildings to respect local character and distinctiveness.

In addition to the above, Mendip Policy DP4 (Mendip’s Landscapes) states that “Mendip district is defined by its landscapes. Proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. Any decision-making will take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location. The following criteria will be applied in relation to particular landscape designations present in the district...(3) Outside of designated landscape areas, **proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features** of the Landscape Character Areas, including cultural and historical associations, as detailed in the “Landscape Assessment of Mendip District.” Rode PC strongly believes that this proposal, which would result in 170 acres of open countryside being covered in metal structures, is totally at odds with this policy. The applicant has not demonstrated the need for the proposal to take place in that location, and clearly the design and siting are completely incompatible with the existing open countryside.

Rode Neighbourhood Plan Policy 5 – Settlement Boundary – states that “*Outside the defined settlement boundary land is defined as ‘open countryside’ and development here will not normally be permitted unless it complies with other policies in the Mendip development plan.*” The Local Plan does not include a policy specifically related to solar energy or renewable energy – however, the proposed scheme is clearly contrary to Mendip Policy DP4 (above).

The Parish Council believes that the proximity of the proposed solar farm would destroy the essential feature that defines Rode as a rural village: the open landscape that surrounds it. Views from Bradford Road across the development are open towards Westbury and the White Horse. An example of these views is illustrated in the Rode Neighbourhood Plan (RNP), and included below:



The RNP describes this as one of Rode’s significant views, and this would be fundamentally altered by the construction of the solar farm when open fields bounded by hedgerows are replaced by an industrial landscape comprising thousands of solar panels.

Somerset Council’s Landscape Officer “objects to the size and resultant visual impact” of the proposed development. They state (in their submission) that “the proposed development will have a significant impact on this rural, agricultural landscape” and “...the visual impact of solar farms is a significant and more permanent change to the historic landscape than farming. The size of this proposed development is such that it will cover a large proportion of the valley and risks encroaching on the historic village of Rode.”

In conclusion, the boundary of the 170-acre proposed development would lie less than 200 metres from the edge of the village, with its entire footprint within a 2 kilometres distance from the village centre. Its proximity and size would dominate the local landscape character

and significantly harm the historic setting of Rode both as a rural settlement and a conservation area. This intrusive industrial development, more than twice the size of the village, should be refused because of its harmful impact on Rode's historic rural setting.

Due to the sheer scale of the development, including arrays of solar panels 3m high, fencing, security cameras, etc, the Parish Council believes the proposed development would be harmful to the significance of the Rode Conservation Area due to the impact upon its setting, particularly when approaching from the northeast along Frome Road and Bradford Road.

c. Impact on listed buildings.

There are a number of Grade II listed buildings near the application site:

Flexham Farm  
Frith Farm  
No 8 Frome Road  
Parsonage Farm House  
No 8 (The Old Rectory) Bradford Road  
Nos 18 and 20 Bradford Road  
No 2 (Clay Lane House) Bradford Road.

The impact on the Bradford Road properties has been partially addressed by the removal of the triangular field from the application. However, the impact on Flexham Farm (and to a slightly lesser degree Frith Farm) is significant.

Flexham and Frith Farms are sited opposite each other on Bradford Road about 1 km. from the top of Rode Hill. They date from the 18<sup>th</sup> century, albeit the history of the site of Frith Farm dates much further back....Frith takes its name from an area mentioned in a 1286 report of poaching, when "Nicholas de Montford of Tellesford and Richard le Vag entered the forest at La Frith near Telesford and netted a stag."

The National Planning Policy Framework (NPPF) [Section 16 "Conserving and enhancing the historic environment"], states that [para 199] '*When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'. At para. 200 the NPPF requires '*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*'. At para. 202 the NPPF states: '*Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use*'.

It is likely that, contrary to the applicant's heritage assessment, the proposed development would cause a high level of less than substantial harm to the historic environment of Rode, including harm to a Grade II listed building. The significant harm to the listed building and its setting, including 'temporary' harm, must be weighed against public benefits.

The applicant has attempted to mitigate some of the damage to the setting of Flexham Farm by providing a small buffer zone close to the farm house. However, it is worth noting that Historic England has produced a very useful guide relating to the potential impact of renewable energy projects on heritage assets ('*Commercial Renewable Energy Development and the Historic Environment*', Historic England Advice Note 15, published February 2021). This advice note does not recommend use of a standard buffer zone around identified heritage assets because '*impacts within setting that can affect significance vary according to topography and the characteristics of the asset*'. [NB: a typical characteristic of a farmhouse is that it is surrounded by open farmland]. Hence, the applicant's proposed mitigation in relation to the damage to the setting of Flexham Farm is not appropriate.

