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4<sup>th</sup> December 2023

Dear Sirs,

**2023/2183/FUL LAND TO THE SOUTHEAST OF BRADFORD ROAD, RODE, FROME, SOMERSET, KNOWN AS “BLUEBELL WOOD SOLAR FARM”.**

CPRE Somerset wish to **OBJECT** to this planning application, for the following reasons:

**1. Impact on the setting of Rode**

Rode village dates back to a medieval settlement on the River Frome at the junction of several packhorse routes linking neighbouring towns. The village is surrounded by farmland on all sides with small fields bounded by hedges. To the west, the course of the river is a meandering channel, bounded by meadows. The whole of the parish of Rode is designated as a Neighbourhood Plan area and the entirety of the proposed solar plant falls within the parish boundary, covering most of the open farmland on the eastern approaches to the village.

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 therefore the NPPF is the relevant instrument for this application.

The proximity and fragmented spread of the solar development will 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 near Eddington. An example of these views is illustrated in the Rode Neighbourhood Plan (page 31), described as one of Rode’s significant views. These intrinsically beautiful landscape views will be harmed by the development when open fields bounded by hedgerows are replaced by an industrial landscape comprising acres of solar panels.

The proximity and size of the solar generating plant will dominate the local landscape character and significantly harm the historic setting of Rode both as a rural settlement and a conservation area. The 170-acre solar development, only 170 metres from the edge of the village, lies entirely within a 2 kilometres distance from the village centre. It borders two major approach roads to Rode: the A361 from Trowbridge and the B3109 from Bradford, presenting a gateway of industrial landscape on the doorstep of the settlement. No amount of screening will mask the 3 metre high panels (4 metres in flood areas), security fencing, CCTV cameras and the inverter buildings scattered throughout the development, especially in winter when hedges are bare. 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.

## **2. Heritage assets**

In addition to the historic setting of Rode, 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; and 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.

The harmful impact on Flexham Farm and its setting is the most concerning, being enclosed by industrial scale solar development. The applicant has removed some panels to the north and south of the farmhouse following pre-application consultation, but the harm to the setting of the building, including the associated farmyard, remains a serious concern. The important rural approach to the farm will be destroyed by the solar installation flanking Bradford Road, turning the iconic rural setting of Flexham Farm into an industrial landscape.

The National Planning Policy Framework (NPPF) in *Section 16: Conserving and enhancing the historic environment*, at para. 199 states that *'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'*.

In accordance with the NPPF, and contrary to the applicant's heritage assessment, we find that the development would cause a high level of less than substantial harm to the historic environment of Rode, including harm to a GII listed building, and that there does not appear to be any clear and convincing justification for the proposal. The significant harm to the listed building and its setting, including 'temporary' harm, must be weighed against public benefits. The application should not pass this test notwithstanding the global benefits of solar energy.

## **3. Public Rights of Way**

Recreational enjoyment of the iconic local landscape is currently afforded by two Public Rights of Way (PRoWs) running through the site: FR13/17 through open fields on Rode Common, and FR13/18 below Mount Pleasant and south of Rode Farm, also through open fields. A well screened Restricted Byway FR13/20 forms the east and south boundaries of the development site at Rode Farm. Where the development straddles the two PRoWs, proposed planted screening will block views to the left and right, effectively forming narrow tunnels where open views across fields are currently enjoyed. A large area of solar panels will be visible from Bradford Road and from the entire length of the footpath below Mount Pleasant: a harmful impact on an important visual amenity enjoyed by local residents. Furthermore, the proposed battery energy storage system (BESS) will raise safety concerns for users of PRoW FR13/18 and Restricted Byway FR13/20. More about that later in this objection.

## **4. Landscape and Visual Impact Assessment**

If approved, the 170-acre solar generating plant will be one of the largest in Somerset. It will impact on the enjoyment of open views from PRoWs across farmland and add significantly to the cumulative landscape impact of the 6 existing solar farms located within a 5Km range. A seventh solar farm located less than 3 km away near Westbury is awaiting planning decision. [Landscape and Visual Appraisal Annex EDP 2 - Cumulative Sites] The proposal must comply with Local Plan Policy DP4: Mendip's Landscapes and Part 15 of the NPPF. Policy DP4 states that proposals for development that would individually or cumulatively, significantly degrade the quality of the local landscape will not be supported.

The Landscape and Visual Impact Assessment (LVIA) report contains panorama photographs of the site, presented as cylindrical panoramic views in accordance with the Landscape Institute's Technical Guidance Note 06/19. The LVIA report explains that the views are meant to be viewed at comfortable arm's length at A1 paper size (59.4 x 84.1 cm). This is only practically possible if presented on A1 display boards and the viewer can walk right up to within 50 cm of the image. To simply reduce these panoramas for use in the LVIA report is unhelpful because the reduced photomontage information is all but impossible to see. The panorama photomontages in the report are therefore of limited use as evidence of visual impact and mitigation over a period of 15 years, a material planning consideration.

## **5. Incomplete design information**

The applicant intends to use the principles of the 'Rochdale Envelope' (RE) in developing the detailed design of the project post planning permission. [EIA Screening Letter page 4: *This means that maximum design parameters would be adopted for the equipment to provide sufficient flexibility for the later detailed design of the Proposed Development (detailed design would take place post grant of planning permission following the appointment of a contractor), while also allowing for the robust assessment of environmental effects (this assessment being based on maximum 'worst case' parameters)*]

The Rochdale envelope (RE) is an approach that is generally used in outline applications for Nationally Significant Infrastructure Projects (NSIPs) and environmental impact assessment (EIA) development proposals. However, this is an application for full planning permission and the LPA must be able to identify and assess both the public benefits and the impacts flowing from the proposal. The LPA cannot assess those impacts, especially insofar as they relate to the significant effect on the landscape (including cumulative impact), environment and historical environment, and fire safety without sufficient design information being provided. The short point of law is that the LPA cannot lawfully determine the Application unless and until it has all the information on which to reach its decision. In the absence of such information the decision will not be properly informed and will be unlawful.

## **6. Batteries and fire safety**

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. Firefighting access, space for multiple firefighting 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 [Annex 1, 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 (section 4 above).

## **7. Choice of site**

Paragraph 013 (REF:5-013-20150327) in the Government's National Planning Practice Guidance states that in considering ground-mounted solar farms, the focus should be on the effective use of previously developed land and non-agricultural land. The fact that the proposed development, on productive farmland, does clearly not comply with this guidance should weigh heavily against it in the planning balance.

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/W0530/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.

## **8. Solar efficiency**

Paragraph 2.8 of the Alternative Site Selection report states that *"it is estimated that the solar panels would generate approximately 49.9 MW, enough to power approximately 16,581 homes annually"*. When making applications to local planning authorities, developers routinely equate the design capacity of their solar farms to the average annual UK electrical consumption of households. The Applicant states, in this example, that the total generating capacity of 49.9 MW would equate to electricity for 16,581 houses per annum.

They are not claiming that they will supply electricity to 16,581 houses per annum. They are merely equating the average annual UK electricity consumption for approximately 16,581 houses per annum to 49.9 MW of electricity. This is the absolute maximum the site is capable of delivering when UV levels are at their highest, i.e. on a sunny day in the summer. In cloudy conditions the output will be considerably less and overnight it will be zero. Only a fraction of the design capacity will therefore be generated.

The government's Digest of UK Energy Statistics (DUKES) shows us how the potential yield of a solar farm can be calculated by applying a load factor to the design capacity. A load factor is the ratio of how much solar electricity was generated as a proportion of the total solar generating capacity for any given year. When the load factor is applied to the design capacity, the actual MW generated could be as little as 10% of the design capacity, confirmed by statistics for Somerset (Renewable Energy Planning Database). So, for example, the 49.9 MW design capacity would generate approximately 4.9 MW. It follows then that the actual planning benefit from this application should be based on around 1,600 houses supplied, not on the 16,581 houses equated to the design capacity. The Applicant does not volunteer this

information, so it then falls on the LPA, councillors, and the public at large to research the technology and ask the right questions during the planning consultation stage.