Finally, it should be noted that there is a statutory duty on decision makers to have 'special regard' to conserving the setting of a listed building [Listed Buildings and Conservation Areas Act 1990].

#### d. Loss of Agricultural land

The developer's consultants (Land Research Associates) have undertaken a survey which states that the majority of the land is category 3b (ie, the category just below "Best and Most Versatile", defined as "moderate quality"). Notwithstanding this, the land has been used for grazing and crop growing for generations. The scale of the development means that around 170 acres of agricultural land will be lost.

#### e. Failure to properly consider alternative sites.

National planning policy relating to Solar Farms states that "Particular factors a local planning authority will need to consider include...where a proposal involves greenfield land, whether...the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land'.

In terms of demonstrating that alternative sites have been considered, the applicant has limited its search to sites of similar size and similar proximity to a grid connection ("no alternative sites of a suitable size to accommodate the Proposed Development with the same proximity to the grid connection that are more suitable than the Site for the Proposed Development." [Planning, Design & Access Statement, para 8.26]). The applicant has also looked solely at sites in proximity to the overhead power line between Frome and Melksham. Clearly, with such a large-scale proposal (170 acres), it is likely to be difficult to find an alternative site of that scale, especially when the applicant adds further constraints (proximity to a grid connection, and solely in relation to a short section of overhead power line).



The criteria which the applicant has used for alternative site selection almost guarantee that no alternative could be found. Given that the power generated by this solar farm is exported to the national grid there is absolutely no rationale for such a limited site selection process. In addition, it should be noted that there are countless smaller solar farms around the UK (for example, according to the UK Government database, there are over 200 solar installations with a capacity in the range 15MW to 25MW, more than 40 of which are in the South West of England)...hence it would appear that other solar developers have no difficulty in finding suitable locations. Hopefully the work that Somerset Council is undertaking to develop a Local Area Energy Plan will inform any decision on the suitability of this particular site. However, any valid site selection process should not be restricted to the county of Somerset, and should not be based fundamentally on proximity to overhead powerlines, or solely look at very large areas of land. The Parish Council would urge the Planning Authority to also take account of the points made by CPRE in their submission (repeated below in Appendix 1)

f. Poor access to the proposed development

Two of the three access routes to the solar farm are narrow lanes leading from the A361. The A361 between Frome and Trowbridge is an extremely busy road which carries significant volumes of lorries and other large commercial vehicles. The section past both access routes is long and straight, meaning traffic travels at speed (the speed limit for this stretch of road is 60mph). As a result of both the traffic volume and speeds, it won't be easy for HGVs to turn in and out of these two access routes. The A361 is likely to become blocked by vehicles attempting to turn into the access routes. Somerset Highways has highlighted the lack of detail in the applicant's documentation, which is a fundamental road safety issue.

One of the access routes from the A361 is via Monkley Lane. The lane is narrow and restricted by overhanging trees. There are no passing places that would allow articulated lorries to pass for over 250 metres. The volume of traffic predicted during the construction phase is likely to result in congestion, with large vehicles having to reverse to create the opportunity to pass. As has been highlighted by Somerset Highways, there is additional risk where traffic to/from the lane meets the A361 - this will clearly be a safety issue during the construction phase.

In addition, the proposed access along Monkley Lane would be required by emergency vehicles in the event of fire. The issue of fire risk is a larger point (see below), but critically access to the BESS would be extremely challenging along the existing narrow lane. Logically, the provision of acceptable access for emergency vehicles would require significant changes to Monkley Lane, which would be incompatible with its rural environment.

g. Fire risk

Many local residents have raised concerns regarding the potential fire risk from the Battery Energy Storage System. The application does little to address this fundamental issue, as

clearly set out in the submission from CPRE. For ease of reference, the relevant section from the CPRE submission is set out below in Appendix Two.

Rode Parish Council  
16<sup>th</sup> December 2023



## Appendix 1: Alternative Site selection – submission by CPRE

The Applicant's choice of site focused on the availability of a point of connection to the grid (PoC) and the search area was limited to a corridor 2 km long and 500 metres wide on either side of the 132kv line crossing the site [2.17 Design and Access Statement]. The search for alternative sites was therefore constrained by this narrow limitation, ruling out potential sites further from the power line. The applicant's Alternative Site Assessment report states that *"The search area for this assessment has therefore been based on a requirement to connect the proposed development to the electricity distribution network (the Grid) and the parameters associated with this, because any solar farm without a feasible grid connection is not viable"*. Distance to a PoC should not be a restricting factor, as there are many examples of solar farms with remote connection points.