If the Applicant's statements are left unchallenged, it should be expected that the perceived benefits, not the actual benefits, would be in the minds of councillors when they consider the merits of this solar application. If the planning balance is marginal this could lead to an unfortunate planning outcome based on benefits that would never materialise.

A related issue is the misconception that the local community will benefit from the electricity generated by a solar farm. There is an example where a councillor stood up at planning committee to say: *"This is power for (two nearby towns), all of it, not a bit of it, all of it"*. The reality is that all the electricity generated is supplied to the national grid, for the benefit of the entire country. There is no specific or exclusive electricity supply benefit to the local community, nor would the number of houses supplied necessarily be local.

The LPA have a duty to ensure that decisionmakers are fully informed of the facts by asking the right questions at the right time. This is particularly important for relatively new technologies like solar farms where so little is known about the long-term impact they will have on their settings.

### **9. 40 Years is not "temporary"**

Nobody knows what the status of this solar generating plant will be in 40 years' time. Any of the following scenarios is possible, but not limited to:

- The installation is dismantled, and the land is returned to its former state.  
*This will only happen if solar energy is no longer required – an unlikely scenario when we know the demand for electricity will always outstrip supply.*
- Planning will be extended for another X number of decades.  
*Very likely because the original PV panels will have been replaced by cheaper, more efficient panels. Perpetual 'temporary' planning extensions will in effect become permanent.*
- The site is decommissioned and abandoned, leaving the landowner with the cost to reinstate it.  
*Possible when the site is sold on and the new owner goes bankrupt.*
- The owner decides to apply for a change of use.  
*The owner finds a more lucrative commercial use for farmland that has been an industrial site for 40 years.*

The LPA is in an invidious position, unable to advise councillors on the future outcome of their decision because the concept of "temporary" in planning has not been tested over a 40-year period. The pyramid stage and others at the Glastonbury Festival site are temporary, even though they reappear every year. Glastonbury is an example of "temporary" in an acceptable context - a short interruption of permanent farmland activity.

CPRE Somerset attended the Washford Solar Farm (Ref 3/39/21/028) Somerset Council Planning Committee West meeting on 18/07/2023 and recorded the following comments regarding the 40 years question:

*Committee members were very exercised about the 40-year lifespan of the installation. One member asked SC's solicitor to define "temporary" to which the reply was that there is no time limit in planning, but that permission would be time-limited! The planning officer added that temporary meant 'time limited' as if that made it more palatable.*

*Members spent a great deal of time debating the 40-year period and the impact on biodiversity under the panels, sheep grazing difficulties, viability of returning the land to its former state, etc. They effectively rebuffed all the applicant's claims that there will be a biodiversity net gain when the land is handed back. It was greatly encouraging to hear committee members question these unsubstantiated promises by the applicant. They knew that the promised outcome after 40 years could not be guaranteed. One member said that most of us would not be alive to witness the outcome, and another said that 40 years is not particularly temporary, it's 2 generations worth, locking something up for the rest of our lifetime and our children's.*

**In conclusion**, we urge Somerset Council to refuse permission for this development because:

- the size and fragmented spread of the industrial scale solar plant will cause significant harm to the historically important rural setting of Rode;
- it will erode the farmland setting of a listed building, important for its heritage significance;

- it will take 170 acres of productive land out of use, gainfully farmed for many generations;
- it impacts on open farmland views, especially those enjoyed by users of two public footpaths it straddles;
- the serious fire risk posed by the battery energy storage facility has not been addressed;
- important design information is not available for detailed planning consideration (Rochdale Envelope);
- the claimed public benefits of solar energy are massively overstated; and
- its visual impact on the landscape has not been effectively illustrated.

Yours faithfully,

Hugh Williams  
Chair, CPRE Somerset

**Annex 1:**

**National Fire Chiefs Council's Guidance for Fire and Rescue Services (PDF)**