No weight attaches to the assertion that a connection to the National Grid is an essential requirement in the search for a suitable site. Therefore, no weight can be given to the requirement to connect to the grid. The appeal decision in Sawston Solar Park (APP/W0530/W/15/3012014 and APP/WO530/W/15/3013863) established that the availability of a grid connection is not a material consideration for the purposes of determining a planning application:

*"76. A connection to the national grid is an essential site requirement and the availability of a connection in a part of the network with capacity to accept the output is of assistance to the appellant but it does not bring a public benefit and adds no weight to the planning case for the proposals."*

The existence of the PoC at this one site doesn't exonerate the failure to undertake a wider assessment of alternatives across the UK. The premise that a connection to the grid is an essential requirement is wholly inappropriate and fails to comply with the guidance established in the Valley Farm, Wherstead appeal decision (APP/D3505/A/13/2204846) where the inspector set out the approach that should be adopted in undertaking sequential testing for solar farm sites, including:

*77. ...there is no policy guidance which advocates restricting searches to within a local authority's administrative area. The PPG at paragraph ID5-003 confirms that quote "whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the local plan has to deliver."*

*Therefore there is no need to site renewable energy development in a particular authority in order to meet a local green energy quota.*

In summary, the applicant's severely limited search area, related to a grid connection, is a self-imposed restriction in order to rule out other viable sites further removed and more expensive to connect to the grid. It appears to be a deliberate plan to engineer a predetermined outcome in favour of the selected site and should not attract any weight in the planning balance.

## Appendix Two: Fire risk issues – Submission by CPRE

The Application is incomplete because the fire risk of the Battery Energy Storage System (BESS) has not been addressed. As the issue of fire risk is a material planning consideration, the LPA will need to be satisfied that the scheme will not create a fire or safety risk, whether through mitigation or amendments to the layout. If such mitigation is not possible, this will be a material consideration to which significant adverse weight should be given, as the safety of the public using the PRowS near the BESS is a paramount land-use planning concern.

The LPA will be aware that there is an increasing number of battery energy storage sites (BESS) across the country. These are susceptible to thermal runaway, where the energy stored is released in an uncontrolled fashion as heat, leading to major “fires” or Vapour Cloud Explosions. Lithium-ion and Lithium-ferrophosphate battery incidents can be catastrophic, resulting in the combustion of nearby structures, and, most alarmingly, the emissions of large quantities of highly toxic, life-threatening gases, such as Hydrogen Fluoride. They are chemically driven, require no external oxygen, and therefore cannot be extinguished by traditional methods. Vast amounts of water are needed over many days due to the risk of reignition, and the run-off water containing Hydrofluoric Acid will contaminate groundwater and water courses if not contained and removed for treatment. Fire fighting access, space for multiple fire fighting appliances at the incident site, access to battery storage containers, water storage tanks and run-off containment measures will have a major impact on the location and layout of the BESS site.

The June 2023 revised guidance from the National Fire Chiefs Council [issued November 2022] recommends early engagement in the planning process but this is not a statutory requirement. However, this does not relieve the LPA from the obligation to consult the Somerset and Devon Fire and Rescue Services when it has been made aware of the risks posed by a BESS. These risks are not matters which the LPA may leave for another regulatory regime, such as the approval of building regulations, any more than it can leave the issue of flood risk to the LLFA or the EA, or noise impacts to the EHO. In the same way, the police are frequently consulted on the measures by which a scheme has been designed to reduce the potential for crime and ensure the safety and security of occupiers, with their involvement not being postponed to a later date merely because they also have the duty to deal with criminal behavior. The issue of fire risk is plainly a material planning consideration as issues such as the scheme’s location, layout and access are all relevant to the issue of fire safety for the proposed land use. It is likely that the Wiltshire and Dorset Fire and Rescue Services would be involved in an incident and should therefore also be consulted.

Failure by the LPA to consult fire and rescue services will leave councillors without the necessary facts for an informed decision. As there will most likely be significant changes to the development layout near Rode Farm, the Applicant should be asked to incorporate the National Fire Chiefs Council guidance as part of this application and make the necessary design changes for councillors to consider now, not after planning award.